

Publication draft Representations

Part 2

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.

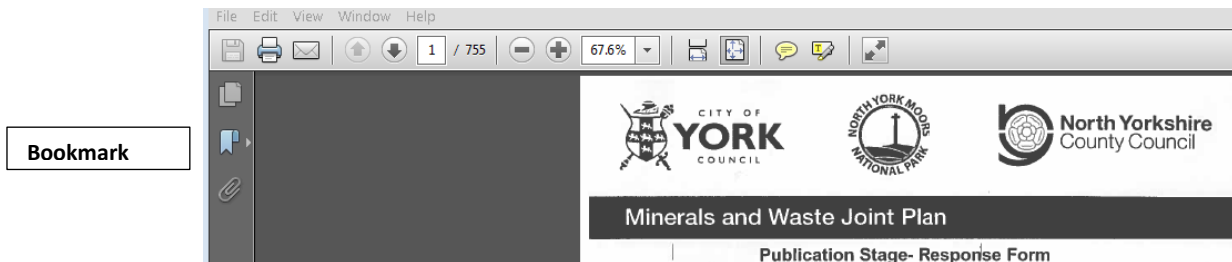
Part 1 of the document includes responses from respondents starting at **0053** and going up to **0948**.

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

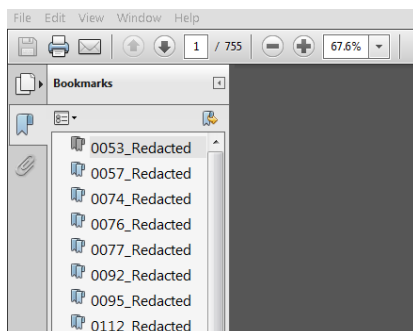
Part 3 of the document includes responses from respondents starting at **3844** and going up to **4107**.

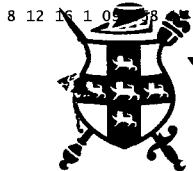
Part 4 of the document includes responses from respondents starting at **4108** and going up to **4158**.

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: Mr	Initial(s):J
Surname:Mackman		
Organisation (if applicable): Nether Poppleton Parish Council Clerk		
Address:	39 Calder Avenue	
	Poppleton Park	
	Nether Poppleton	
Post Code:YO26 6RG		
Telephone: 399277		
Email:jmackman3@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 :	Nether Poppleton 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"/>	Policy No.	I02 & 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	<input type="text"/>	No	<input type="text" value="NO"/>
2.(2) Sound	Yes	<input type="text"/>	No	<input type="text" value="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	<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"/>
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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 referred to IO2 (ii) states the development would not have a significant additional adverse impact on local communities, businesses or the environment. This is not the case as the impact of extraction at Dutton Farm in Nether Poppleton Parish was compulsorily halted by the Environment Department of the City of York Council because it was having a direct impact on the local environment, and the neighbouring business by increasing the levels of flooding in the area. The exit from the extraction point was on a track from the farm which is not suitable for 30Ton HGV and yet no amenatory, or remedial work has taken place to reduce the impact or to prevent further erosion of the soil, and impact on the environment.

Other element which require attention relate to the Historic Character and Setting of the Villages of Nether with Upper Poppleton and are covered the Final submission of the Neighbourhood Plans delivered to the City of York Council for final consultation on 22 November 2016

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s):G
Surname:Storey		
Organisation (if applicable): Aggregate Industries UK Limited		
Address:	High Roads	
	Nether Kellet, Carnforth	
	Lancashire	
Post Code:LA6 1EA		
Telephone:01524 738839		
Email:geoff.storey@aggregate.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.

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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 :	Aggregate Industries 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.	MJP33	Policy No.	M07	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 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 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"/>
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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.

Aggregate Industries UK Limited supports the allocation of the Home Farm ,Kirkby Fleetham site reference MJP33 in Policy M07 and will participate in the Examination in Public .The site has the benefit of advance tree planting to screen the extraction areas and a draft Environmental Statement has previously been prepared which supports the allocation .

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

Signature:		Date: 19 th December 2016
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From: Geoff Storey <geoff.storey@aggregate.com>
Sent: 19 December 2016 17:27
To: mwjointplan; Rachel Pillar
Subject: Minerals & Waste Joint Plan Publication Stage Response Form :Aggregate Industries
Attachments: Publication_response_form_part_A1 Aggregate Industries UK Limited _Home Farm Kirkby Fleetham.pdf; Aggregate Industries North Yorks Minerals & Waste Joint Plan Publication Stage Respse Form Part B.pdf

Rachel, Please find the publication stage response form attached. Please acknowledge receipt. Thanks, Geoff

Geoff Storey
 Estates Manager (North)



AGGREGATE INDUSTRIES UK LIMITED
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Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Aggregate Industries.

Aggregate Industries Limited, Registered in England Number 5655952. Registered Office: Bardon Hall, Copt Oak Road, Markfield, Leicestershire, LE67 9PJ.



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): T.D.
Surname: Brown		
Organisation (if applicable): Hanson Quarry Products Europe Ltd		
Address:	3 Deighton Close	
	Wetherby	
Post Code: LS22 7GZ		
Telephone: 01937 547151		
Email: tom.brown@hanson.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.

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 Planning Services
 North Yorkshire County Council
 County Hall
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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 :	Hanson Quarry Products Europe 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="2 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 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.

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 very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture

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 part of paragraph 2.68 to read "Some of these imports, other than clear glass grade silica sand, cannot be provided from within the Plan area ...".

(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 amendment is considered 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 Signature]

Date: 14th December 2016

Official Use Only Reference Number

[Reference Number Grid]



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Mr	Initial(s): T.D.
Surname: Brown		
Organisation (if applicable): Hanson Quarry Products Europe Ltd		
Address:	3 Deighton Close	
	Wetherby	
Post Code:LS22 7GZ		
Telephone: 01937 547151		
Email: tom.brown@hanson.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.

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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 :	Hanson Quarry Products Europe 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="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 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 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 mid/late 1980's.

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.

Allocation of Blubberhouses Quarry to provide clarity as to the importance of the site rather than rely on a criteria based policy which needs to then pass tests contained within Policy D04

(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:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendment is 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: 14th December 2016

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): T.D.
Surname: Brown		
Organisation (if applicable): Hanson Quarry Products Europe Ltd		
Address:	3 Deighton Close	
	Wetherby	
Post Code: LS22 7GZ		
Telephone: 01937 547151		
Email: tom.brown@hanson.com		

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Surname:		
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 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 :	Hanson Quarry Products Europe 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"/>	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 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 D04 says:
"Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest"

This goes further than the NPPF which at paragraph 116 says *"Planning permission should be refused for major developments in these designated areas ..."*. The used 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.

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

From: Kelly, Jeannie I (Wetherby) GBR <Jeannie.Kelly@hanson.biz>
Sent: 20 December 2016 09:09
To: mwjointplan
Cc: Brown, Tom D (Wetherby) GBR
Subject: FW: Publication Stage - response forms
Attachments: NYCC MWJP Hanson Part B para 2.68.pdf; NYCC MWJP Hanson Part B para 5.66.pdf; NYCC MWJP Hanson Part B Policy D04.pdf

Please find attached response forms signed on behalf of Tom Brown.

Jeannie Kelly
Administrator
Land & Mineral Resources Department

Hanson UK
3 Deighton Close
Wetherby
LS 22 7GZ

Tel: 01937 547166

www.hanson.co.uk

Hanson Quarry Products Europe Limited, Company Number 300002
Registered address: Hanson House 14 Castle Hill Maidenhead SL6 4JJ
Hanson Quarry Products Europe Limited is part of the Heidelberg Cement Group



The Coal Authority

North Yorkshire, City of York and North York Moors Minerals and Waste Joint Plan (Publication)

Consultation Deadline – 21/12/2016

Contact Details

Planning and Local Authority Liaison
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Person Making Comments

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIQB, MInstLM, MCMI, MRTPI*
Consultant Planning Advisor to The Coal Authority

Date of Response

8 December 2016

Background on The Coal Authority

The Coal Authority is a Non-Departmental Public Body sponsored by the Department for Business, Energy & Industrial Strategy. The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

The main areas of planning interest to the Coal Authority in terms of policy making relate to:

- the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales;
- the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales; and
- ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales.

As The Coal Authority owns the coal and coal mine entries on behalf of the state, if a development is to intersect the ground then specific written permission of The Coal Authority may be required.

Background on Coal Mining Issues in North Yorkshire

Surface Coal Resources, Development and Prior Extraction

As you will be aware, the plan area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately:

- 0.00% of North Yorks Moors National Park
- 0.31% of North Yorkshire County (excluding the National Parks)
- 0.00% of the City of York

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. Where this may be the case, The Coal Authority would be seeking prior extraction of the coal. Prior extraction of coal also has the benefit of removing any potential land instability problems in the process.

Coal Mining Legacy

As you will also be aware, the plan area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities.

Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.

Within the plan area there are approximately:

- 13,340 recorded mine entries and 104 coal mining related hazards have been reported to The Coal Authority in North Yorkshire County (excluding the National Parks)
- 2,039 recorded mine entries in the North York Moors National Parks
- 2 recorded mine entries in the City of York

A range of other mining legacy features are present, in total The Coal Authority High Risk Development Area covers approximately:

- 0.00% of North Yorks Moors National Park
- 0.70% of North Yorkshire County (excluding the National Parks)
- 0.00% of the City of York

Specific Comments on The North Yorkshire, City of York and North York Moors Minerals and Waste Joint Plan (Publication)

The specific comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:

Representation No.1

Site/Policy/Paragraph/Proposal

Policy M16: Key Spatial Principles for Hydrocarbon Development

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

Policy M18: Other specific criteria applying to hydrocarbon development

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	X	X	✓

Objection – The Coal Authority whilst being supportive of the overall policy aims towards hydrocarbon development considers that the current policy approach is confusing and does not properly reflect the requirements of the NPPF in terms of clearly addressing the policy principles to be applied to each of the three stages of development. The previous approach set out in the Preferred Options document was arranged more in line with the NPPF.

The Publication Plan approach of splitting this issue across 3 separate policies is in our view ineffective and lacks the clarity necessary for plan users to fully understand how matters will be dealt with. The policy rather confusingly refers to various elements of terminology in the policy and the supporting text which are not consistent, for example in the policy reference is made to hydraulic fracturing in relation to designated area but the justification refers to high volume hydraulic fracturing.

The policy also duplicates other plan policies for example to protected and designated areas, care needs to be exercised only to include mineral specific criteria in the policy in order to be clear in the overall policy approach.

The policy does not allow the principle of exploration, appraisal and production of unconventional hydrocarbons across the plan area without encumbrance from the National Park and AONB designations. As some of the PEDL licences lie completely within the North York Moors National Park, therefore the policy potentially prejudices the implementation of activity in these areas.

Whilst there is some flexibility in the siting of surface plant for hydrocarbon extraction, this has to operate within the realms of operational requirements and commercial implications. Also some forms of hydrocarbon extraction can and do take place on a small-scale with minimal surface plant. Such activity need not be incompatible with National Park or AONB status.

The NPPF in paragraph 116 sets out the general approach to be taken towards designated areas and any policy approach to be pursued should take due cognisance of that policy together with that set out in paragraph 147. Unfortunately the policy approach in our view must be considered to be **UN SOUND** and fundamentally needs to be reconsidered.

The policy sets out certain distances 3.5km and 500m without any sound evidence or justification being tendered in the plan for the local circumstances that justify this approach. The plan does not take a balanced approach towards hydrocarbon development, it takes an unduly negative stance which is inconsistent with the NPPF and Planning Practice Guidance.

Change Requested – Amend Policy M16 to read:

"Policy M16: Hydrocarbon Development

Proposals for development of hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are adversely affect the National Park or its setting, AONBs, Heritage Coast, Protected Groundwater Source Areas, World Heritage Sites, the Historic Character and Setting of York, Scheduled Monuments, Registered Historic Battlefields, Grade I and II Registered Parks and Gardens, Special Areas of Conservation, Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest.*

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

Hydrocarbon development will be permitted where it can be demonstrated through a Transport Assessment that:

- a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local 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

- 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;
- c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading; and
- d) Where access infrastructure improvements are needed to ensure that the requirements of a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

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.

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 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. Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

Proposals for the exploration and appraisal of hydrocarbon resources will be supported where the following additional requirements are met:

- i. any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and
- ii. a robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and
- iii. following completion of exploration and/or appraisal any wells are sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air; and

Proposals for the production and processing of hydrocarbon resources will be supported where following additional requirements are met:

- i. any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and
- ii. transportation of gas from locations of production, including to any remote processing facilities, will where possible and feasible be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact;
- iii. a co-ordinated approach has been adopted through the preferential use and/or adaptation of any available and suitable processing and transport infrastructure for the processing and transport of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure, preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities

for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development sites away from best and most versatile quality agricultural land. The Minerals Planning Authority will support coordination between licence operators and the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity; and

- iv. at the end of production facilities should be dismantled with any wells sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air and the site restored to its former use or other agreed use at the earliest possible opportunity."

Reason – The current policy approach fails to accord with the NPPF

Do We Wish to Attend the Pubic Examination - No

Representation No.2

Site/Policy/Paragraph/Proposal – Policy M19: Carbon and gas storage

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the inclusion of a policy to deal with carbon and gas storage.

Representation No.3

Site/Policy/Paragraph/Proposal – Policy M20: Deep coal and disposal of colliery spoil

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the policy.

Representation No.4

Site/Policy/Paragraph/Proposal – Policy M21: Shallow coal

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the inclusion of this policy which supports prior extraction of shallow coal as part of the development process and sets out criteria against which proposals for extraction of shallow coal outside of the development process will be considered.

Representation No.5

Site/Policy/Paragraph/Proposal – Policy S01: Safeguarding mineral resources

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports this policy which proposes to safeguard all shallow coal resource together with a 250m buffer zone. There is no national policy requirement to safeguard all of the deep coal resource and The Coal Authority supports the plan approach.

Representation No.6

Site/Policy/Paragraph/Proposal – Policy S02: Developments proposed within Minerals Safeguarding Areas

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the criteria based approach identified in respect of development within Surface Mineral Safeguarding Areas.

Representation No.7

Site/Policy/Paragraph/Proposal – Policy S06: Consideration of applications in Consultation Areas

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the proposed policy approach which identifies that in a Mineral Safeguarded area consultation with North Yorkshire County Council will be required in the two-tier part of the plan area.

Representation No.8

Site/Policy/Paragraph/Proposal – Policy D10: Reclamation and afteruse

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the inclusion of a policy which requires a high standard of restoration following mineral extraction activities in accordance with the requirements of the NPPF.

Representation No.9

Site/Policy/Paragraph/Proposal – Policy D13 - Consideration of applications in Development High Risk Areas

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the inclusion of this policy which identifies that proposals for non-exempt development in the defined Development High Risk Area should be supported by a Coal Mining Risk Assessment in order to ensure that any necessary remedial measures are identified.

Conclusion

The Coal Authority welcomes the opportunity to make these comments. We are, of course, willing to discuss the comments made above in further detail if desired and would be happy to negotiate alternative suitable wording to address any of our concerns. The Coal Authority would be happy to enter into discussions ahead of any examination hearing process to try and reach a negotiated position if this were considered helpful.

Thank you for your attention.

For and on behalf of

Mark Harrison *BA(Hons), DipTP, LLM, MInstLM, MRTPI*

Principal Manager

From: The Coal Authority-Planning <TheCoalAuthority-Planning@coal.gov.uk>
Sent: 12 December 2016 08:25
To: mwjointplan
Subject: North Yorkshire CC, City of York Council and North York Moors NPA - Minerals and Waste Joint Plan Publication
Attachments: Dispatched%20-%20Consultation-Response-PPO-005-740-206.docx

For the attention of: The Minerals and Waste Joint Plan Team

Please find attached a copy of our comments that were originally dispatched to: mwjointplan@northyorks.gov.uk dated 08/12/16 @ 10.43. However, we received an 'Symantec Email Security.cloud – Policy Match' email at 10.43 stating the following: *The Symantec Email Security.cloud service has detected content matching a policy in place for your organization, or for the intended recipient's organization, in the following email that was sent by you:*

Recipient:

mwjointplan@northyorks.gov.uk

Could you therefore please confirm that you are now in receipt of our comments.

Many thanks

Deb Roberts

 The Coal Authority

Deb Roberts *M.Sc.*
Planning Liaison Officer – Planning and Local Authority Liaison
T : (01623) 637 119
E : planningconsultation@coal.gov.uk
W: gov.uk/government/organisations/the-coal-authority

Resolving the impacts of mining. Like us on [Facebook](#) or follow us on [Twitter](#) and [LinkedIn](#).

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Michelle	Dr	
Surname:		
Lindsay		
Organisation (if applicable):		
RSPB		
Address:	RSPB c/o YWT	
	1 St George's Place	
	York	
Post Code: YO24 1GN		
Telephone: 01904 623151		
Email: michelle.lindsay@rsob.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

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	RSPB
------------------------	------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	viii, p.38	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.

SUPPORT

The RSPB supports the new text in Chapter 4 (Vision and Objectives), page 38, paragraph viii:

- including enhancing biodiversity and ecological networks at a landscape scale where practicable.

This new text reflects the requirements of paragraphs 109, 114 and 117 of the National Planning Policy Framework (NPPF), which promote:

- minimising impacts on biodiversity and providing net gains in biodiversity, 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 (para. 109);
- planning positively for the creation, protection, enhancement and management of networks of biodiversity (para. 114);
- planning for biodiversity at a landscape-scale across local authority boundaries (para. 117);
- identifying and mapping components of the local ecological networks (para. 117); and
- the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (para 117).

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:

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: 20/12/2016
--	------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	RSPB
------------------------	------

Please mark with an x as appropriate

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	<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 checked="" 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.

SUPPORT

The RSPB supports the new text in paragraph 5 of Policy D07 (Biodiversity and Geodiversity):

- *'supporting the development of resilient ecological networks'*.

This new text reflects the requirements of paragraphs 109, 114 and 117 of the National Planning Policy Framework (NPPF), which promote:

- minimising impacts on biodiversity and providing net gains in biodiversity, 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 (para. 109);
- planning positively for the creation, protection, enhancement and management of networks of biodiversity (para. 114);
- identifying and mapping components of the local ecological networks (para. 117); and
- the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (para 117).

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:

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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: 20/12/2016
--	------------------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	RSPB
------------------------	------

Please mark with an x as appropriate

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 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.

SUPPORT

The RSPB supports the new text in Part 2, paragraph viii, of Policy D10 (Reclamation and After-use):

- 'promoting the delivery of significant net gains for biodiversity and the establishment of a coherent and resilient ecological network'.

This new text reflects the requirements of paragraphs 109, 114 and 117 of the National Planning Policy Framework (NPPF), which promote:

- minimising impacts on biodiversity and providing net gains in biodiversity, 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 (para. 109);
- planning positively for the creation, protection, enhancement and management of networks of biodiversity (para. 114);
- identifying and mapping components of the local ecological networks (para. 117); and
- the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations (para 117).



From: Lindsay, Michelle <Michelle.Lindsay@rspb.org.uk>
Sent: 20 December 2016 13:09
To: mwjointplan
Cc: Sara Robin; Mills, John
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - Response Form Part A - RSPB - Dec 2016.pdf; MWJP Publication - Response Form Part B - RSPB - Chapter 4 - Vision and Objectives.pdf; MWJP Publication - Response Form Part B - RSPB - Policy D07.pdf; MWJP Publication - Response Form Part B - RSPB - Policy D10.pdf

Dear sir or madam,

Please find the RSPB's response to the above consultation in the four response forms attached to this email.

Best regards,
Michelle

Dr Michelle Lindsay
Conservation Officer (Uplands) Yorkshire, Humber & Peak District

RSPB, c/o YWT
1 St. George's Place, York, YO24 1GN
Tel 01904 623151
Mobile 07736 722183

Please note that I am part time and work on Mondays, Tuesdays and Wednesdays only.

rspb.org.uk

Let's give nature a home



The RSPB is the country's largest nature conservation charity, inspiring everyone to give nature a home. Together with our partners, we protect threatened birds and wildlife so our towns, coast and countryside will teem with life once again. We play a leading role in BirdLife International, a worldwide partnership of nature conservation organisations.

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: mwjointplan [mailto:mwjointplan@northyorks.gov.uk]
Sent: 09 November 2016 13:39
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:

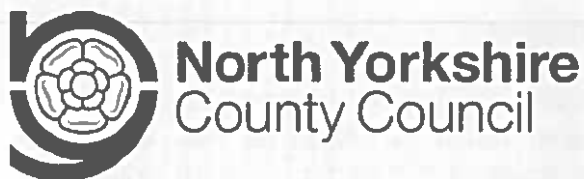
North Yorkshire County Council, City of York Council and North York Moors National Park Authority

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.



Your ref:

Our ref:

Contact: Abi Holt

19 December 2016

Network Strategy

Highways and Transportation

County Hall, Northallerton

North Yorkshire DL7 8AH

Tel: 01609 532831

Fax: 01609 779838

E-mail: abi.holt@northyorks.gov.uk

www.northyorks.gov.uk

Dear Sir/Madam

**MINERALS AND WASTE JOINT PLAN – PUBLICATION
NORTH YORKSHIRE COUNTY COUNCIL – LOCAL HIGHWAY AUTHORITY
RESPONSE**

Thank you for consulting North Yorkshire County Council the Local Highway Authority (LHA), as statutory consultee, on the publication stage of the Minerals and Waste Joint Plan produced by the Local Planning Authorities (LPA) of North Yorkshire County Council, City of York Council and the North York Moors National Park Authority.

The LHA supports the vision and objectives set out in the Minerals and Waste Joint Plan, in particular objective's 3, 5 and 8 and has been working with the LPAs to assess the impact of traffic from allocated sites through individual and cumulative impact assessments. The LHA provided individual site feedback to the Preferred Options. Where appropriate site specific transport assessments, travel plans and/or traffic management plans to limit the impact of traffic from allocated sites will be produced.

The LHA will be seeking assurances from minerals producers that the impact on the public highways is minimised and that appropriate steps, through the planning process (Section 106 of the Town and Country Planning Act 1990 and Section 278 of Highways Act 1984), are taken in order to obtain relevant funding for mitigation measures relevant to the proposals.

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Email: mwjointplan@northyorks.gov.uk

Policy M12 – Continuity of supply of silica sand

North Yorkshire County Council has produced A Strategic Transport Prospectus for North Yorkshire which sets out the long term vision (to 2045) for how improved transport in North Yorkshire can contribute towards a thriving northern economy. The Strategic Transport Priorities set out within this document are:-

- Improving east-west connectivity (including Trans Pennine links)
- Improving access to High speed and conventional rail
- Improving long distance connectivity to north and south

This strategic importance of east-west connectivity to support growth is further emphasised within North Yorkshire County Council's Local Transport Plan 4. The A59 between the A1(M), Skipton and onwards to East Lancashire is a key strategic transport priority. The A59 at Kex Gill has been subjected to a number of road closures, most recently in 2016, as a result of the need for urgent slope stabilisation. Further highway improvements, including the potential re-routing of this key route, are required to maintain east-west connectivity and to build resilience into the highway network, these investigations are on-going.

North Yorkshire County Council therefore request the wording of paragraph 5.72 of the Joint Plan, in relation to the development of Blubberhouses Quarry, be reworded to strengthen this strategic transport priority of A59 Kex Gill, the on-going investigations and the need for a solution.

Suggested rewording of paragraph 5.7.2

"A further relevant consideration in respect of Blubberhouses Quarry is that North Yorkshire County Council (within its Local Transport Plan 4 strategy and Strategic Transport Prospectus) and the York, North Yorkshire & East Riding Local Enterprise Partnerships (within its Strategic Economic Plan) have identified the need to realign the A59 road at Kex Gill, near Blubberhouses Quarry, as a key strategic priority. The existing alignment of the A59 in the Kex Gill area is subject to poor land stability issues, resulting in several road closures taking place on this regionally important strategic Trans Pennine route over the past 15 years.

A definitive proposed realignment is not yet available and there is no safeguarded route. Work is currently on-going identifying potential option, however there is potential for this project to overlap with the Blubberhouses quarry site. In this scenario there would be a need to ensure that the potential for conflict between the road alignment and the quarry is reflected in the design of both schemes and the potential for any cumulative impacts taken into account where necessary."

Yours faithfully



ABI HOLT
Senior Engineer – Transport & Development

From: Abi Holt
Sent: 19 December 2016 15:02
To: mwjointplan
Subject: Minerals & Waste Joint Plan - Local Highway Authority response
Attachments: MWJP LHA response 19122016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear sir/madam

Please find attached, NYCC as the local highway authority, response to the publication stage of the Minerals & Waste Joint Plan.

Many thanks

Abi Holt
Senior Engineer – Transport & Development
Highways & Transportation
North Yorkshire County Council

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname: see agent's details		
Organisation (if applicable): WC W Watts Ltd		
Address:	118-122 Scarborough Road	
	Bridlington	
	East Yorkshire	
Post Code: YO16 7NU		
Telephone: please use agent's details		
Email: see please agent's details		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): M
Surname: Ratcliff		
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	Lincoln	
Post Code: LN6 0LA		
Telephone: 01522 873926 (07960 410838)		
Email: malcolm@charisconsult.com		

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.



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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	W Clifford Watts 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"/>	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 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.

Please see separate sheet

Introduction

1. W Clifford Watts Ltd is an SME based in the East Riding with business units in that District, in Hull, Selby, York, Ryedale and Scarborough districts in North Yorkshire. It employs over 115 people in 10 locations, is the major supplier of aggregates in East Riding and has a growing presence in North Yorkshire. The company has operated Whitewall Quarry for 60 years. This Quarry extracts Jurassic Limestone from the Malton Coralline Oolite Formation. This is described by the British Geological Survey as an interbedded shelly coarse-grained white to grey oolitic limestone up to 40 metres thick.
2. Whitewall quarry is the Type Location for this stone, which is used for aggregate, calcium lime and blockstone. It typically produces an average of 180,000 tpa plus/minus 25% including about 27% calcium lime, and up to 4,000 tonnes of blockstone, which is used locally for the repair of historic buildings and new build development. Although not as tough and hard as older limestones, the Jurassic Limestones of North Yorkshire are used extensively in the locality for sub base, capping, drainage, gabions and bulk fill. The quarry also produces recycled aggregates which can be used as MOT Type 1 capping material for roads, which otherwise has to be imported from outside the local area. The company is the only supplier of blockstone in the local area for heritage end uses, whilst the lime product is of superior quality and much sought after by landowners.

Policy M05: Provision of Crushed Rock

3. The policy is **UNSOUND** because it is not **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; it is not **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; it is not **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and it is not **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
4. W Clifford Watts was most surprised to find out that its proposed Preferred Area for the extension of Whitewall Quarry has been omitted from the Plan when it has featured as an allocation in previous versions of the Plan. No explanation has been put forward for this, other than alleged problems with the site principally in terms of access, and a lack of strategic need (para 5.46), which were not apparent less than a year ago. This volte face by the mineral planning authority is extremely damaging to the interests of this company, but will also produce real and acute supply problems, accompanied by a poorer sustainability outcome, which this submission will seek to explain. The company resents having to do this since it should be apparent that the stone for this quarry is of strategic interest. The quarry sits squarely in an area

of Economic Growth (Minerals Key Diagram) and serves an important local market. The policy is therefore unsound because it fails to include Jurassic limestone in its objectively assessed requirements for crushed rock aggregates, it is not the most appropriate strategy for the supply of Jurassic limestone because of the sustainability disbenefits, it is not deliverable because it will draw imports into the area to supply the local need, and it fails to make provision for mineral of local and national need contrary to NPPF paragraph 142, and it fails to provide for a steady and adequate supply of Jurassic limestone contrary to NPPF paragraph 145.

5. This submission will not deal with the detailed arguments against this site's inclusion in the Plan but will restrict itself to strategic matters.
6. The company estimates that the annual extraction rate of Jurassic limestone in the plan area is currently about 400,000 tpa. This amounts to about 10% of the expected annual provision figure. Production currently comes from three quarries in Ryedale (Whitewall, Newbridge and Settrington), of which Whitewall is the biggest. Two further sites are currently mothballed, (Wath and Hovingham) which are located in the Howardian Hills AONB. Newbridge Quarry lies on the edge of the North Yorks Moors National Park north of Pickering. The planning position of each of these sites is set out below,

Site Name	Status	pp end date	Prod'n (ktpa)	Comments
Whitewall	Active	2023	180 - 250	Preferred Area proposed for 2.0 Mt rejected at Publication stage
Settrington	Active	2019	100 - 120	Extension allocated for 1.7 Mt
Newbridge	Active	2022	120 - 200	No extension proposed; could be time extended
Wath	Mothballed	2023	N/A	No extension proposed; could be time extended. Location in AONB; proposals subject to major development test. Plans to re-open unknown
Hovingham	Mothballed	2042	N/A	Location in AONB. Plans to re-open unknown

7. Reserves at these sites are unknown but information gleaned from planning decisions shows that at the active sites, the life reserves probably reflects the end dates of the consents (although there will be some flexibility since production levels have been depressed from 2009 to 2013). It is thus not possible to say for certain whether there is a 10 year landbank of reserves for this material across all sites, but it is almost certain that the active sites do not possess a 10 year landbank between them.

8. The data shows that this is not an insignificant contribution to aggregate needs for the plan area. The overall production may seem low compared to the larger operations like Pateley Bridge, but Jurassic limestone serves a local market in the Ryedale and Scarborough areas. Aggregates from the Whitewall typically travel up to 40 km from the site, and business is split between Ryedale and Scarborough (40%), plus the northern part of the East Riding (40%), and York (20%). North Yorkshire is so big that transport costs for aggregate assume a large part of the costs of supply and minimising travel distance is a major consideration for customers as well as being more sustainable. The area is relatively remote from other sources of supply, the local material is suitable for most applications, and although of poorer quality than more robust limestones it does not suffer in competition with recycled materials since there are relatively few sources of alternatives available in the local market. As such, the local limestone is ideally suited to serve a niche market, which is important to the local economy.
9. The permissions at Newbridge and Wath are due to expire at about the same time as Whitewall although there is presumably some scope at Newbridge to extend the duration of the consent to fully extract all reserves if this is necessary (Wath would have to satisfy the major development test due its location in the AONB). Consequently, the above data show that (if no other extension is allocated) when Whitewall exhausts its current permitted reserves, production capacity will fall with only the certainty of supply from Settrington, unless Hovingham is also brought back into production, the prospects for which are unknown. Settrington has no production limit but the size of the operation was described in a recent planning application as 60,000 tpa output rising to a maximum of 100,000 tpa. The level of reserves in the site (300,000 tonnes in 2015), the limited area of the site, the traffic routes used, the difficulty of working in wet winter conditions together with an extension containing 1.7 Mt, precludes the site from significantly increasing output to 400,000 tpa (500% increase). It seems likely that with the exhaustion of current permitted reserves, there will not be sufficient production capacity for the supply of Jurassic limestone to continue at historic levels or to supply the growth aspirations of the local community. Reliance on two mothballed sites in the AONB and one with limited reserves would not seem to be a sustainable alternative strategy, so the only other option is imports from other quarries in the plan area.
10. The nearest quarries to Whitewall which are not Jurassic limestone are as follows (Potgate Quarry, Gebdykes Quarry, Jackdaw Quarry and Newthorpe Quarry). All these quarries extract Magnesian Limestone and are between 50 km and 74 km from Whitewall, the nearest being Jackdaw Quarry (Map G: Active and dormant crushed rock sites in the NY sub-region, Local Aggregate Assessment for the North Yorkshire Sub-region Second Review September 2016). In addition, there are some active Chalk workings in the East Riding but this material cannot compete with Jurassic limestone directly except in low grade fill applications. For this reason, they have been discounted from further consideration.

11. Using Magnesian Limestone sites to supply the local market with stone (assuming they have the additional capacity and reserves to do so) would result in the following calculated extra 'mineral km' and carbon usage, assuming a conservative production shortfall of 180,000 tpa (i.e. equivalent to the output of Whitewall Quarry).

Sites	Distance from Malton centre (km)	Mineral 'Miles' km/a ¹	Emission Factor ² (tCO ₂ e/km) ³	Total Carbon (tonnes)/a ⁴
Whitewall	2.4	432,000	0.20916	90.357
Potgate	70.5	12,690,000	0.20916	2,654.240
Gebdykes	67.2	12,096,000	0.20916	2,529.999
Jackdaw	47.8	8,604,000	0.20916	1,799.612
Newthorpe	72.1	12,978,000	0.20916	2,714.478

12. To replace the 180,000 tpa output of Whitewall Quarry, importing stone from these sources to serve the local market would generate an additional 1,700 tonnes to 2,620 tonnes of Carbon each year.

The Approach of Policy M05

13. The policy recognises that there is a large existing landbank of crushed rock (of all types) and no near term prospect of an overall shortfall in supply. However, it acknowledges that there are special circumstances for Magnesian Limestone because of imbalances across the range of rock types. The same argument also applies to Jurassic Limestone. The company has not made this point before because it was under the impression that the needs of the Ryedale area and for Jurassic Limestone were recognised by the mineral planning authority through the proposed allocation of an extension to Whitewall Quarry. Now we find that the County Council does not consider there is a strategic need for Jurassic Limestone and we have been forced to make this late submission in defence of the mineral, which as we have shown performs a vital role in mineral supply in the eastern part of the plan area. For the sake of support for the local economy and construction industry, plus the benefits of the sustainability of preserving local production, and in the interests of maintaining competition, it is as essential in our view to make specific provision for the east of the plan area, as it is for the southern and central parts (para 5.28). There are powerful arguments to identify specific provision for this type of rock separately from other crushed rock sources.

¹ Distance in first column multiplied by assumed shortfall of 180,000 tpa.

² Equivalent measure of one tonne of transported goods over one kilometre

³ Emission factor kg CO₂e per km (average laden weight/Rigid HGV /diesel with biofuel component),UK Government ghg conversion factors update 2016, DECC Standard Set

⁴ Mineral 'Miles' Km in second column multiplied by emission factor

14. Certainly, the fact that Whitewall Quarry is also a significant supplier of calcium lime, recycled materials and blockstone is a further reason to encourage diversity of production and to preserve local production capacity.

Conclusion

15. There is clearly a significant local market for Jurassic limestone in the east of North Yorkshire which if not served by local quarries, would be difficult or undesirable to replace with imports or alternative materials, whilst supplying material from sites in the AONB would not be desirable. The reserves at existing active quarries appear to be depleted, and only one small site with limited capacity is allocated for an extension. Whitewall has inexplicably been excluded from receiving an allocation which will severely reduce the productive capacity of the remaining sites to serve local markets.

Proposed Changes

16. The following changes to Policy M05 are proposed (deletions in ~~strikethrough~~; new text 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 0.40 million tonnes per annum shall be for Jurassic 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 landbanks for Magnesian Limestone and **Jurassic Limestone**, at 31 December 2030 based on an annual rate of provision to be determined through the review.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	W Clifford Watts 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"/>	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.

Please see separate sheet

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

Policy M06: Landbanks for crushed rock

1. The policy is UNSOUND because it is not **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; it is not **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; it is not **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and it is not **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
2. This policy seeks to give expression to minimum landbanks of crushed rock as a development of the strategy for Policy M05. The objection to this policy follows the same arguments as for Policy M05 in that there is no recognition in the policy of the special qualities or role played by Jurassic Limestone in the Plan and that it should be treated on a similar level to Magnesian Limestone. Jurassic Limestone performs a similar role to Magnesian Limestone in a different part of the plan area, it serves somewhat different end uses to the rather more prolific Carboniferous Limestones, and it is currently more constrained in supply. There is a case for maintaining the continuity of supply from established sites, and a strategic need for the mineral based on proximity to market which cannot be easily substituted by either alternative materials or imports, and a range of end uses. After the next five years the evidence suggests there will be a substantial shortfall in capacity to supply the market.
3. Some of the landbank in Jurassic Limestone is bound up in sites located in the Howardian Hills AONB which for sustainability reasons would under the Joint Local Plan strategy and national policy, be considered a less desirable location for future supply. Both sites are currently mothballed and may not be re-opened. If this is the case, more mineral needs to be secured in other locations, preferably in the currently producing sites like Whitewall.
4. Paragraph 5.34 says that national policy encourages future requirements for aggregate to be provided through site allocations. This produces the greatest certainty on locations where minerals are to be worked in future where extraction will be acceptable in principle. (This is an important consideration when examining the reasons why Whitewall has been disregarded for allocated status). We would disagree with paragraph 5.35 in that the evidence presented in this submission is sufficient in our view to indicate that provision needs to be made for further working to help ensure continuity of supply for Jurassic Limestone in addition to Magnesian Limestone. This is in part accepted by the mineral planning authority in the allocation made at one site (Settrington), and which we believe should be extended to Jurassic Limestone in general.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	W Clifford Watts 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"/>	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 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 separate sheet

Policy M09: Meeting crushed rock requirements

1. The policy is UNSOUND because it is not **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; it is not **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; it is not **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and it is not **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
2. W Clifford Watts' objections to policies M05 and M06 naturally move on to the lack of provision actually made in the Plan. We seek the re-introduction of Whitewall Quarry as a Specific Site for the provision of much needed Jurassic Limestone, which the company was confidently expecting until the Publication version the plan.
3. In this section of the submissions the company wishes to emphasise the importance of this site for mineral supply, and to address the recorded objections to allocation (such as they are) as a rebuttal to the mineral planning authority's arguments. It is a truism that minerals can only be worked where they are found, which is an axiom that needs to be continually kept in mind. This means that there will inevitably be conflicts between mineral working and the environment and local amenity, which should be managed to acceptable levels.
4. Paragraph 5.46 alleges that *"No specific requirement has been identified for the release of further reserves of these types of crushed rock in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations for these is a priority for the Joint Plan."*
5. In addition, the Mineral Discounted Sites Summary document states that the reasons for discounting the site are as follows,
"Evidence supporting the Joint Plan has not indicated any overall need, in strategic terms, to release additional reserves of Jurassic Limestone for the plan period. The location of the site and its relationship to market areas in the Plan area results in a need for a substantial volume of heavy traffic to travel through an extended length of built up area in Norton-on Derwent, in order to access the major road network, such that there is potential for significant adverse impact on local communities. The location is therefore not considered a sustainable one for longer term supply of minerals in the absence of a more specific justification that would override this concern."
6. The allegation that this is an unsustainable location for a quarry cannot go unchallenged because the evidence at hand suggests otherwise.

11. Furthermore, para 145 bullet 7 says that mpas *should plan for a steady and adequate supply of aggregates by...ensuring that large landbanks bound up in very few sites do not stifle competition*. Although the landbank for Jurassic limestone cannot be considered 'large', nevertheless it will be undisputedly bound up in 'very few sites' and will thus be open to charges of anti-competitiveness. Such a policy does not help to build a strong competitive economy, does not support sustainable economic growth, and does not proactively meets the development needs of industry.

National Considerations

12. In 2012 the Mineral Products Association (MPA) (of which the company is a member) commissioned a study of the economic contribution of the mineral products¹ industry to the national economy. This document is called *The Foundation for a Strong Economy* and was undertaken by Capital Economics.

13. The Report's main findings are that

- Mineral products are part of the unseen and unloved part of the economy, but which employs the bulk of the workforce and generates much of the country's prosperity. It isn't high profile or glamorous but nevertheless, without it, much of what is high profile would simply not be possible.
- The Mineral products industry generates over £4 Billion of Gross Value Added (GVA) and employs between 33,000 and 39,000 people directly. A similar number is supported indirectly.
- Using GVA per worker as a measure the sector's productivity employees are over 2½ times more productive than the average for the UK generating over £110,000 of GVA per worker each year.
- The industry contributes similar levels of GVA to the economy as creative industries such as architecture, television or radio or some high-tech manufacturing activities. It is not significantly smaller than the motor vehicle manufacturing and aerospace industries.
- The industry is also a major tax payer contributing over £1 Billion of taxes to the exchequer each year.
- The industry spends over £5 Billion on suppliers each year which benefits many other sectors by increasing economic activity in every region of the UK.
- The biggest customer of the industry is the construction sector, which is crucial to providing the infrastructure that the country will depend on to supply the economic growth that it needs to renew the economy. In total this sector comprises 6% of total economic output.

¹ Defined as rock, sand and gravel, asphalt, cement, concrete, dimension stone, industrial sand and lime, and a variety of construction products

and whose growth is likely to be heavily influenced by societal challenges such as tighter environmental standards for low carbon construction. These sectors are heavily influenced by regulation. One other advantage of the construction sector is that growth will be felt across the entire country and not concentrated in specific locations.

17. The importance of the mineral industry to the economy has been recognised by the government in **national planning policy (NPPF)** which says, *“Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs.”* (paragraph 142). And, *“When determining planning applications, local planning authorities should...give great weight to the benefits of the mineral extraction, including to the economy.”* (paragraph 144). The weight accorded to the benefits of mineral extraction is on the same level as that that should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty.

Minerals as a Sustainable industry

18. The mineral products industry is a highly sustainable part of the national economy. Although it is acknowledged that it can have detrimental impacts on the local environment, mineral extraction is increasingly being seen as a partner in climate change adaption and biodiversity enhancements.
19. From an economic and social perspective mineral products contribute to sustainability by reference to the following
- 28% of aggregates consumption is comprised of recycled materials (2013 figure), which is three times the average recycling rate in Europe.
 - The per capita production of aggregates is 3.0 tonnes, which is 59% of the European average (2012 figure).
 - 91% of aggregate sites have a certified EMS (2013 figure).
 - The CO₂ emissions from crushed rock production are 3.7 kg/tonne (GB figures). This totals 325,000 tonnes of carbon for the 88 Million tonnes of crushed rock that were produced in Great Britain in 2013. For comparison, government figures show that the residential sector in Britain produces 77 Million tonnes of carbon per year.
 - The industry has created 5,189 ha of priority habitats to date with a further 6,706 ha planned. It has planted 48 km of hedgerows with a further 117 km planned.
 - 95% of aggregates, ready mixed concrete, asphalt and cement sales recorded were certified to the Responsible Sourcing Standard BES 6001.

semi-skilled occupations (in contrast to insecure and seasonal employment in tourism). This enhances its value to the rural economy since it is consistent with Government policy to promote strong, diverse, sustainable economic activity in rural areas with local authorities expected to support a wide range of economic activity (NPPF paragraph 28). Thus both its size and nature make the quarry an invaluable part of the local economy, not counting its contribution to the viability of the construction sector.

23. Moreover, as well as producing valuable aggregate products the site is also a producer of calcium lime, blockstone and recycled products. The site represents 22% of the company measured by employment and is clearly a very important part of its business.

Calcium Lime

24. Whitewall quarry produces between 30,000 tonnes to 40,000 tonnes of calcium agricultural lime each year which is distributed widely throughout northern England and Scotland. Modern farming methods typically use large quantities of soil fertilisers to boost yields. However, this can exacerbate the natural effects of soil leaching and increase the acidity of agricultural soils. Excess acidity will reduce the ability of plants to take up essential nutrients and result in the ever greater need to apply more fertiliser just in order to sustain crop yields. It will also increase the vulnerability of plants to disease. Following soil sampling, the application of calcium lime restores soil pH to optimum levels for healthy plant growth. This is a particular problem in areas underlain by Magnesian Limestone (in North Yorkshire) where the application of local mag lime causes a 'lock up' of nutrients and poor crop yields by exacerbating the Mg/Ca ratio. The application of Whitewall calcium lime restores the Mg/Ca balance and enables applied fertilisers to release nutrients to crops. The Whitewall calcium lime is thus particularly well regarded by customers in areas of North Yorkshire with magnesium rich soils, and also by other customers because the Whitewall deposit makes a superior product that releases calcium quickly and also over a longer period, thus maintaining calcium levels for longer between applications. This is something other sources of lime cannot do as well.
25. According to government information³ analysed by the Agricultural Lime Association (ALA) which is part of the Mineral Products Association (MPA), the UK average use of liming materials (calcium and magnesium limes) between 2011-2013 was 2.5 Mtpa. Half of this was derived from limestone deposits, with the remainder derived from Chalk, Magnesium Limestone and other sources. Calcium lime is mostly used for soils under grassland, winter wheat, barley, sugar beet and rape crops. Average application rates are between 3 and 4 tonnes per ha. At these rates, Whitewall lime could be used to treat an area of land the size of Manchester. It is recognised by the government that there is an under-application of lime in soils particularly for those under grass. Although liming is needed everywhere in the UK the need for liming is most acute in Wales, Scotland, Northern Ireland and northern England. The market is growing and the

³ British Survey of Fertiliser Practice (BSFP) available at <http://www.gov.uk/government/collections/fertiliser-usage>

Environmental & Amenity Effects

Traffic

30. The evidence base of the plan alleges that the location of the site results in a need for a substantial volume of heavy traffic to travel through an extended length of built up area in Norton-on-Derwent, in order to access the major road network, such that there is potential for significant adverse impact on local communities. The location is therefore not considered a sustainable one for longer term supply of minerals.
31. In terms of its location, the BGS Mineral Resources Map and Report show the Coralline Oolite Formation in which Whitewall Quarry is located as a ring of outcrops on higher ground at points around the Vale of Pickering, much of which is in the North Yorkshire Moors National Park or the Howardian Hills AONB or the Yorkshire Wolds. The largest area free of national landscape designations is to the south of Malton where Whitewall and Settrington quarries lie. The disposition of settlements in the Vale of Pickering as a string of settlements on the spring lines on the bounding scarp slopes means that the principal means of road access through the Vale is east/west. North/south routes across the Vale are relatively undeveloped and routes from higher ground both from the north and the south are directed through existing market towns to reach the SRN. This is equally true of all operating quarries in the area. These routes for all quarries vary in suitability for HGV traffic and there is on some routes abundant evidence of damage to verges, and unofficial passing places on narrow roads carved out of grass verges. Much of the distance is lined with development, some of which fronts directly on to the road. Indeed, the route used by Whitewall Quarry traffic is of good alignment and width and does not suffer from problems of physical damage to the highway and verges as some other routes do.
32. Whitewall Quarry has been operating for 60 years using the same access routes without adverse comment...until recently. Traffic from the quarry accessing the A64 does so by turning right out of the site onto Welham Road to the junction with Castlegate and Church St, carrying on Church St and into Commercial St and Scarborough Road all of which are the B1248 and thence to the Brambling Fields junction, which avoids the centre of Malton. The local authority's plans for Malton and Norton are ambitious and controversial locally. 50% of housing in the district is to be located in Malton and Norton (Ryedale Local Plan Strategy, 2012, policy SP2), 85% of the employment land allocations (policy SP6), and 70% of the retail allocations (Policy SP7). The aims for Malton town centre are that it should encourage a trend to a local food economy (SP7) and the Plan has an objective to *"Enhance the role of the Market Towns as accessible, attractive and vibrant service centres, offering a range of homes, jobs, shops, entertainment, leisure and recreational facilities within a high quality public realm. Emphasise the role and regeneration of Malton and Norton as the District's Principal Town."*

the south of Malton to the A64. This route was modelled by consultants for the Local Plan with a number of scenarios for development options which were reported in the Malton & Norton Strategic Transport Assessment, 2010 (Appendix B). It is important to point out that existing traffic flows and volumes formed the baseline for the study (Scenario 1). This would have included the traffic from Whitewall Quarry. W Clifford Watts are not proposing more traffic for its proposed extension, and the increases in tonnage outputs are indicative of future organic growth, not a material change to the nature of the operation, or new uses. There was no suggestion in the report that with the planned traffic improvements in place the baseline conditions would pose any problem for the network to accommodate. As far as any alleged environmental impact of traffic along the route rather than highway impact (congestion and safety), the company cannot imagine that the lpa was unaware that its plans to funnel all HGV town centre and through traffic along this route (Including articulated service vehicles accessing the three large supermarkets in the town centre as well as other retailers) would result in extra journeys and impacts, and neither is it credible that the lpa considered this anything other than acceptable. Further improvements to the local network are planned in conjunction with the ambitious expansion and regeneration of Malton/Norton to be paid for by developer contributions. As such, it can be expected that the situation will improve over time, especially as some development options involve a new river crossing west of the town centre.

37. The distribution of traffic from the quarry is currently 60% south and 40% north. This varies with demand but at present the construction industry is busy in Malton, Pickering, Scarborough and Whitby. Other important destinations for stone from the quarry include Driffield, Pocklington, York and Stamford Bridge. Some material also goes into Beverly and Holderness. This means that an average of 72,000 tonnes a year uses the northern route through Norton, or about 14-15 trips a day. This is equivalent to an average of 3 vehicle movements an hour throughout the day. Even allowing for bunching up at the beginning and end of the working day, there are likely to be no more than 10 movements in any one hour. When compared to the volume of HGV trips generated to service the town centre (construction traffic, goods deliveries, removal of waste) this is not significant. Thus it is not true as the County Council alleges, that there is "...a need for a substantial volume of heavy traffic to travel through an extended length of built up area in Norton-on Derwent...". On the contrary, the level of traffic is both modest and manageable having been already allowed for in traffic forecasts in generating the proposals to use this route for all town centre and through traffic. All that the current proposals seek to do is to continue the current levels for longer.

38. Furthermore, this was also the assessment of the joint authorities' own consultants. Jacobs' *Minerals and Waste Joint Plan Traffic Assessment Final Traffic Assessment*, October 2015 used a daily HGV trip figure of 50 per day, which was based on the maximum output of 250,000 tpa (1,000 tpd) and a 'worst case scenario' of all traffic turning north. The report states "Assuming HGV trip generations are spread evenly across the working day, the MJP08 (sic) submission would typically result in an additional 5-6 HGVs per hour passing through Norton. This is unlikely

Noise

W Clifford Watts had a noise survey undertaken by Vibrock which concluded there was no breach of conditions. This was not accepted by the complainants because Vibrock (a respected firm of consultants in the field) were not considered to be independent. Ryedale District Council EHO also carried out noise monitoring on behalf of the mpa which was also rejected by the complainant. The EHO also had all the Vibrock base data on noise at source so that noise calculations and projections could be verified and also drawing a conclusion that there were no issues.

NYCC then persuaded Ryedale EHO to go into the garden of one of the complainants to undertake noise monitoring but on arrival was refused access.

This resulted in an independent survey being undertaken on behalf of the mpa by Spectrum Acoustic Consultants. Background noise levels were measured in Dec 2015/Jan 2016 with the survey being carried out 13th to 27th July 2016 also concluding there was no breach of conditions.

42. Complaints have also been made since 2014 about working outside permitted hours of operation, dust, unsheeted vehicles, vehicles using weight restricted roads, speeding of vehicles, importation of mineral, unauthorised waste disposal operations and soil exportation. However, to date, we understand that the mpa has concluded there is no evidence of breaches of condition that would justify enforcement action. Moreover, the site is regularly inspected by the NYCC enforcement service and is visited periodically by a council enforcement officer who duly compiles a record of the visit in an official report. These show that there are no substantive breaches of condition.

43. As a member of the Mineral Products Association W Clifford Watts is committed to the highest standards of site operation, for safety, amenity and the environment. The company strives to implement its planning permission in strict accordance with planning conditions. It takes its responsibilities very seriously and always investigates complaints itself sympathetically. The company addresses complaints promptly and advises complainants if requested, and the mpa of any action taken. If an allocation for the site is made as a result of the Plan's examination, the company would be willing to co-operate in the formation of a quarry liaison group in order to improve communication between the company and the local community.

Conclusion

44. Whitewall Quarry contributes £2.75 Million to the local economy each year and £7.68 Million to upstream downstream activities. It is the largest quarry in the eastern part of the plan area and fulfils a niche market which cannot be easily substituted by alternatives if at all, or by imports of stone from outside the area. The closure of Whitewall will result in a permanent reduction in

47. The proposed extension is fully compatible with the Local Plan strategy, vision and objectives. It is compatible with the following Plan objectives,

- Objective 5 - identifying and maintaining future supply requirements for minerals...considering and responding to the ability of the area to sustain minerals extraction without compromising other social, economic and environmental goals including obligations under the Climate Change Act.
- Objective 6 - identifying and allocating appropriate sites or areas for future minerals working, the provision of secondary and recycled aggregate, minerals supply
- Objective 8 – encouraging development in locations for development are well-connected to suitable highways infrastructure and impacts on the road network minimised.
- Objective 9 - protect, conserve and where practicable enhance the environment of the Plan area...supporting the use of local building stone to help maintain and improve the quality of the built environment and local distinctiveness
- Objective 10 - promoting high standards of design, operation and where relevant reclamation of minerals... and high standards in the transport of minerals... promoting the involvement of local communities and businesses in proposals for minerals and waste development in order to help protect local amenity, quality of life and the local economy.
- Objective 11 - planning for more sustainable design and working practices, including those aimed at carbon reduction, at minerals and waste sites; contribute to meeting the national requirement to reduce greenhouse gas emissions by 80% below 1990 levels by 2050.
- Objective 12 - supports wider objectives within the NPPF and within local strategies which seek to enhance conditions for biodiversity and other important environmental objectives

48. The company also considers the proposal is in accordance with policies M01, M05, M09, and D01- D12. This submission has addressed policies M01, M05, M09 and is confident there is sufficient evidence to demonstrate that the proposed development is not in conflict with these policies. We have chosen not to address the subject matter of the development management policies in detail except for those related to traffic (policy D03). In any event, we consider that the proposal meets the requirements of all these policies, including D03.

49. In the light of this evidence, the company respectfully asks the joint authorities to reconsider their late decision to discount an extension to Whitewall quarry for allocation in the Minerals and Waste Joint Local Plan and we ask that a Site Specific allocation is made at Whitewall Quarry.

Proposed Changes

The following changes to Policy M06 are proposed (deletions in ~~strike through~~; new text in **bold**)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	W Clifford Watts 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"/>
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2. Do you consider the Minerals and Waste Joint Plan is :

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

(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" value="√"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input type="text" value="√"/>
<i>Effective</i>	Yes	<input type="text"/>	No	<input type="text" value="√"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input type="text" value="√"/>

2 (3) Complies with the Duty to co-operate	Yes	<input type="text" value="√"/>	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 see separate sheet

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Policy W05: Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)

1. Part 1 of this policy is supported. However, Part 2 i) is UNSOUND because it is not **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; it is not **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; it is not **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and it is not **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2. We object to the non-allocation of site MJP13 as an inert waste recycling facility. The site was rejected for the same reason as MJP12, namely,

This development would result in an enlarged footprint and potential increase in throughput for activity associated with importation and recycling of CD&E waste at Whitewall Quarry. Whilst the principle of such activity taking place at this site is already established through an existing permission, any increased traffic volumes could add to impacts on local communities, arising from heavy vehicle movements in combination with other traffic associated with Whitewall Quarry, and it is not considered appropriate to allocate the site on this basis. (Discounted Sites Summary Document, page 64)

3. However, the Jacobs' traffic assessment for the site is as follows,

As the HGV trips associated with submission MJP13 are the backhauling of HGV trips otherwise associated with submission MJP12, there are no traffic impacts associated with the site although as for submission MJP13, although additional HGV traffic will need to pass through the centre of Norton. (Minerals and Waste Joint Plan Traffic Assessment, page 54)

4. The capacity gap identified by the Plan for CD&E waste recycling is as follows (from Table 8)

Waste Management Method	Projected Capacity Gap/Surplus ¹ 2016 (tonnes)	Projected Capacity Gap/Surplus 2020 (tonnes)	Projected Capacity Gap/Surplus 2025 (tonnes)	Projected Capacity Gap/Surplus 2030 (tonnes)
Recycling (CD&E)	16,672	386,458	456,283	471,418

5. This table shows there is an immediate capacity gap for this material which will grow to the end of the plan period (para 6.46). The supporting text says that *"The combined capacity in these allocations would significantly reduce the projected capacity gap."* This implies that the allocations do not completely fill the gap and more capacity is needed.
6. The proposals for Whitewall Quarry for inert waste recycling envisage a continuation of the existing activity at a greater level of activity and on a larger footprint. The plant and stockpiles would as now, be located on the quarry floor and accordingly no unacceptable effects from noise, visual intrusion or dust are likely to arise. Drainage of the area would be via the existing drainage arrangements for the quarry. Traffic would use the existing quarry entrance.
7. There appears to be some confusion in the supporting information for the Plan background documents in respect of this proposal. The traffic assessment says there will be no additional traffic, whilst the Discounted Sites Summary Document has no change in LGVs and 25 extra daily movements for HGVs. Both of these accounts are wrong. 25 daily movements would equate to a production level of 125,000 tpa, not an extra 10,000 tpa. The error is of an order of magnitude.
8. The recycling facility already has a capacity to produce 10,000 tpa. The traffic movements associated with this are included in the overall figures for the site MJP12, which is the mineral operation and encompasses primary aggregates production, calcium lime, blockstone and secondary aggregates production. This is a figure of 36 vehicle trips per day at average rates, to a maximum of 50 trips a day.
9. Therefore, the increase in traffic relating to this proposal is 10,000 tpa extra above the levels just quoted. Since the material for recycling will be backhauled into the quarry, the only extra traffic movements are for delivery of the recycled product. This is 10,000 tpa or 2 vehicle trips per day. This figure is close to Jacobs' figure but the Summary document is completely wrong. Since the discounting of the site appears to have been based on this error, it follows that the decision to discount the site needs to be reviewed. Certainly, we would agree with the joint authorities' traffic consultants that there *"no traffic impacts associated with the site"* as the increase is *de minimis*.
10. In terms of existing facilities to recycle inert wastes, Figure 26 of the Minerals & Waste Joint Plan Evidence Paper: Waste Specific Evidence shows that there are 10 permitted permanent inert recycling facilities in the plan area (although Whitewall is not shown on the Figure). The only

¹ Note: plus figure equals a capacity gap

facility east of the A1 corridor is Newbridge. Consequently, if MJP13 at Whitewall Quarry is not allocated then there will be only one facility in the entire eastern part of the plan area.

11. We submit that given there is a current capacity gap for inert waste recycling, given that there is currently only one permitted facility in the plan area east of the A1 corridor, and given that the decision to discount Whitewall Quarry for a continuation and expansion of an existing recycling facility is flawed by exaggerating the traffic implications of the proposal, we suggest the joint authorities allocate site MJP13 and add it to the list in the policy.
12. We have already addressed the allegation that *“any increased traffic volumes could add to impacts on local communities, arising from heavy vehicle movements in combination with other traffic associated with Whitewall Quarry”* in our comments on MJP12 - the extension of Whitewall Quarry. However, in order to thoroughly air the arguments in favour of this proposal the substance of the issues is repeated in the following paragraphs.

Environmental & Amenity Effects

Traffic

13. The evidence base of the plan alleges that the location of the site results in a need for a substantial volume of heavy traffic to travel through an extended length of built up area in Norton-on-Derwent, in order to access the major road network, such that there is potential for significant adverse impact on local communities. The location is therefore not considered a sustainable one for longer term supply of primary or secondary minerals.
14. In terms of its location, the BGS Mineral Resources Map and Report show the Coralline Oolite Formation in which Whitewall Quarry is located as a ring of outcrops on higher ground at points around the Vale of Pickering, much of which is in the North Yorkshire Moors National Park or the Howardian Hills AONB or the Yorkshire Wolds. The largest area free of national landscape designations is to the south of Malton where Whitewall and Settrington quarries lie. The disposition of settlements in the Vale of Pickering as a string of settlements on the spring lines on the bounding scarp slopes means that the principal means of road access through the Vale is east/west. North/south routes across the Vale are relatively undeveloped and routes from higher ground both from the north and the south are directed through existing market towns to reach the SRN. This is equally true of all operating quarries in the area. These routes for all quarries vary in suitability for HGV traffic and there is on some routes abundant evidence of damage to verges, and unofficial passing places on narrow roads carved out of grass verges. Much of the distance is lined with development, some of which fronts directly on to the road. Indeed, the route used by Whitewall Quarry traffic is of good alignment and width and does not suffer from problems of physical damage to the highway and verges as some other routes do.
15. Whitewall Quarry has been operating for 60 years using the same access routes without adverse comment...until recently. Traffic from the quarry accessing the A64 does so by turning right out

AQMA) and instead encourage access via Scarborough Road in Norton. A Ryedale District Council and North Yorkshire County Council leaflet produced at the time (**Appendix A**) set out these objectives. The leaflet was headed "Information for residents and businesses in Malton and Norton". It said, "*The Brambling Fields junction is located on the A64 east of Malton and Norton. Construction of the junction was completed in September 2012 and the improved layout incorporates a new slip road from the A64 eastbound allowing traffic from York and Pickering to access Norton and destinations in the south of Malton without travelling through Malton town centre.*" Under the heading "What can you do?" the leaflet says, "*We are seeking the support of residents and businesses in Malton and Norton to reduce traffic congestion and improve air quality in the town centre by, where appropriate, using the upgraded Brambling Fields junction.*"

19. Thus the project was promoted on the basis that the Scarborough Road/Commercial St/Church St B1248 route from Brambling Fields was an approved alternative route for HGVs to and from the south of Malton to the A64. This route was modelled by consultants for the Local Plan with a number of scenarios for development options which were reported in the Malton & Norton Strategic Transport Assessment, 2010. It is important to point out that existing traffic flows and volumes formed the baseline for the study (Scenario 1). This would have included the traffic from Whitewall Quarry. W Clifford Watts are not proposing more traffic for its proposed extension, and the increases in tonnage outputs are indicative of future organic growth, not a material change to the nature of the operation, or new uses. There was no suggestion in the report that with the planned traffic improvements in place the baseline conditions would pose any problem for the network to accommodate. As far as any alleged environmental impact of traffic along the route rather than highway impact (congestion and safety), the company cannot imagine that the lpa was unaware that its plans to funnel all HGV town centre and through traffic along this route (Including articulated service vehicles accessing the three large supermarkets in the town centre as well as other retailers) would result in extra journeys and impacts, and neither is it credible that the lpa considered this anything other than acceptable, a fact that is confirmed by the request for a developer contribution from the company in 2008. Further improvements to the local network are planned in conjunction with the ambitious expansion and regeneration of Malton/Norton to be paid for by further developer contributions. As such, it can be expected that the situation will improve over time, especially as some development options involve a new river crossing west of the town centre.

20. The distribution of traffic from the quarry is currently 60% south and 40% north. This varies with demand but at present the construction industry is busy in Malton, Pickering, Scarborough and Whitby. Other important destinations for stone from the quarry include Driffield, Pocklington, York and Stamford Bridge. Some material also goes into Beverly and Holderness. This means that an average of 72,000 tonnes a year uses the northern route through Norton, or about 14-15 trips a day. This is equivalent to an average of 3 vehicle movements an hour throughout the day. Even allowing for bunching up at the beginning and end of the working day, there are likely to be no more than 10 movements in any one hour. When compared to the volume of HGV trips

location unsustainable for long term mineral provision, this submission has sought to show that only a proportion of a relatively modest level of quarry production will travel through Norton, and that the additional traffic associated with enhanced recycling facilities will be *de minimis*.

24. It shows that the Norton route has been deliberately chosen and encouraged by the Ipa and the County Council so that HGV town centre and through traffic avoids the congested and polluted town centre. This it appears the company is being penalised for using a route that is officially sanctioned, that the company has paid a contribution for, and which others are able to use without comment. Adopted Local Plan policy seeks to enhance the town centre as an integral part of the regeneration of the district and has constructed the A64 junction improvement at Brambling Fields to facilitate this, thereby channelling HGV traffic along B1248 through Norton. The traffic associated with the quarry (including existing recycling traffic) has been modelled by consultants as part of the baseline position for assessing development options, thus confirming that continuation of mineral working and recycling at the quarry will not add to local traffic impacts. In addition, further traffic improvements are planned that may alleviate the position experienced in Norton, which may also benefit the Quarry. The Plan also ignores the very real contribution that Whitewall Quarry will make to the development of Malton/Norton itself in the provision of raw materials for the high levels of construction implicit in the development of the twin towns. The conclusion reached in this submission is also consistent with the joint authorities' own traffic consultants who are of the opinion that the additional level of traffic associated with an extension to the Quarry is *'unlikely to be perceptible'* and *'there are no traffic impacts associated with the site'*. A further complaint of the company is the inconsistent treatment given to Whitewall in comparison with Settrington given that the traffic circumstances are essentially the same, and that the two quarries should be treated on equal terms.

25. The company also wishes to emphasise that in all respects, it operates the quarry in accordance with the planning conditions and allegations to date of unauthorised activities or breaches of condition have been unfounded. The company regrets that it seems to have become embroiled in a wider controversy over the future development of the town, and that its traffic has been singled out for complaint unjustifiably. There have been no changes to the operation of the site either in nature or degree which could conceivably give rise to such a high level of complaint for such a sustained period legitimately.

26. The proposed extension is fully compatible with the Joint Local Plan strategy, vision and objectives. It is compatible with the following Plan objectives,

- Objective 1 - supporting the efficient use of materials in the design and construction of development and supporting a reduction in the amount of waste generated by individuals and organisations; meeting national and local targets for high quality recycling

29. Policy W02 part 1 gives support 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.
30. Policy W10 part 2 maximises 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.
31. Policy W10 part 3 a) gives 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.
32. Policy W11 part 4 supports the re-use and recycling of CD&E waste at the point of arising 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.
33. We submit that the proposal is fully in accordance with these policies and principles and are confident there is sufficient evidence to demonstrate that the proposed development is not in conflict with the development plan. We have chosen not to address the subject matter of the development management policies in detail except for those related to traffic (policy D03). However, in any event, we consider that the proposal meets the requirements of all these policies, including D03.
34. In the light of this evidence, the company respectfully asks the joint authorities to reconsider their decision to discount to Whitewall Quarry for allocation in the Minerals and Waste Joint Local plan for expansion of the area used for recycling of construction, demolition and soil waste for secondary aggregates within the existing quarry void and we ask that a Site Specific allocation is made at Whitewall for this purpose.

Driver tips

For trips which require travel through Butcher Corner, air quality can be improved by observing the following driving tips:

- drive smoothly
- switch engine off when stationary
- shift to a higher gear as soon as possible.

For further information on driving more efficiently see www.energysavingtrust.org.uk/Travel/Driving

Contact us

North Yorkshire County Council
Transport Planning Team
Highways and Transportation
Business and Environmental Services
County Hall, Northallerton DL7 8AH

Phone: **08457 72 73 74**

Email: ltp@northyorks.gov.uk

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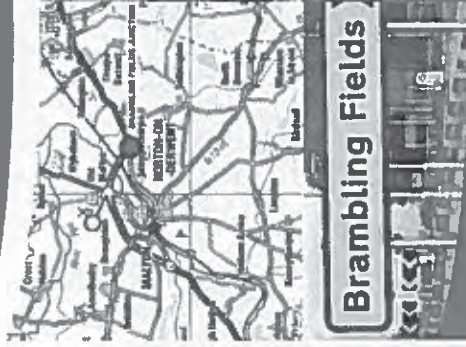
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If you would like this information in another language or format such as Braille, large print or audio, please ask us.

Tel: **01609 532917** Email: communications@northyorks.gov.uk

Brambling Fields Junction



Information for residents and businesses in Malton and Norton

The Brambling Fields junction is located on the A64 east of Malton and Norton. Construction of the junction was completed in September 2012 and the improved layout incorporates a new slip road from the A64 eastbound allowing traffic from York and Pickering to access Norton and destinations in the south of Malton without travelling through Malton town centre.

Business and Environmental Services

A responsive County Council providing excellent and efficient local services

What can you do?

We are seeking the support of residents and businesses in Malton and Norton to reduce traffic congestion and improve air quality in the town centre by, where appropriate, using the upgraded Brambling Fields junction.



Butcher Corner has been designated an Air Quality Management Area (AQMA) due to the high levels of air pollution, which is mostly caused by the high volumes of general and commercial traffic. The AQMA is shown in the map below and we would encourage drivers, including

hauliers delivering to and collecting from premises in the area, to use the Brambling Fields junction to reduce the impact of vehicle emissions on air pollution at Butcher Corner.



What are the benefits?

The above map shows the suggested route for vehicles travelling to and from York and Pickering using the A64 to enable quick and fuel efficient access to Norton (including Norton Grove Industrial Estate) and destinations to the south of Malton.

- queues at Butcher Corner junction (Malton town centre) caused by congestion.

Businesses and residents can use the Brambling Fields route to ensure they reach their destination quicker and more reliably with reduced fuel consumption by avoiding driving in stop-start conditions in the town centre, especially during the busy hours of the day.

Driving this route can improve journey time reliability as there is a reduced risk of being delayed due to:

- queues at the level crossing in Malton

JACOBS™

Malton & Norton Strategic Transport Assessment

Final Report


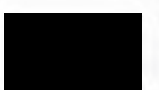


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RYEDALE
DISTRICT
COUNCIL



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Appendices

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**1****Introduction****1.1 Ryedale District Local Development Framework**

- 1.1.1 Jacobs was appointed by Ryedale District Council to undertake a Strategic Transport Assessment (STA) to help inform their new Local Development Framework (LDF).
- 1.1.2 The LDF will eventually replace the current Local Plan, forming the development plan for Ryedale to 2026. The LDF is made up of a Core Strategy setting out the broad strategy and vision for the District, and allocation documents which will set out specific areas for future development. This study forms part of the evidence base underpinning the preparation of the LDF.

1.2 Objectives of the Study

- 1.2.1 The purpose of the study is to evaluate the traffic impacts associated with potential strategic development in Malton and Norton by 2026. It also considers the requirements of North Yorkshire County Council (NYCC) as the highway authority within the local area.
- 1.2.2 A SATURN traffic model, which is a computer simulation of traffic movements, was used to evaluate the impact of the additional vehicles associated with the proposed strategic developments in Malton & Norton.
- 1.2.3 The main objectives of the study are:
- To test the impact of strategic development locations on the road network in Malton and Norton.
 - To evidence the quantum of development that can be accommodated in Malton and Norton with out an unacceptable impact on the highway network.
 - To identify any potential highway capacity problems with particular development scenarios.
 - To identify deliverable highway infrastructure improvements that are likely to be required to accommodate development to go ahead without resulting in an unacceptable impact on the highway network.
 - To identify other improvements for further investigation that may not be immediately deliverable, but could provide significant capacity improvements to the local highway network.

1.3 Report Structure

- 1.3.1 Following this introduction, the report is divided into 18 Sections.
- 1.3.2 Section 2 describes the methodology used for the assessment and Section 3 describes the development sites, groups and scenarios.

- 1.3.3 Sections 4 to 12 discuss the assessment of the development traffic from each of the scenarios and the impact it has on the highway network, the results of which are summarised in Section 13.
- 1.3.4 The engineering solutions to improve the capacity of key junctions are discussed in Section 14.
- 1.3.5 Sections 15 describes the proposed link roads associated with the larger Woolgrowers and Norton East developments and Section 16 describes the proposed Grade Separated Junction between Broughton Road and the A64.
- 1.3.6 The report is concluded in the last three sections where Section 17 recommends development scenarios, Section 18 summarises the preferred scenario and Section 19 gives a summary and conclusion.
- 1.3.7 A Technical Annex has been created to accompany this report. The Annex displays ratio of flow to capacity (RFC) values for all scenarios along with model outputs from junction capacity assessments.
- 1.4 Scope of the Modelling**
 - 1.4.1 This report makes specific reference to actual sites in Malton and Norton, many of which are being put forward by landowners for inclusion in the LDF. These have been included in this modelling work by virtue that they represent potential development sites. However their inclusion in this study does not imply the site will be allocated in the LDF and /or that planning permission will be granted.
 - 1.4.2 This report looks at the broad cumulative impact on the highway network of potential development sites in areas around Malton and Norton. It therefore is a Strategic Transport Assessment to inform choices for the LDF and does not replace the need for a detailed transport assessment in progressing individual sites.

2 Methodology

2.1 Introduction

2.1.1 This section of the report describes the methodology which has been used to examine the effects of a number of development scenarios on the local highway network, the tools used to investigate and calculate future congestion levels and the software solutions used to mitigate this congestion.

2.1.2 The report details some of the key characteristics of the Malton and Norton local highway network. To assist the reader, Appendix A contains an annotated map of Malton and Norton showing the key roads and junctions within the local highway network.

2.2 Previous Work Completed Prior to the Assessment

Malton & Norton - Base Traffic Model

2.2.1 In 2008 Jacobs was commissioned by NYCC to develop a traffic model of Malton and Norton to be used to test a number of proposed highway improvements across the local highway network.

2.2.2 A validated model was developed using the SATURN software package. The model uses a base year of 2008 and includes all the major highway links and junctions in both Malton and Norton (A64, Musley Bank Junction, A169 and the Brambling Fields Junction).

Brambling Fields & Butcher Corner Restrictions

2.2.3 Ryedale District Council (RDC) is committed to improving air quality in Malton. Studies have shown that the best way to do this is to reduce congestion caused by heavy good vehicles (HGVs) at Butcher Corner in the heart of Malton town centre.

2.2.4 The Butcher Corner junction has been designated as an Air Quality Management Area (AQMA). An AQMA is a designated zone where special air quality management proposals (defined in an air quality action plan) are proposed by the local authority to improve air quality and ensure that Air Quality Objectives are met.

2.2.5 At present, due to the existing layout of the A64 Brambling Fields junction, HGVs wishing to access Scarborough Road in Norton have no option but to travel through Butcher Corner. As such, there are proposals to construct an additional slip road at the Brambling Fields junction which would allow HGVs to travel from the A64 to Scarborough Road in Norton without having to go through Butcher Corner.

2.2.6 To test the effects of the additional slip road at Brambling Fields the scheme has been added to the Do Minimum SATURN traffic model of Malton and Norton. Model tests found that the additional slip road alone did not attract many vehicles as the

route through the existing Butcher Corner junction, through Malton and Norton, is more attractive.

2.2.7 In order to bring the required air quality, pedestrian and other environmental benefits to Butcher Corner, it is both desirable and necessary to restrict traffic capacity which will increase journey times, thus making the town centre less attractive to drivers who will be persuaded to reroute onto the A64. To accomplish this, North Yorkshire County Council with support from Ryedale DC is proposing a number of additional measures in the town centre which include:

- A change in the signal timings at Butcher Corner to include an additional pedestrian phase.
- The removal of one traffic lane on the Castlegate approach to the junction which will restrict capacity.
- Vehicles will be banned from using Railway Street and Norton Road which otherwise may be used as a rat run.
- HGVs will be banned across the level crossing, except for those requiring access to local businesses.

2.2.8 These additional measures along with the additional slip road at Brambling Fields have been tested in the SATURN traffic model. The model has shown that applying these measures will have the desired effect and traffic will use the A64 and Brambling Fields to get to Norton. The SATURN model network with these network improvements in place has been used as the base network for the Malton & Norton Strategic Transport Assessment (STA).

Malton & Norton Transportation Review & Strategy

2.2.9 Previous to the Malton and Norton Strategic Transport Assessment, Jacobs was commissioned in July 2008 by Ryedale District Council (RDC) to undertake a very similar but smaller scale study to analyse Malton town centre's transportation network in light of a number of proposed allocated and committed developments within the area.

2.2.10 These developments were identified within RDC's Town Centre Strategy (TCS) and LDF, and RDC were keen to ensure that the impact of the developments was kept to a minimum.

2.2.11 The developments sites which this study investigated are the Group 1 (Stage 1 and Stage 2) sites mentioned later in this report (Section 3.2).

2.2.12 The analysis of the transport network following the proposed Group 1 developments showed that improvements were necessary to the route into the town centre along Broughton Road and Newbeggins.

2.2.13 The options that were developed as part of the study were improvements to the Pasture Lane junction; these options were designed to allow more capacity.

Malton Traffic Management Strategy (TMS)

- 2.2.14 In 2005 North Yorkshire County Council developed a TMS for Malton and Norton aimed at securing long lasting transport improvements, especially for vulnerable road users, whilst maximising the economic and environmental well being of the towns and minimising existing or potential sources of detrimental impact.
- 2.2.15 The TMS was the result of substantial consultation with Ryedale District Council, Malton Town Council, Norton on Derwent Town Council, transport operators, police and emergency services, and other key partners and stakeholders.
- 2.2.16 The strategy proposed, identified, costed and prioritised a programme of schemes for implementation. A phasing programme was devised to implement the Malton and Norton Transportation Strategy, which sets out the main measures and options, the timescale for implementation and the current estimated cost of the projects.
- 2.2.17 NYCC's Ryedale Area committee agreed to the programme and an officer group was established to oversee the implementation of the study.
- 2.2.18 To date a number of schemes have been implemented, some schemes have been cancelled and some schemes are still to be implemented and as such currently sit on NYCC's Reserve List of Schemes. Reserve List schemes which are still required have been brought forward into the SCTS process described below for further investigation.

Malton and Norton Service Centre Transportation Strategy (SCTS)

- 2.2.19 An SCTS involves the identification of transportation improvement schemes and initiatives aimed at helping to build sustainable communities, through contributing to NYCC's second Local Transport Plan (LTP2) Objectives.
- 2.2.20 A total of 28 Service Centre study areas have been identified across North Yorkshire using the outcomes from the Regional Spatial Strategy Settlement Study, carried out by NYCC on behalf of the Regional Assembly.
- 2.2.21 For the 14 areas where a TMS has been undertaken (of which Malton & Norton is one) the aim of the SCTS approach is to capture and report on the transportation and accessibility issues within the town centres and the surrounding hinterland.
- 2.2.22 At the time of writing this report the Malton and Norton SCTS is currently at the public consultation stage after identifying a number of improvement schemes. These improvement schemes have been identified through a TMS and Reserve List review and through stakeholder consultation.
- 2.2.23 The Brambling Fields and Butcher Corner improvements and the recommended junction improvements described in this report have also been taken on board and form part of the SCTS public consultation.



2.3 SATURN Software Model

- 2.3.1 The Malton and Norton traffic model was originally developed by Mouchel Parkman in 2004. Mouchel Parkman were commissioned by NYCC to develop the traffic model to assess the transport implications of the strategic developments in Malton and Norton and transport schemes and packages, including the Brambling Fields junction and Butcher Corner restrictions.
- 2.3.2 The model has been built using the SATURN software package which is capable of modelling the impacts of new developments and proposed transport improvements both on the overall highway network and on individual roads and junctions.
- 2.3.3 The traffic model covers the whole of the built up area of Malton and Norton as far as and including the A64 around the northern edge of the town. All the main routes through the town including the B1248 York Road, B1258 Scarborough Road, B1257 Broughton Road and B1248 Beverley Road are represented in the traffic model.
- 2.3.4 As part of the process of developing the traffic model extensive data collection was undertaken throughout the detailed study area in 2004 and a highway inventory of the key junctions on the network was produced. The data collection included roadside interview surveys, manual and automatic link flow counts and junction turning counts.
- 2.3.5 This data was used to build the 2004 (base year) transport model for the AM (0800-0900) and PM (1700-1800) peak hours and the average inter peak hour (the average hourly flows between 0900-1700).
- 2.3.6 Using this data Jacobs has recalibrated and validated the 2004 traffic model to a base year of 2008. The 2008 model has been calibrated and validated, in accordance with Government guidance, to reflect the local traffic and travel patterns and to ensure that it is sufficiently robust to reliably assess the transport impacts of schemes and developments within Malton and Norton.
- 2.3.7 To produce a robust assessment of the impacts on the highway network the morning peak hour traffic model, the busiest of the two peak periods, has been chosen. The plan period for Ryedale's LDF, in providing housing, employment, retail and other development is to 2026. Therefore the model has been robustly set to consider traffic levels in 2026, assessing the AM peak with the Brambling Fields and Butcher Corner improvements incorporated in to the model.
- 2.3.8 The assessments of the road network against the various development scenarios are therefore based on the imperative of having completed the Brambling Fields interchange improvement and the supplementary Butcher Corner schemes.

2.4 Engineering Solutions to Facilitate Development

- 2.4.1 A package of junction improvement measures is essential to the accommodation of additional development in Malton/Norton. These mitigation measures will eliminate congestion or at least reduce the congestion to levels associated with the baseline scenario in 2026. Without these mitigation measures the development scenarios will present unacceptable impacts on the local road network.

2.4.2 At this stage, improvement options are being considered at a strategic level as detailed designs are not yet required. The strategic work undertaken has focussed on four junction improvements (listed below). The four junction improvements are:

- Welham Road / Castlegate / Church Street (Welham Road Junction)
- Castle Howard Road / Yorkersgate / York Road (Castle Howard Road Junction)
- Pasture Lane / Newbeggin / Mount Crescent / Broughton Road (Pasture Lane Junction)
- Westfield Way / Scarborough Road (Westfield Way Junction)

2.4.3 For each of the four junctions a deliverable junction improvement has been developed which can be constructed within the existing highway boundary. A further set of measures have been developed which provide maximum capacity at each junction but will require land take or further investigation. These are discussed later in the report and summarised in Section 14 (Engineering Solutions to Facilitate Development).

2.4.4 These junction improvement options will provide improved access to the strategic developments and accommodate the additional traffic generated by the developments.

2.5 Major Scheme Design and Highway Cost Estimates

2.5.1 As part of this study, Jacobs were asked to provide an outline design and indicative cost estimate for the provision of the grade separated junction (GSJ) between Broughton Road and the A64. A basic design and costing for this junction was considered as part of the preparation of the Malton and Norton TMS in 2005. However a more detailed desktop study has now been carried out to provide an updated design and costing for the scheme. In addition to this commission, NYCC commissioned Jacobs to assess different options and associated costings for the accommodation of junction at this location. This major scheme design is discussed later in Section 16.

2.5.2 All details including costing for the four junction improvements proposed can be found in Section 14.

3 Development Sites and Scenarios

3.1 Introduction

- 3.1.1 This section of the report describes the development sites which have been tested as part of the study and the assumptions made to estimate the trip generation from each development site.
- 3.1.2 As the full details of the sites are not yet known, Ryedale District Council in partnership with Jacobs have applied some general assumptions with regard to the footprint size, development type mix and trip generation and trip distribution for each development site
- 3.1.3 To provide a set of effective and easy to compare/understand results the traffic modelling and the trip generation for each development site has been based on the 2026 AM peak. It is generally accepted that the AM peak is the busiest peak in terms of traffic movements within the local area.

3.2 Grouped Development Sites

- 3.2.1 A number of potential development sites in Malton, Norton and Old Malton have been put forward through the RDC's Local Development Framework for potential development.
- 3.2.2 From the sites modelled, there are 5 different types of development have been identified for Malton and Norton. These are set out below in order of how much traffic is generated by these types of development (their trip generation magnitude):



- 3.2.3 Whilst this study has considered actual sites put forward to RDC, this study groups them together to form a strategic view of the transport impacts of this additional development. Sites are not considered on an individual basis except for the Woolgrowers and Norton East sites due to their scale.



3.2.4 In order to realistically test the effects of these development sites on the local highway network, the sites have been divided into 5 groups based on location, size and or phasing as follows

- Group 1 – Stage 1 and Stage 2 Brownfield Development Sites
- Group 2 – Malton Based Sites
- Group 3 – Norton Based Sites
- Group 4 – Woolgrowers Development Site
- Group 5 – Norton East Development Site

3.2.5 The details of each group are as follows in Sections 3.3 – 3.7.

3.3 Group 1 - Stage 1 & Stage 2 Town Centre Brownfield Developments

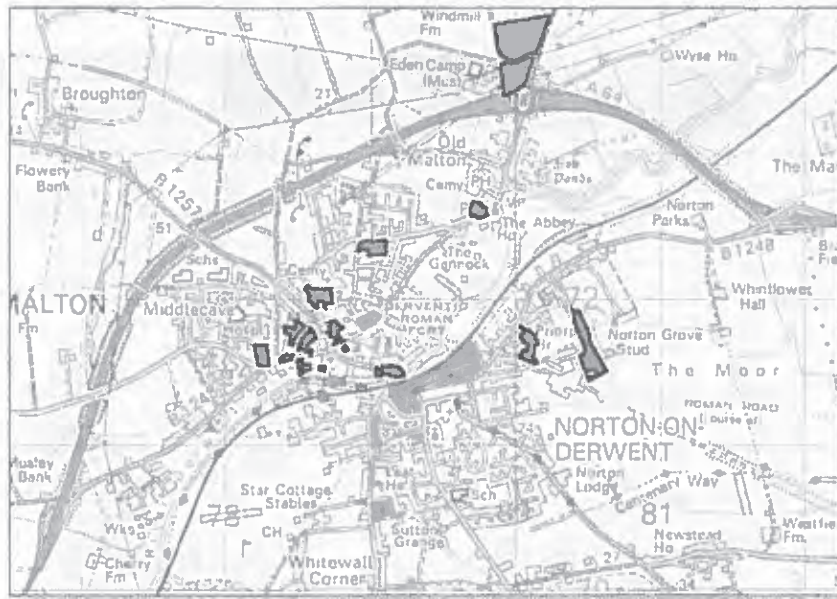


Figure 3.1 Group 1 Developments

3.3.1 Group 1 consists of 2 stages. Stage 1 consists of those sites considered through the Malton Town Centre Strategy. For this stage the sites which involve trip generating development have been considered. These are:

- Livestock Market
- Wentworth Street Car Park
- Pasture Lane / Showfield Lane
- East Mount / Old Maltongate
- Mount Hotel

3.3.2 Stage 2 consists of some sites that are likely to come forward in the near future, some previously developed ('brownfield') sites, sites where planning permission has been sought and those sites considered through the Malton & Norton River/Rail Corridor Study. They are listed as:

- | | |
|--|--|
| • Ryedale Business Park, Eden Road | • Sheepfoot Hill/Castlegate |
| • Manor Park | • Former Travis Perkins Builders Yard, Yorkersgate |
| • Highfield Lane | • Robsons Garage, Welham Road |
| • Barton Cottage | • Former Dewhirst factory, Welham Road |
| • Land West of York Road Industrial Estate | • Elements of the 'Woolgrowers' site |
| • Norton Grove Industrial Estate | |
| • Redrow Housing Site, Scarborough Road | |

3.3.3 The developments in Group 1 are included within all 9 scenarios. The development assumptions made for the Group 1 (Stage 1 & Stage 2) development sites are as follows:

Development Site	Development Type	Plot Area
Livestock Market	Retail - Basket	1000 m ²
	Retail - Other	800 m ²
	Residential - Min Flats	58 units
	Residential - Max Flats	98 units
Wentworth Street Car Park	Retail - Trolley	3000 m ²
Pasture Lane/ Showfield Lane	Residential	4.6 ha
	Employment B1	16667 m ²
	Employment B2	16667 m ²
	Employment B8	16667 m ²
	Retail – Bulky Goods	3709 m ²
	Cattle Market	2 ha
East Mount/Old Maltongate	Residential - Flats	36 units
Mount Crescent Hotel	Residential - Flats	15 units
Ryedale Business Park, Eden Road	Employment B1	39867 m ²
	Employment B2	39867 m ²
	Employment B8	39867 m ²
Manor Park	Employment B1	10100 m ²
Highfield Lane	Residential	56 units
Barton Cottage	Residential - Sheltered Acc	48 units
Land West of York Road Industrial Estate	Employment B1	6.35 ha
	Employment B2	6.35 ha
	Employment B8	6.35 ha
Norton Grove Industrial Estate	Employment B1	1.3 ha
	Employment B2	1.3 ha
	Employment B8	1.3 ha
Redrow Housing Site, Scarborough Road	Residential	128 units
Sheepfoot Hill/Castlegate	Retail	11100 m ²
Former Travis Perkins Builders Yard, Yorkersgate	Residential - Flats	14 units
Robsons Garage, Welham Road	Retail	3200 m ²
Former Dewhirst factory, Welham Road	Housing	15 units
	Education - Nursery	2100 m ²
	Retail	2100 m ²
Elements of the 'Woolgrowers' site	Residential - Housing	161 units
	Residential - Flats	53 units

Table 3.1 Group 1 Development Assumptions

Development Type	Total Plot Area
Retail	27 ha
Residential	667 units + 4.6 ha
Education	0.2 ha
Employment	41 ha

Table 3.2 Group 1 Total Development by Type

3.4 Group 2 - Malton Based Development Sites



Figure 3.2 Group 2 Developments

3.4.1 Group 2 consists of 12 development sites north of the River Derwent, in and around Malton. These are:

- Middlecave Road
- Castle Howard Road
- Land East of Broughton Road
- York Road Industrial Estate
- Ryedale House and Tennis / Bowls Club
- Ashfield, Old Malton Road
- Coronation Farm, Old Malton
- Thackrays Yard, Old Malton and Hunters Hill
- Malton School, Middlecave Road and Land Rear of N^o 67 Middlecave Road
- 35 York Road
- Dickens Road
- Old Malton – Westgate Lane and Allotments

3.4.2 The development assumptions made for the Group 2 development sites are as follows:

Development Site	Development Type	Plot Area
Middlecave Road	Residential	539 units
	D2 - Tennis & Bowls Club	3.25 ha
Castle Howard Road	Residential	339 units
Land East of Broughton Road	Residential	435 units
York Road Industrial Estate	Employment B1	0.34 ha
	Employment B2	1.78 ha
	Employment B8	0.59 ha
Ryedale House and Tennis / Bowls Club	Residential	93 units
Ashfield, Old Malton Road	Residential	20 units
Coronation Farm, Old Malton	Residential	10 units
Thackrays Yard, Old Malton	Residential	20 units
Malton School, Middlecave Road	Residential	12 units
35 York Road	Residential	18 units
Dickens Road	Residential	71 units
Old Malton	Residential - S Westgate Lane	345 units
	Residential - Allotments	5 units

Table 3.3 Group 2 Development Assumptions

Development Type	Total Plot Area
Residential	1907 units
Employment	2.71 ha
Leisure	3.25 ha

Table 3.4 Group 2 Total Development by Type

3.5 Group 3 - Norton Based Development Sites



Figure 3.3 Group 3 Developments

3.5.1 Group 3 consists of 9 development sites south of the River Derwent in and around Norton. These are:

- Land West of Welham Road
- Whitewall Gallops, Welham Road
- Welham Fisheries, off Lakeside Gardens
- Sutton Farm, Langton Road
- Cheesecake Farm, Beverley Road
- Hawthorns, Beverley Road
- Westfield Nurseries, Scarborough Road
- Land Rear of 115-119 Scarborough Road
- Land East of 101-137 Welham Road

3.5.2 The development assumptions made for the Group 2 development sites are as follows:

Development Site	Development Type	Plot Area
Land West of Welham Road	Residential	285 units
Whitewall Gallops, Welham Road	Residential	139 units
Welham Fisheries, off Lakeside Gardens	Residential	168 units
Sutton Farm, Langton Road	Residential	28 units
Cheesecake Farm, Beverley Road	Residential	89 units
Hawthorns, Beverley Road	Residential	16 units
Westfield Nurseries, Scarborough Road	Residential	173 units
Land Rear of 115-119 Scarborough Rd	Residential	2 units
Land East of 101-137 Welham Road	Residential	191 units

Table 3.5 Group 3 Development Assumptions

Development Type	Total Plot Area
Residential	1091 units

Table 3.6 Group 3 Total Development by Type



3.6 Group 4 - Norton East

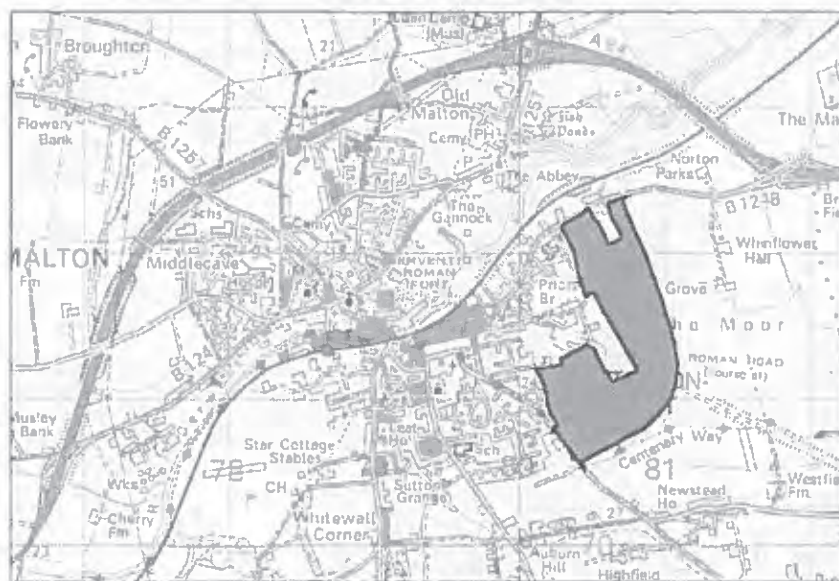


Figure 3.4 Group 4 Developments

- 3.6.1 The scale of the Norton East Development Site at over 90 hectares means that it would be in effect an expansion of Norton rather than numerous extensions to it as shown in Group 3. As such it is appropriate that it is tested individually and cumulatively.
- 3.6.2 Associated and integral to bringing this development site forward is a link road which runs through the site providing access to the various elements of the development. As the link road is proposed to connect into the existing highway network at Scarborough Road to the north and Beverley Road to the south it will have the added benefit of acting as a bypass for some traffic which would otherwise use Norton town centre. This link road has been included in the traffic model when the Group 4 traffic is being tested. Further details on this link can be found in Section 15.
- 3.6.3 The development assumptions made for the Group 4 development sites are as follows:

Development Site	Development Type	Plot Area
Norton Grove Industrial Estate	Residential	1500 Units
	Employment	13.27 Ha
	Retail (Bulky Goods)	13.27 Ha
	Leisure	0.02 Ha

Table 3.7 Group 4 Development Assumptions

3.7 Group 5 - Woolgrowers

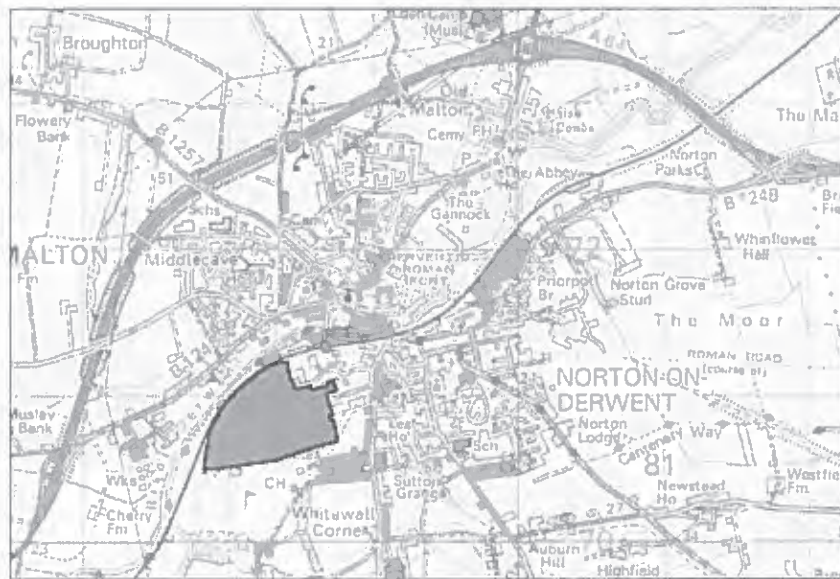


Figure 3.5 Group 5 Developments

- 3.7.1 Similar to Group 4, Group 5 also consists of a single site referred to as the **Woolgrowers Development Site**. The scale of this site again constitutes an expansion of Norton rather than numerous extensions as shown in Group 3. Therefore it is also appropriate to assess it individually and cumulatively.
- 3.7.2 Some of the Woolgrowers site is included in the Stage 2 sites of Group 1. This has been taken into account in this group to avoid double counting.
- 3.7.3 Similar to the Norton East development site, the Woolgrowers site has an associated link road which runs through the site providing access to the various elements of the development and essential to bringing the site forward. The link is proposed to connect into the existing highway network at York Road to the north and Welham Road to the east. This link road has been included in the traffic model when the Group 5 traffic is being tested. Further details on this link can be found in Section 15.
- 3.7.4 The development assumptions made for the Group 5 development sites are as follows:

Development Site	Development Type	Plot Area
Woolgrowers	Residential	700 units
	Employment B1	0.97 ha
	Employment B2	0.73 ha
	Retail	0.97 ha
	Leisure	5.0 ha

Table 3.8 Group 5 Development Assumptions

3.8 Development Scenarios

3.8.1 From the 5 development groups, nine scenarios have been created to test the impacts of the development both individually and cumulatively. This allows the traffic impacts of varying levels of development to be tested in Malton and Norton.

3.8.2 Each Scenario contains the Group 1 developments as a common element.

3.8.3 The groups included within each Scenario are shown in Table 3.9 below.

Scenario	Group 1 (Stage 1 & 2)	Group 2 (Malton)	Group 3 (Norton)	Group 4 (Norton East)	Group 5 (Woolgrowers)
1	●				
2	●	●			
3	●		●		
4	●	●	●		
5	●			●	
6	●				●
7	●	●	●	●	
8	●	●	●		●
9	●	●	●	●	●

Table 3.9 Development Scenarios

3.9 Development Site Size and Trip Generation

3.9.1 Each of the individual development sites within each of the five groups will generate traffic on the local highway network. To estimate the amount of traffic each development site will generate, a number of assumptions have been made regarding development size, type, vehicle type split, travel plan measures and interactions with other sites.

3.9.2 The generated trips due to the new developments are calculated by multiplying trip rates by the corresponding planning data as follows:

- Residential trips = residential trip rate (number of trips generated by one unit) * number of units;
- Employment trips = employment trip rate (number of trips generated by 1 m² of employment area) * employment area (in m²); and
- Retail trips = retail trip rate (number of trips generated by 1 m² of retail area) * retail area (in m²).

- 3.9.3 Trip rates for the proposed land uses have been generated using the national Trip Rate Information Computer System (TRICS) version 6.2.2. This database has been used to determine likely traffic movements using data from comparable sites.
- 3.9.4 Sites from the Greater London area have been removed from the analysis as they are not considered to provide realistic results as they are not representative of the study area.
- 3.9.5 The remaining areas have been retained for the trip rate calculation to enable a larger pool of data to be available with which to create a robust approximation of the likely number of trips generated by each development. To avoid reducing the available dataset further, all location types (e.g. suburban areas, out of town etc) have been incorporated into the analysis.
- 3.9.6 The trip rates have been calculated for a weekday AM peak (08:00 – 09:00) and so any surveys taking place on a Saturday or Sunday have been removed from the analysis.
- 3.9.7 In line with best practice, trip rates from the ranked 85th percentile have been adopted. Where less than 20 sites are available the average trip rate has been adopted which again is nationally accepted practice.
- 3.9.8 The following land uses classifications have been used under each class to determine a suitable trip rate calculation:
- A1 – Convenience, Retail Park, Car Showroom
 - B1 – Business Park
 - B2 – Industrial Estate
 - B8 – Warehousing (Commercial)
 - D2 – Leisure Centre (unless specific land use detailed)
- 3.9.9 For Groups 2 to 5 the land use mix at each of the mixed use development sites has been assumed as:
- Mixed B1, B2 and B8 – 20:60:20 split
 - Mainly B1 and some B2 – 70:30 split
 - Bulky goods/Car Dealership/Convenience – 60:35:5 split
 - Bulky goods and Convenience – 95:5 split
- 3.9.10 Research has been carried out regarding the variations in trip rates at multiple use sites, such as the 'Norton East' and the 'Greater Woolgrowers' development. It has been estimated that multi-use sites with four or more developments reduce on average the total number of external trips by up to 20%; this is as a result of 'linked trips' (that is people making a single journey to carry out multiple tasks). (JMP, 2005).
- 3.9.11 However, as there is generally a generous supply of parking at multi-use sites, on average an additional 25% trips are generated. Therefore, trip reduction benefits of

a multi-use site are lost where parking is generous. This applies to the Norton East and Woolgrowers development sites and as such no reductions or additions have been applied.

Heavy Goods Vehicles (HGV)

- 3.9.12 HGV movements associated with the development proposals have been calculated using the TRICS database, following the same methodology and criteria as detailed earlier. Trip rates have been calculated for Public Service Vehicles (PSVs) and Ordinary Goods Vehicles (OGVs).
- 3.9.13 Some surveys were unable to supply information for OGV or PSVs. Where this data was not readily available, trip rates for a similar land use have been adopted.

Transport Assessments

- 3.9.14 As part of their planning application, 5 of the development sites within Group 1 have had a Transport Assessment submitted to the County Council and the District Council. As these Transport Assessments were written specifically for the development site in question they provide more accurate trip generation data than an estimated number of trips calculated using the TRICS database.
- 3.9.15 As such the trip generation for the following sites have been extracted directly from their Transport Assessments:
 - Livestock Market
 - Ryedale Business Park
 - Manor Park
 - Land West of York Road Industrial Estate
 - Norton Grove Industrial Estate

3.10 Development Density Ratios

- 3.10.1 Given the strategic nature of this study, only the total plot size or area of each development is known, unless stated otherwise in a Transport Assessment. However to estimate trip rates using the TRICS database the area of useable floor space is required, and therefore a number of density ratios have been used to convert from total plot area to useable floor space.
- 3.10.2 The development density ratios have been estimated based on the different land use types and previous planning submissions and are as follows:

Land Use	Ratio of Total Area to Useable Area	% Useable Area
A1 Convenience Retail	1:3.45	29%
A1 Bulky Goods Retail	1:4.9	20%
B1	1:7.19	14%
B2	1:4.11	24%
B8	1:4.11	24%
D2	1:2.84	35%

3.11 Development Trip Distribution

- 3.11.1 The distribution of traffic to and from each of the proposed development sites is determined by its origin and destination.
- 3.11.2 To distribute the traffic generated by each development site the SATURN traffic model has been used to produce trip distributions using nearby comparative zones within the model.
- 3.11.3 This allows the existing patterns of distribution of traffic from existing residential, employment and other development sites to be mirrored in the proposed sites.

3.12 Development Site Interaction (Linked Trips)

- 3.12.1 It is anticipated that the proposed new development sites are likely to interact and will attract traffic to and from each other. The new employment sites will attract traffic from both the existing residential sites, the new residential developments and from destinations further a field via the A64.
- 3.12.2 This means that the two way traffic generation calculated for each development site can not be directly added to the traffic model as some of this traffic will be double counted within another development site.
- 3.12.3 An exercise has therefore been undertaken using the existing distribution of traffic to determine the likely reduction in generated traffic from employment, residential and other land uses required to eliminate this double counting. The calculated reduction for each land use is show in Table 3.10 below.

Land Use	Direction	% Reduction
Employment	Inbound	21%
	Outbound	23%
Residential	Inbound	8%
	Outbound	11%
Other	Inbound	1%
	Outbound	2%

Table 3.10 Land Use Interaction Trip Reduction

3.13 Mode Choice Trip Reduction

- 3.13.1 The physical characteristics of Malton and Norton are such that the percentage of residents that travel to work by sustainable modes will be significantly greater than the national average. In order to quantify this difference the 2001 Census data was analysed, with information obtained from www.neighbourhood.statistics.gov.uk.
- 3.13.2 Data for the wards of Malton and Norton was reviewed, alongside data depicting the national average; this information was taken from the 'Census Area Statistics' topic utilising the 'Method of Travel to Work (Resident Population)' sub-topic which provides details of mode choice across the ward.
- 3.13.3 For the purposes of this comparison it was considered that a number of categories would be excluded from the calculations as they would not contribute to the number of vehicles on the road. These consisted of 'Works mainly at or from home',

'Passenger in a car or van' and 'Not currently working'. The remaining categories are considered to represent the proportions of modes residents use to travel to and from their place of employment.

- 3.13.4 Four modes of public and sustainable travel were considered in this assessment as an alternative to a private vehicle trip; 'Bicycle', 'On foot', 'Train' and 'Bus'. The number of people utilising these modes, for their journey to work, was calculated as a percentage of the total population who currently travel to a place of employment (having excluded the categories referred to above).
- 3.13.5 It can be seen from Table 3.11 below that the percentage of the population who cycle or walk to work in Malton and Norton is considerably higher than the National Average. It is also clear that the percentage commuting by train and bus is lower than across the country as a whole. As such it is considered viable that the traffic generation calculated from TRICS and Transport Assessments, both of which are based on the national average, should be adjusted to account for this.
- 3.13.6 As the table demonstrates, the overall difference, taking into account positive and negative values, for Malton and Norton, compared to the National Average, is 8% and 13.2% respectively. An average reduction factor of 10.6% has therefore been applied to employment to residential and residential to employment trips.

Mode	Area (Ward)			Difference from National Average	
	England	Malton	Norton	Malton	Norton
Bicycle	3.3%	8.2%	14.6%	4.9%	11.3%
On Foot	11.8%	22.6%	21.9%	10.8%	10.1%
Train	5.0%	2.2%	1.5%	-2.8%	-3.5%
Bus	8.9%	4.0%	4.2%	-4.9%	-4.7%
Total	29.0%	37.0%	42.2%	8.0%	13.2%

Table 3.11 Mode Change Trip Reduction

3.14 Congestion Analysis of Scenarios

3.14.1 The next 9 sections of this report give commentary on each of the nine development scenarios including the traffic impact on the local highway network, the advantages and disadvantages of each scenario, and a recommendation summary for each scenario.

3.14.2 To test the impact of the development locations on the Malton & Norton highway network the congestion levels created by the development traffic have been measured using the ratio of flow to capacity (RFC)¹ on each arm at each of the key junctions listed below.

3.14.3 The congestion analysis focuses on five key junctions because they were flagged up by the traffic model as being over capacity when the traffic from Scenario 9 was assigned to the highway network.

- Castle Howard Road / Yorkersgate / York Road
- Welham Road / Castlegate / Church Street
- Westfield Way / Scarborough Road
- Pasture Lane / Broughton Road / Newbeggin / Mount Crescent
- Butcher Corner

3.14.4 The locations of the junctions are shown in Figure 3.6 below.



Figure 3.6 Key Junction Locations

¹ Ratio of flow to capacity (RFC) at the junction, i.e. how much traffic is using the junction in comparison to the maximum amount of traffic the junction can theoretically accommodate before becoming congested.

- 3.14.5 In addition to the four junctions the following junctions have also been assessed using the traffic model.
- Town Street / Old Malton Road / Highfield Road
 - Railway Street / Yorkersgate
 - Norton Road / Castlegate / Church Street
 - The Level Crossing on Castlegate
 - Wold Street / Commercial Street / Church Street
 - Mill Street / Scarborough Road / Commercial Street
- 3.14.6 For each of the nine scenarios the nationally recognised level of congestion (RFC) at each of the junctions listed above has been compared to the level of congestion (RFC) created by the traffic associated with Scenario 1.
- 3.14.7 Each scenario compares results with and without mitigation measures. These measures are the improvements to the junctions that are deliverable within the highway boundary. The detail of these measures is covered in Section 14. The commentary considers these deliverable mitigation measures in assessing what the impact of these scenarios is on the local highway network.
- 3.14.8 The commentary does not consider at this stage the benefit of the Grade Separated Junction (GSJ) at Broughton Road and the A64, given the constraints to bringing such strategic improvements forward, particularly within the timeframe of the LDF. However the improvement to congestion levels at the key junctions in Malton and Norton from a GSJ is considered separately in Chapter 16.
- 3.14.9 Scenario 1 represents the baseline for this study. It is taken as a 'committed' level of development to which the other scenarios will contribute differing levels of additional housing, employment, education and retail etc. The mitigation measures for each junction should eliminate any congestion (RFC<85%) or reduce the congestion levels at the junction to a level less than the congestion in Scenario 1 (without any mitigation measures).
- 3.14.10 To illustrate the magnitude in the level of congestion a traffic light system has been adopted. The results of this assessment have been presented in two tables, one for the 5 key junctions and Butcher Corner and the other for the other six junctions listed above. The traffic light system works as shown in Table 3.12 below. The RFC values associated with each traffic light can be found in the Technical Annex which accompanies this report.




Colour	Meaning	RFC Value Range
	No Congestion	Less or equal to 85% (under capacity)
	Minimal Congestion	Between 85% and 100% (approaching capacity)
	Significant Congestion	Greater than 100% (over capacity)

Table 3.12 Traffic Light System



4 Review of Development Scenario 1

4.1 Scenario Description



Figure 4.1 Scenario 1 Developments

4.1.1 Scenario 1 involves the lowest level of development out of the 9 scenarios and represents the 'committed' baseline scenario of development. Subsequent scenarios will add varying levels of development onto this baseline. Scenario 1 consists of the Group 1 sites (Stages 1 and 2).

4.1.2 The total amount of development within Scenario 1 is as follows.

Development Type	Plot Area (ha)
Retail	27 ha
Residential	4.6 ha + 667 dwellings
Education	0.2 ha
Employment	41 ha

Table 4.1 Scenario 1 Development Totals

4.2 Traffic Generation

4.2.1 As the development sites in Scenario 1 are included in all the scenarios, the traffic generated by Scenario 1 is also included within all the other scenarios and hence Scenario 1 forms a base on which all the Scenario assumptions are built.

4.2.2 The estimated two way traffic flow which will be generated by Scenario 1 is 2487 light vehicles (Cars, Light Goods Vehicles) and 191 heavy vehicles (Heavy Goods Vehicles).

4.3 Congestion

4.3.1 For Scenario 1 the magnitude of the ratio of flow to capacity (RFC) at each of the 5 key junctions is shown in Table 4.2 below. The circular traffic light symbols represent the actual RFC values for each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation
Butcher Corner	Wheelgate	●
	Old Maltongate	●
	Castlegate	●
	Yorkersgate	●
Welham Road Junction	Castlegate	●
	Welham Road	●
	Church Street	---
Castle Howard Road Junction	Castle Howard Road	●
	Yorkersgate	●
	York Road	---
Pasture Lane Junction	Broughton Road	●
	Pasture Lane	●
	Newbeggin	●
	Mount Crescent	●
Westfield Way Junction	Scarb. Rd West	●
	Scarb Rd. East	●
	Westfield Way	●

Table 4.2 Scenario 1 RFC Magnitude (5 Key Junctions)

- 4.3.2 At Butcher Corner there will be congestion on Old Maltongate, Castlegate and Wheelgate with RFCs greater than 100%. Wheelgate will have RFCs less than 85%. The congestion at Butcher Corner is due to the capacity restriction measures applied to the junction as part of the Brambling Fields junction improvement proposals.
- 4.3.3 At the existing Welham Road Junction, Castlegate and Welham Road will have RFCs greater than 100% meaning there will be congestion on both arms of the junction.
- 4.3.4 At the existing Castle Howard Road Junction, Castle Howard Road and Yorkersgate will have no congestion with RFCs less than 0.85.
- 4.3.5 All four arms of the existing Pasture Lane Junction will be congested with RFCs greater than 100%.
- 4.3.6 At the existing Westfield Way Junction, Scarborough Road West and Westfield Way will have no congestion but Scarborough Road East will be congested with an RFC greater than 100%.

4.3.7 The table below shows the magnitude of the congestion at the other six junctions. It is clear that none of the junctions will experience any significant congestion with all RFCs below 100%. The circular traffic light symbols represent the actual RFC values for each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation
Town Street Junction	Highfield Road	●
	Old Malton Road	●
	Town Street	●
Railway Street Junction	Yorkersgate E	---
	Yorkersgate W	●
	Railway Street	●
Norton Road Junction	Castlegate	●
	Church Street	---
	Norton Road	●
Level Crossing	Castlegate	●
	Church Street	●
Wold Street Junction	Church Street	●
	Commercial Street	---
	Wold Street	●
Mill Street Junction	Commercial Street	●
	Scarborough Road	---
	Mill Street	●

Table 4.3 Scenario 1 RFC Magnitude (Other Junctions)

4.4 Queues

4.4.1 At the Welham Road junction the traffic on Castlegate will queue back to the Sheepfoot Hill junction and on Welham Road the traffic will queue back to St. Nicholas Street. Church Street has priority and so will not have any significant queues.

4.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to the school playing fields. Traffic on Newbeggin, Pasture Lane and Mount Crescent will also experience some queuing and delays.

4.4.3 Traffic using the Castle Howard Road and Westfield Way junctions and the other six junctions will also have no significant queues or delays.



4.5 Advantages of Scenario 1

- 4.5.1 The congestion across the network will not be significantly worse than existing.

4.6 Disadvantages of Scenario 1

- 4.6.1 There will be localised queuing and congestion at the Pasture Lane junction particularly on Broughton Road and at the Welham Road junction.

4.7 Recommendation Summary

- 4.7.1 Scenario 1 is the base scenario and represents only a limited amount of development against that being proposed through the Local Development Framework (LDF).



5 Review of Development Scenario 2

5.1 Scenario Description

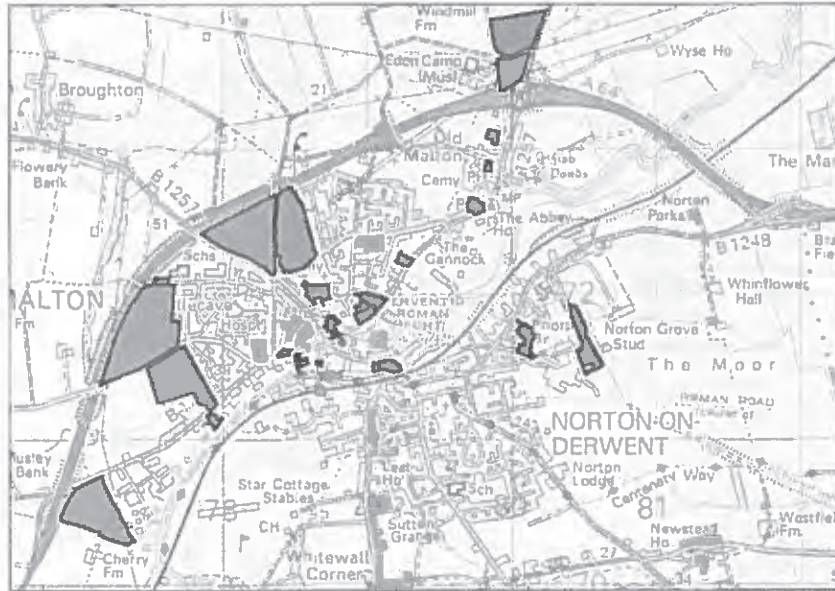


Figure 5.1 Scenario 2 Developments

5.1.1 Scenario 2 includes all the development sites from Scenario 1 plus the development sites from Group 2. This Scenario allows an assessment of the effects of the traffic associated with the development sites in Malton (i.e. north of the River Derwent).

5.1.2 The total amount of development within Scenario 2 is as follows.

Development Type	Plot Area (ha)
Retail	27 ha
Residential	4.6 ha + 2574 dwellings
Education	0.2 ha
Employment	44 ha
Leisure	3 ha

Table 5.1 Scenario 2 Development Totals

5.2 Traffic Generation

5.2.1 The estimated two way traffic flow which will be generated by Scenario 2 is 3953 light vehicles and 204 heavy vehicles.

5.3 Increase in Congestion

5.3.1 For Scenario 2 the magnitude of the congestion with and without mitigation in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 2 No Mitigation	2026 AM Scenario 2 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 5.2 Scenario 2 RFC Magnitude (5 Key Junctions)

- 5.3.2 As with Scenario 1 there will be congestion on Old Maltongate, Castlegate and Yorkersgate at the Butcher Corner junction. In comparison to the Scenario 1 traffic there will be little if any increase in congestion at Butcher Corner.
- 5.3.3 The capacity restriction measures at the Butcher Corner junction are designed to keep the junction operating just over 100% capacity. This increases journey times which causes traffic to find alternative routes i.e. the A64 and Brambling Fields.
- 5.3.4 At the Welham Road Junction, without mitigation, Castlegate and Welham Road will be congested. With mitigation Castlegate is given priority and therefore will have no congestion. Welham Road and Church Street will also not be congested. Overall, with mitigation measures in place, the congestion created by the Scenario 2 traffic will be less than that created by the Scenario 1 traffic on the existing junction layout.
- 5.3.5 At the Castle Howard Road Junction, relative to Scenario 1, there will be a substantial amount of additional congestion both with and without mitigation. This is due to the traffic to and from the major development sites at the north west end of Castle Howard Road.

- 5.3.6 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic. Broughton Road, Pasture Lane and Mount Crescent will however still be over capacity with RFCs greater than 100% and Newbeggin will have no congestion.
- 5.3.7 In Norton, with no mitigation measures the Westfield Way junction will have a slight increase in RFC (when compared to Scenario 1) causing minimal congestion on Scarborough Road. With mitigation all three arms of the junction will operate with RFCs less than 85% and less than Scenario 1.
- 5.3.8 The table below shows the congestion at the other six junctions. At the level crossing, Church Street will have an RFC greater than that in Scenario 1 but less than 100% meaning the crossing will not be over capacity. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 2 No Mitigation	2026 AM Scenario 2 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 5.3 Scenario 2 RFC Magnitude (Other Junctions)

5.4 Queues (with Mitigation)

- 5.4.1 At the Welham Road junction, there will be no queues on Castlegate, Welham Road or Church Street.
- 5.4.2 The traffic on Broughton Road at the Pasture Lane junction (with mitigation) will experience queues reaching back to and beyond the school playing fields. There



will be minimal queuing on Pasture Lane and the traffic on Newbeggin and Mount Crescent will experience no queuing or delays.

5.4.3 The traffic using the Castle Howard Road junction will experience significant queues.

5.4.4 With mitigation in place the traffic using the Westfield Way junction will not experience any queues.

5.4.5 The other six junctions will have no significant queues or delays.

5.5 Advantages of Scenario 2

5.5.1 In comparison to Scenario 1 there will be no significant additional congestion at the majority of the junctions on the highway network within Malton and Norton.

5.6 Disadvantages of Scenario 2

5.6.1 The existing and proposed Castle Howard Road junction will have significant queue lengths due to the amount of traffic generated from the Malton development sites. Broughton Road at the Pasture Lane junction will also experience queuing with the Scenario 2 traffic.

5.7 Recommendation Summary

5.7.1 When compared to Scenario 1 the majority of the highway network will not be detrimentally affected by the development proposed in Scenario 2. However, there may be some additional queues at Castle Howard Road. These queue lengths will not be substantial enough to cause any serious problems. Scenario 2 therefore represents a potential option for accommodating additional development in Malton and Norton.



6 Review of Development Scenario 3

6.1 Scenario Description



Figure 6.1 Scenario 3 Developments

6.1.1 Scenario 3 includes all the development sites from Scenario 1 plus the development sites from Group 3. This scenario allows an assessment of the effects of the traffic associated with the development sites in Norton (south of River Derwent).

6.1.2 The total amount of development within Scenario 3 is as follows.

Development Type	Plot Area (ha)
Retail	27 ha
Residential	4.6 ha + 1758 dwellings
Education	0.2 ha
Employment	41 ha

Table 6.1 Scenario 3 Development Totals

6.2 Traffic Generation

6.2.1 The estimated two way traffic flow which will be generated by Scenario 3 is 3102 light vehicles and 201 heavy vehicles.

6.3 Increase in Congestion

6.3.1 For Scenario 3 the magnitude of the congestion in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 3 No Mitigation	2026 AM Scenario 3 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 6.2 Scenario 3 RFC Magnitude (5 Key Junctions)

- 6.3.2 As with Scenario 2, due to the capacity restrictions, there will be congestion on Old Maltongate, Castlegate and Yorkersgate at the Butcher Corner junction. This congestion will be no greater in magnitude than that in Scenario 1. Wheelgate will experience a minor increase in congestion.
- 6.3.3 At the Welham Road Junction, with mitigation, there will be no congestion on Castlegate and minor congestion on Welham Road. There will however be an increase in congestion on Church Street due to the change in priority at the junction.
- 6.3.4 At the Castle Howard Road Junction there will no congestion on the existing junction. The proposed mitigation measure at this junction will slightly increase the congestion on Yorkersgate and is therefore not required for Scenario 3.
- 6.3.5 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic. Broughton Road and Pasture Lane will however still be over capacity with RFCs greater than 100%. Mount Crescent will have minimal congestion and Newbeggin will have no congestion.

6.3.6 With no mitigation measures in place the Westfield Way junction will also experience no congestion. The proposed mitigation measure at this junction will slightly increase the congestion on Scarborough Road and is therefore not required for Scenario 3.

6.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. There will be some additional congestion on Town Street but none of the other junctions will have any significant increases in congestion when compared to both the existing and Scenario 1. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 3 No Mitigation	2026 AM Scenario 3 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 6.3 Scenario 3 RFC Magnitude (Other Junctions)

6.4 Queues (with Mitigation)

6.4.1 At the Welham Road junction there will be no queues on Castlegate or Welham Road. The traffic on Church Street however will experience significant queues due to the change in priority.

6.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to the school playing fields but the traffic on Newbeggin, Pasture Lane and Mount Crescent will experience no queuing or delays.

6.4.3 The traffic using the existing Castle Howard Road junction and the Westfield Way junction will experience no queues or delays in Scenario 3.

6.4.4 The other six junctions will also have no significant queues or delays.



6.5 Advantages of Scenario 3

- 6.5.1 With the exception of Broughton Road and Church Street, with the mitigation measures in place there will be no significant increases in congestion when compared to Scenario 1. Castle Howard Road and Westfield Way will require no mitigation measures for Scenario 3.

6.6 Disadvantages of Scenario 3

- 6.6.1 There will be significant queue lengths on Broughton Road. These will however be less than the queue lengths estimated for Scenario 1. Due to the change in priority the mitigation measure for the Welham Road junction will create congestion on Church Street.

6.7 Recommendation Summary

- 6.7.1 With mitigation measures in place, Scenario 3 represents a potential option for accommodating additional development in Malton and Norton as there will be limited congestion across the highway network.



7 Review of Development Scenario 4

7.1 Scenario Description

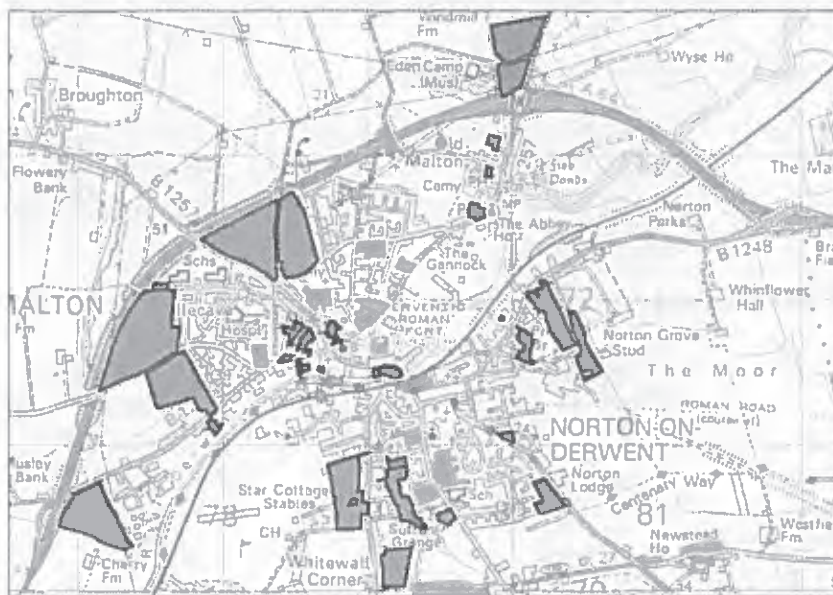


Figure 7.1 Scenario 4 Developments

7.1.1 Scenario 4 includes all the development sites from Scenario 1 plus the development sites from Groups 2 & 3. This scenario allows an assessment of the effects of the traffic associated with the development sites in both Malton and Norton (i.e. north and south of the River Derwent).

7.1.2 The total amount of development within Scenario 4 is as follows.

Development Type	Plot Area (ha)
Retail	27 ha
Residential	4.6 ha + 3665 dwellings
Education	0.2 ha
Employment	44 ha
Leisure	3.3 ha

Table 7.1 Scenario 4 Development Totals

7.2 Traffic Generation

7.2.1 The estimated two way traffic flow which will be generated by Scenario 4 is 4567 light vehicles and 269 heavy vehicles.

7.3 Increase in Congestion

7.3.1 For Scenario 4 the magnitude of the congestion in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 4 No Mitigation	2026 AM Scenario 4 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 7.2 Scenario 4 RFC Magnitude (5 Key Junctions)

- 7.3.2 As with Scenarios 1, 2 and 3 there will be congestion at the Butcher Corner junction. Wheelgate, however, will experience no congestion. In comparison to the Scenario 1 traffic there will be little if any increase in congestion at Butcher Corner.
- 7.3.3 At the Welham Road Junction, with mitigation, there will be no congestion on Castlegate and Welham Road. There will however be an increase in congestion on Church Street due to the change in priority at the junction. The total congestion at the junction will be less with the mitigation measures in place and the change in priority will allow a free flow of traffic across the level crossing.
- 7.3.4 At the Castle Howard Road Junction, due to the additional traffic from the Malton based sites at the north west end of Castle Howard Road, the junction will be congested both with and without mitigation. For Scenario 4 there will be less congestion on the existing junction layout as the proposed deliverable signalisation of the junction will not be able to cope with the development traffic.
- 7.3.5 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction). This shows that the proposed junction improvement does mitigate the impact of the development traffic.

Broughton Road, Pasture Lane and Mount Crescent will however still be over capacity with RFCs greater than 100%. Newbeggin will have no congestion.

7.3.6 With the proposed mitigation in place the Westfield Way junction will also experience no congestion.

7.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. Town Street and Church Street (level crossing) will have RFCs greater than those in Scenario 1. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 4 No Mitigation	2026 AM Scenario 4 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 7.3 Scenario 4 RFC Magnitude (Other Junctions)

7.4 Queues (with Mitigation)

7.4.1 At the Welham Road junction there will be no queues on Castlegate or Welham Road. The change in priority on Church Street will however create significant queues.

7.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields but the traffic on Newbeggin, Pasture Lane and Mount Crescent will experience no queuing or delays.

7.4.3 There will be significant queues on Castle Howard Road both with and without the mitigation measures in place.

7.4.4 With mitigation the Scenario 4 traffic will create no queues at the Westfield Way junction.

- 7.4.5 As mentioned above, the Castle Howard Road junction will operate with less congestion if the existing junction layout is used.

7.5 Advantages of Scenario 4

- 7.5.1 Scenario 4 allows the effects of sites spread across Malton, Old Malton and Norton to be tested. Cumulatively these sites represent a substantial amount of development, well in excess of Ryedale's total RSS figure for the District. However in relative terms, there is little increase in congestion from Scenario 2.

7.6 Disadvantages of Scenario 4

- 7.6.1 The model results show there will be congestion on Church Street at the Welham Road junction.
- 7.6.2 The Castle Howard Road junction will have more congestion than Scenario 1 due to the development sites located at the north west end of the road. This congestion will be less if the existing junction layout is used as opposed to signalling the junction.
- 7.6.3 There will be a slight increase in congestion on Church Street at the Level Crossing and on Town Street.

7.7 Recommendation Summary

- 7.7.1 At this level of development, Scenario 4 is not a viable option as it results in an unacceptable impact on the local highway network even with mitigation. However this scenario does contain sites distributed across both Malton & Norton and therefore allows an assessment of the complex traffic impacts and interrelationships across the towns in a single scenario. A variant of Scenario 4, Scenario 4A, which proportionately scales down the housing to a more realistic level of growth for Malton and Norton, is considered in Section 18.



8 Review of Development Scenario 5

8.1 Scenario Description



Figure 8.1 Scenario 5 Developments

- 8.1.1 Scenario 5 includes all the development sites from Scenario 1 and the Norton East development site from Group 4 including the associated Beverley Road – Scarborough Road link road (Discussed in detail – Section 15).
- 8.1.2 This scenario allows an assessment of the effects of the traffic associated with the substantial Norton East development site independent of the other development sites.
- 8.1.3 The total amount of development within Scenario 5 is as follows.

Development Type	Plot Area (ha)
Retail	40.3 ha
Residential	4.6 ha + 2167 dwellings
Education	0.2 ha
Employment	54.3 ha
Leisure	0.02 ha

Table 8.1 Scenario 5 Development Totals

8.2 Traffic Generation

- 8.2.1 The estimated two way traffic flow which will be generated by Scenario 5 is 4290 light vehicles and 291 heavy vehicles.

8.3 Increase in Congestion

8.3.1 For Scenario 5 the magnitude of the congestion in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 5 No Mitigation	2026 AM Scenario 5 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 8.2 Scenario 5 RFC Magnitude (5 Key Junctions)

- 8.3.2 As with the previous 4 scenarios there will be congestion at Butcher Corner junction due to the capacity restrictions. In comparison to the Scenario 1 traffic there will be little if any increase in congestion at Butcher Corner.
- 8.3.3 At the Welham Road Junction, with mitigation, there will be no congestion on Castlegate and Welham Road. There will however be an increase in congestion on Church Street due to the change in priority at the junction. The total congestion at the junction will be less with the mitigation measures in place and the change in priority will allow a free flow of traffic across the level crossing.
- 8.3.4 At the Castle Howard Road Junction, due to there being no additional sites in Malton both Castle Howard Road and Yorkersgate will have no congestion at the existing junction. The mitigation option for the junction will however cause the RFC's to be over 85% creating minimal congestion.
- 8.3.5 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic. Broughton Road and Pasture Lane will however still be over capacity with RFCs

greater than 100%. Mount Crescent will have minimal congestion and Newbeggin will have no congestion.

8.3.6 The mitigation at the Westfield Way junction will experience no congestion.

8.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12. None of the junctions will have any significant increases in congestion when compared to Scenario 1. There will be additional demand on the Level Crossing due to the amount of traffic to and from Butcher Corner from the Norton East site. When the crossing closes there will be an additional but acceptable increase in congestion on Church Street across the level crossing.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 5 No Mitigation	2026 AM Scenario 5 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 8.3 Scenario 5 RFC Magnitude (Other Junctions)

8.4 Queues (with Mitigation)

8.4.1 At the Welham Road junction there will be no queues on Castlegate or Welham Road. The change in priority on Church Street will however create significant queues.

8.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields but the traffic on Newbeggin, Pasture Lane and Mount Crescent will experience no queuing or delays.

8.4.3 The traffic using the Castle Howard Road junction and the Westfield Way junction will not experience any queues or delays.



8.4.4 The other six junctions will have no significant queues or delays.

8.5 Advantages of Scenario 5

8.5.1 With the exception of Church Street and with mitigation measures in place there will be limited detrimental impact on the highway network. The existing Castle Howard Road junction will operate below capacity so no improvement measures will be required.

8.6 Disadvantages of Scenario 5

8.6.1 As the Norton East development site is located close to the Westfield Way junction, without any mitigation there will be a significant increase in congestion on Scarborough Road East and West. Mitigation measures are therefore vital at this junction.

8.6.2 There will also be an increase in congestion on Church Street both across the level crossing and at Welham Road. This is due to the concentration of traffic from the major development travelling into Malton. The Welham Road junction will however operate with less congestion with the deliverable mitigation measure in place.

8.7 Recommendation Summary

8.7.1 There will be significant congestion at the Westfield Way junction but with mitigation measures in place the junction will operate under capacity. Scenario 5 is a potential option for accommodating development in Malton and Norton but there will be considerable congestion on Church Street with the Welham Road mitigation measures in place. There will however be no congestion on Welham Road itself or on Castlegate.



9 Review of Development Scenario 6

9.1 Scenario Description



Figure 9.1 Scenario 6 Developments

- 9.1.1 Scenario 6 includes all the development sites from Scenario 1 including the associated Woolgrowers link road between York Road and Welham Road.
- 9.1.2 This scenario allows an assessment of the effects of the traffic associated with the Woolgrowers development site independent of the other development sites.
- 9.1.3 The total amount of development within Scenario 6 is as follows.

Development Type	Plot Area (ha)
Retail	28 ha
Residential	4.6 ha + 1367 dwellings
Education	0.2 ha
Employment	42.7 ha
Leisure	5 ha

Table 9.1 Scenario 6 Development Totals

9.2 Traffic Generation

- 9.2.1 The estimated two way traffic flow which will be generated by Scenario 6 is 3479 light vehicles and 232 heavy vehicles.

9.3 Increase in Congestion

9.3.1 For Scenario 6 the magnitude of the congestion in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 6 No Mitigation	2026 AM Scenario 6 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 9.2 Scenario 6 RFC Magnitude (5 Key Junctions)

9.3.2 As with the previous scenarios there will be a substantial but acceptable increase in congestion at the Butcher Corner junction.

9.3.3 At the Welham Road Junction, even with mitigation measures in place both Welham Road and Church Street will experience significant congestion due to the traffic from the Woolgrowers site using the junction, this congestion will be greater than that in Scenario 1. Castlegate will have no additional congestion in comparison to the Scenario 1 congestion currently the existing network.

9.3.4 At the Castle Howard Road Junction, due to there being no additional sites in Malton, both Castle Howard Road and Yorkersgate will have a minimal amount of additional congestion with the mitigation measures in place and no congestion on the existing junction layout.

9.3.5 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic. Broughton Road and Pasture Lane will however still be over capacity with RFCs greater than 100%. Mount Crescent will have minimal congestion and Newbeggin will have no congestion.

9.3.6 The mitigation at the Westfield Way junction will produce RFCs less than those in Scenario 1.

9.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. None of the junctions will have any significant increases in congestion when compared to Scenario 1. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 6 No Mitigation	2026 AM Scenario 6 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 9.3 Scenario 6 RFC Magnitude (Other Junctions)

9.4 Queues (with Mitigation)

9.4.1 At the Welham Road junction the traffic on Castlegate will not experience any significant queues or delay. On Welham Road and Church Street however there will be queues due to the congestion at the junction.

9.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields but the traffic on Newbeggin, Pasture Lane and Mount Crescent will experience no queuing or delays.

9.4.3 The traffic using the Castle Howard Road junction will not experience any queues or delays on the existing junction. With the mitigation in place the junction will have some additional queuing compared to Scenario 1; this queuing will however be minimal.

9.4.4 With mitigation measures in place the Westfield Way junction and the other six junctions will have no significant queues or delays.



9.5 Advantages of Scenario 6

- 9.5.1 The Castle Howard Road junction (without mitigation), Pasture Lane and the Westfield Way junctions will mostly operate under capacity and will not have any significant increases in congestion when compared to Scenario 1.

9.6 Disadvantages of Scenario 6

- 9.6.1 There will be more traffic to and from the Woolgrowers site using the Welham Road junction via the proposed new link road. There will therefore be significant queues and delays at the Welham Road junction.

9.7 Recommendation Summary

- 9.7.1 Scenario 6 will not cause any extensive capacity and queuing problems on the Castle Howard Road, Westfield Way or Pasture Lane junctions. The Welham Road junction will, even with the deliverable mitigation, experience additional queuing on Welham Road and Church Street due to the amount of additional traffic from the Woolgrowers development. Due to the large traffic flows in and out of the Woolgrowers development there will be significant congestion at Welham Road.



10 Review of Development Scenario 7

10.1 Scenario Description



Figure 10.1 Scenario 7 Developments

10.1.1 Scenario 7 includes all the development sites from Scenario 1 plus the Malton and Norton sites from Group 2 and Group 3 and the Norton East development site from Group 4.

10.1.2 This Scenario is the first assessment of the traffic generated by a combination of sites spread across Malton and Norton together with a substantial single “expansion” site.

10.1.3 The total amount of development within Scenario 7 is as follows.

Development Type	Plot Area (ha)
Retail	40.3 ha
Residential	4.6 ha + 5165 dwellings
Education	0.2
Employment	57 ha
Leisure	3.3 ha

Table 10.1 Scenario 7 Development Totals

10.2 Traffic Generation

10.2.1 The estimated two way traffic flow which will be generated by Scenario 7 is 6370 light vehicles and 369 heavy vehicles.

10.3 Increase in Congestion

10.3.1 For Scenario 7 the magnitude of the increase in congestion with and without mitigation in comparison to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 7 No Mitigation	2026 AM Scenario 7 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 10.2 Scenario 7 RFC Magnitude (5 Key Junctions)

- 10.3.2 As with the previous scenarios there will be a substantial but acceptable increase in congestion at the Butcher Corner junction.
- 10.3.3 The change in the number and pattern of trips between Scenario 7 and Scenario 1 will cause a substantial increase (between Scenario 1 & 7) in congestion in Norton at the Westfield Way and Welham Road junctions. Mitigation measures at these junctions will eliminate the congestion on Castlegate and Welham Road and on all three arms of the Westfield Way junction. Church Street will however be over capacity due to the priority change at the Welham Road junction.
- 10.3.4 At the Castle Howard Road Junction, due to the additional traffic from the Malton based sites at its north west end, Castle Howard Road will have a significant amount of congestion in comparison to Scenario 1. This congestion cannot be mitigated by the deliverable junction improvements.
- 10.3.5 At the Pasture Lane Junction, Broughton Road will have a significant amount of additional congestion in comparison to the existing levels of congestion currently on the network and a substantial increase in congestion when compared to Scenario 1.

10.3.6 With the mitigation measures in place the Westfield Way junction will experience no congestion.

10.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. Town Street and Church Street (Level Crossing) will have additional congestion when compared to Scenario 1. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 7 No Mitigation	2026 AM Scenario 7 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 10.3 Scenario 7 RFC Magnitude (Other Junctions)

10.4 Queues (with Mitigation)

10.4.1 At the Welham Road junction there will be queuing on Church Street due to the change in priority. There will be no queues on Castlegate or Welham Road.

10.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields. The traffic on Newbeggin could queue back up to 150m. Pasture Lane and Mount Crescent will experience no queuing or delays.

10.4.3 The traffic using the Castle Howard Road junction will queue back beyond Appletree Way on Castle Howard Road and the traffic on Yorkersgate will queue back to Butcher Corner. These queues will be present both with and without mitigation.

10.4.4 The mitigation measures for the Westfield Way junction will eliminate the queues which will be present on the existing junction with the Scenario 7 traffic.



10.4.5 With the exception of Town Street and Church Street the other six junctions will have no significant queues or delays.

10.5 Advantages of Scenario 7

10.5.1 In terms of providing minimal congestion on the local highway network there are no advantages to Scenario 7 even with mitigation measures in place.

10.6 Disadvantages of Scenario 7

10.6.1 The magnitude of additional traffic arising from the Malton, Norton and Norton East sites means there will be considerable congestion problems across the highway network particularly on Welham Road and on Castle Howard Road.

10.6.2 The amount of additional congestion when compared to Scenario 1 will be significant.

10.7 Recommendation Summary

10.7.1 Scenario 7 is not a realistic option as it will generate an unacceptable level of congestion on the existing highway network.



11 Review of Development Scenario 8

11.1 Scenario Description

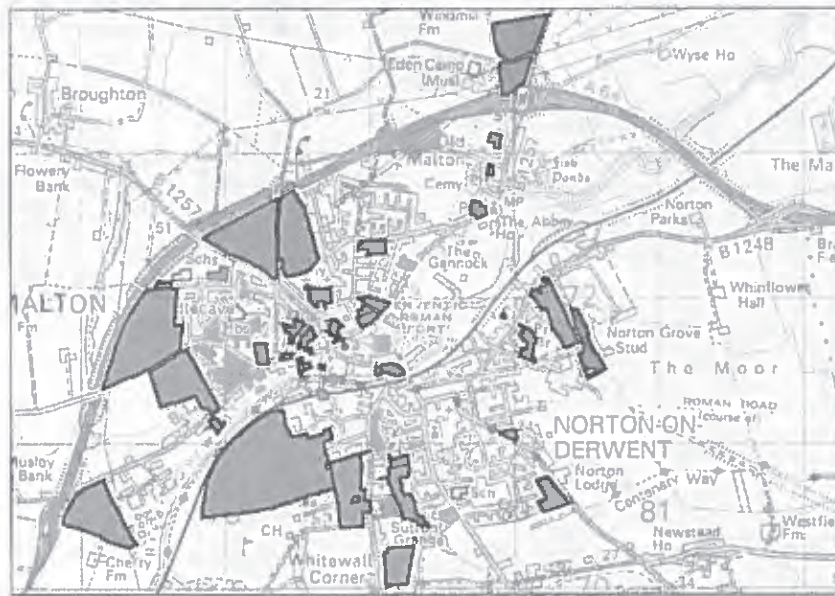


Figure 11.1 Scenario 8 Developments

- 11.1.1 Scenario 8 includes all the development sites from Scenario 1, the Malton and Norton sites from Group 2 and Group 3 and the Woolgrowers development site from Group 5.
- 11.1.2 Similar to Scenario 7, this Scenario tests the traffic generated by a combination of sites spread across Malton and Norton together with a substantial single “expansion” site.
- 11.1.3 The total amount of development within Scenario 8 is as follows.

Development Type	Plot Area (ha)
Retail	28 ha
Residential	4.6 ha + 4365 dwellings
Education	0.2 ha
Employment	45.4 ha
Leisure	8.25 ha

Table 11.1 Scenario 8 Development Totals

11.2 Traffic Generation

- 11.2.1 The estimated two way traffic flow which will be generated by Scenario 8 is 5559 light vehicles and 310 heavy vehicles.

11.3 Increase in Congestion

11.3.1 For Scenario 8 the magnitude of the increase in congestion with and without mitigation relative to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 8 No Mitigation	2026 AM Scenario 8 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 11.2 Scenario 8 RFC Magnitude (5 Key Junctions)

11.3.2 As with the previous scenarios there will be a substantial but acceptable increase in congestion at the Butcher Corner junction.

11.3.3 The traffic generated by Scenario 8 will cause significant congestion on both the existing junction and if the priority of the junction was changed to give Castlegate priority. This is due to the traffic from the Woolgrowers site using the Welham Road junction to enter the highway network.

11.3.4 At the existing Castle Howard Road Junction, due to the additional traffic from the Malton based sites at its northern end, Castle Howard Road will have a substantial amount of additional congestion in comparison to the congestion in Scenario 1. Yorkersgate will have no congestion. The mitigation measures for Castle Howard Road will not work as there will be significant congestion with the Scenario 8 traffic.

11.3.5 The traffic to and from the Woolgrowers site in addition to the traffic from the Malton sites will mean Broughton Road will have a significant amount of additional congestion in comparison to the existing levels of congestion currently on the network and a substantial increase in congestion when compared to Scenario 1.

11.3.6 Compared to Scenario 1 and with mitigation measures in place, the Westfield Way junction will experience additional congestion on Scarborough Road West. This congestion will however be minimal. Scarborough Road East and Westfield Way will have less congestion than Scenario 1.

11.3.7 The table below shows the magnitude of the increase in congestion at the other six junctions. Town Street and Commercial Street will have more congestion than Scenario 1. The other junctions will have no congestion. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 8 No Mitigation	2026 AM Scenario 8 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 11.3 Scenario 8 RFC Magnitude (Other Junctions)

11.4 Queues (with Mitigation)

11.4.1 At the Welham Road junction, there will be no significant queues on Castlegate but on Welham Road and Church Street there will be significant queuing.

11.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields. The traffic on Newbeggin, Pasture Lane and Mount Crescent will experience no queuing or delays.

11.4.3 The traffic using the existing Castle Howard Road junction will queue back beyond Appletree Way on Castle Howard Road but there will be no significant queues on Yorkersgate.

11.4.4 Traffic on Scarborough Road East and West using the Westfield Way junction will experience minimal queuing. Traffic on Westfield Way will not experience any considerable queues or delays.



11.4.5 With the exception of Town Street the other six junctions will have no significant queues or delays.

11.5 Advantages of Scenario 8

11.5.1 Compared to Scenario 7, this Scenario results in a little less congestion on the local highway network, though numerous congestion problems remain.

11.6 Disadvantages of Scenario 8

11.6.1 The scale of additional traffic from the Malton, Norton and Woolgrowers sites means there will be congestion problems at all four of the key junctions particularly on Welham Road and on Castle Howard Road.

11.6.2 The amount of additional congestion when compared to Scenario 1 will be significant.

11.7 Recommendation Summary

11.7.1 Whilst generating proportionally less congestion than Scenario 7, Scenario 8 is still not a realistic option due to additional congestion on the existing and mitigated highway network.

12 Review of Development Scenario 9

12.1 Scenario Description



Figure 12.1 Scenario 9 Developments

12.1.1 Scenario 9 includes all the development sites from Scenario 1 plus the development sites from all the other groups (i.e. all the development sites). Scenario 9 therefore represents the maximum level of generated traffic.

12.1.2 The total amount of development within Scenario 9 is as follows.

Development Type	Plot Area (ha)
Retail	41.2 ha
Residential	4.6 ha +5865 units
Education	0.2 ha
Employment	56.7 ha
Leisure	8.3 ha

Table 12.1 Scenario 9 Development Totals

12.2 Traffic Generation

12.2.1 The estimated two way traffic flow which will be generated by Scenario 9 is 7362 light vehicles and 410 heavy vehicles.

12.3 Increase in Congestion

12.3.1 For Scenario 9 the magnitude of the increase in congestion relative to Scenario 1 is shown in the table below. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 9 No Mitigation	2026 AM Scenario 9 With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 12.2 Scenario 9 RFC Magnitude (5 Key Junctions)

12.3.2 The increase in congestion at Butcher Corner remains more or less constant with each Scenario indicating that traffic is finding an alternative route when the junction reaches a certain 'capacity threshold'. This shows that restricting the capacity at Butcher Corner, even with the maximum amount of generated traffic from Scenario 9, will persuade drivers to use the A64 and access Norton via the Brambling Fields junction.

12.3.3 At the Welham Road Junction both Church Street and Welham Road will have a significant amount of congestion due to the additional traffic from the Malton and Norton based sites as well as the larger Woolgrowers and Norton East Sites. Castlegate which has priority should not experience any congestion.

12.3.4 At the Castle Howard Road Junction, due to the additional traffic from the Malton based sites at the north west end of Castle Howard Road and the additional traffic on Yorkersgate and York Road both Castle Howard Road and Yorkersgate will have a significant amount of additional congestion in comparison to Scenario 1.

12.3.5 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic.

Broughton Road, Pasture Lane and Mount Crescent will however still be over capacity with RFCs greater than 100% and Newbeggin will have no congestion.

12.3.6 The Westfield Way junction will experience additional congestion on Scarborough Road East and West. Westfield Way will however not be congested both with and without mitigation.

12.3.7 The table below shows the results for the other six junctions. With the exception of Town Street there will be no significant increases in congestion when compared to Scenario 1. The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 9 No Mitigation	2026 AM Scenario 9 With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 12.3 Scenario 9 RFC Magnitude (Other Junctions)

12.4 Queues (with Mitigation)

12.4.1 At the Welham Road junction both Church Street and Welham Road will experience considerable queues and delays due to the magnitude of the Scenario 9 traffic.

12.4.2 The traffic on Broughton Road at the Pasture Lane junction will experience queues reaching back to and beyond the school playing fields. The traffic on Newbeggin could queue back up to 100m. Pasture Lane and Mount Crescent will experience no queuing or delays.

12.4.3 The traffic using the Castle Howard Road junction will queue back beyond Appletree Way on Castle Howard Road and the traffic on Yorkersgate will queue back to Butcher Corner. There will also be considerable queues on York Road.

12.4.4 Traffic on Scarborough Road East using the mitigated Westfield Way junction will queue back more than 200m and traffic on Scarborough Road West will queue back approximately 150m. These queues will cause a significant amount of delay at the junction.

12.4.5 Apart from Town Street, the other six junctions will have no significant queues or delays.

12.5 Advantages of Scenario 9

12.5.1 Scenario 9 involves a significant amount of development and represents a major expansion of Malton beyond that considered in the RSS. It demonstrates that to accommodate this substantial level of growth, strategic junction improvements would be necessary.

12.6 Disadvantages of Scenario 9

12.6.1 The magnitude of additional traffic from the Malton, Norton, Norton East and Woolgrowers sites means there will be significant congestion problems at all four of the key junctions particularly on Welham Road and on Castle Howard Road.

12.7 Recommendation Summary

12.7.1 The significant amount of development involved in Scenario 9, leads to numerous areas of congestion across the existing local highway network in Malton and Norton. To overcome this, it is likely major highway improvements beyond that of the proposed mitigation measures would be necessary.

13 Summary of Scenario Assessment

13.1 Assessment Overview

13.1.1 Sections 4 to 12 show, for each of the 9 scenarios, the estimated levels of congestion for each scenario both with and without mitigation.

13.1.2 The congestion levels have been measured using RFC values and have been illustrated using a traffic light system for each of the 4 key junctions, for Butcher Corner and for 6 other junctions across the local highway network. The traffic light system works by giving a 'green light' if the RFC is less than or equal to 85%, an 'amber light' if the RFC is between 85% and 100% and a 'red light' if the RFC is more than 100%.

13.1.3 Table 13.1 below shows an aggregation of all 9 tables from Sections 4 to 12 for the 4 key junctions and Butcher Corner. The road names have been abbreviated.

Junction	Road Names	With Mitigation									No Mitigation								
		Scenario 1 No Mitigation	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	
Butcher Corner	WG	●	●	■	●	●	●	●	●	●	●	■	■	●	●	●	●	●	
	OM	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	G	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	CG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Welham Road Junction	YG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	CG	●	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	
	WR	●	●	■	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Castle Howard Junction	CS	●	●	●	●	●	●	●	●	●	●	■	■	■	■	■	■	■	
	CHR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	YG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Pasture Lane Junction	YR	■	●	●	●	●	●	●	●	●	●	■	■	■	■	■	■	■	
	BR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	PL	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	NB	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
Westfield Way Junction	MC	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	SRW	●	●	■	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	SRE	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	
	WW	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	

Table 13.1 Assessment Overview

Junction	Abbreviated Road Names	Road Name
Butcher Corner	WG	Wheelgate
	OMG	Old Maltongate
	CG	Castlegate
	YG	Yorkersgate
Welham Road Junction	CG	Castlegate
	WR	Welham Road
	CS	Church Street
Castle Howard Junction	CHR	Castle Howard Road
	YG	Yorkersgate
	YR	York Road
Pasture Lane Junction	BR	Broughton Road
	PL	Pasture Lane
	NB	Newbiggin
	MC	Mount Crescent
Westfield Way Junction	SRW	Scarborough Road West
	SRE	Scarborough Road East
	WW	Westfield Way

Table 13.2 - Road Name Abbreviations for Table 13.1

13.1.4 The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12. As a relative measure, the cells or boxes with a green background in Table 13.1 show where the congestion is less than that of Scenario 1 and the cells or boxes with a pink background show where the congestion is greater than Scenario 1.

13.1.5 The results show that none of the scenarios can fully mitigate congestion levels associated with development to below that generated in Scenario 1, although Scenarios 3, 5 and 6 have significant congestion (red light) only on Church Street which is caused by the mitigation as a result of eliminating congestion on Castlegate.

13.2 Scenario Ranking

13.2.1 A further assessment has been undertaken to give a quantitative indication of how the 8 development scenarios compare against each other in terms of total increase in congestion above Scenario 1 across all four of the key junctions. This has been undertaken by ranking the 9 scenarios with 1st in the list having the least amount of increased congestion and 9th having the most when compared to Scenario 1.

13.2.2 Table 13.2 below gives each scenario a rank using the comparison against the Scenario 1 congestion. The results include the mitigation measures for each junction except where the mitigation measure has a detrimental effect (e.g. Castle Howard Road).

Rank	Increase in Congestion (Without Grade Separated Junction)
1 st	Scenario 3
2 nd	Scenario 6
3 rd	Scenario 5
4 th	Scenario 2
5 th	Scenario 4
6 th	Scenario 7
7 th	Scenario 8
8 th	Scenario 9

Table 13.3 Scenario Ranking

13.2.3 The ranked results show that Scenarios 3, 6 and 5 will create the least overall increase in congestion compared to Scenario 1 congestion overall. Scenarios 2 and 4 are positioned 'mid table' and the scenarios with the most amount of generated traffic (8, 7 and 9) are at the bottom of the table as they will produce the greatest increase in congestion against Scenario 1.

14.1 Introduction

14.1.1 Sections 4 to 13 discuss the traffic impact on the highway network within Malton and Norton by giving a commentary on the congestion at the four key junctions in their existing format and with mitigation measures in place.

14.1.2 This section of the report describes the proposed mitigation measures for each junction.

14.1.3 These proposed improvement options, proposed to increase the capacity of the four key junctions, fall into two categories:

- Immediately deliverable
- Not Immediately Deliverable (due to land take restraints or further development required).

14.1.4 The deliverable options will allow the layout or format of the junction to be changed without any land take outside of the highway boundary, and are therefore immediately 'deliverable'.

14.1.5 The deliverable options for each of the four key junctions are as follows

- Castle Howard Road / Yorkersgate / York Road – Signalisation.
- Welham Road / Castlegate / Church Street – Priority Change.
- Westfield Way / Scarborough Road – Change signal timings and extra lane.
- Pasture Lane / Broughton Road – Double Mini Roundabout

14.1.6 It should be noted that the deliverable options are not necessarily the optimum in terms of delivering maximum capacity to each junction. This section of the report will also describe the range of improvement options which have been developed to provide the maximum realistic capacity at each junction but which take up land or may not be immediately deliverable. These improvements will require further investigation.

14.2 Junction Options

14.2.1 The junction options described below have all been assessed in detail using relevant industry standard software packages (SATURN, ARCADY, PICADY and LINSIG). The deliverable options have been assessed for all 9 scenarios and the other non-deliverable options have been assessed using the traffic flows generated by Scenario 4.

14.2.2 The costs given for each junction option are indicative and do not include any costs which may arise as result of a NRSWA enquiry which could identify statutory undertakers that may be affected by the proposals.

14.3 Pasture Lane



- 14.3.1 The double mini roundabout option for Pasture Lane is the only option which has been designed in some detail. This option was developed as part of the Malton and Norton Transportation Review and Strategy undertaken by Jacobs in 2008.
- 14.3.2 The deliverable junction improvements consist of two mini roundabouts, one to the north at Pasture Lane and Broughton Road and one to the south at Newbeggan and Mount Crescent.
- 14.3.3 Incorporated into the design are pedestrian crossings on Mount Crescent and Newbeggan. These crossings will allow school children to access the nearby school via its current entrance on Middlecave Road.
- 14.3.4 It should be noted that the pedestrian facilities which shall be introduced as part of the double mini roundabout will provide a similar or an improved level of safety to the existing facilities.
- 14.3.5 The cost of converting the two junctions to a double mini roundabout will be approximately £65-75,000.
- 14.3.6 The results of the assessment of the 9 scenarios show that in most cases the proposed double mini roundabout will alleviate any capacity problems at the Pasture Lane junction. Traffic on the Broughton Road approach will still experience some queuing although the queue will be smaller than on the existing signalised junction.

14.4 Castle Howard Road

14.4.1 The Castle Howard Road junction is currently a priority junction with Castle Howard Road being the minor road and Yorkersgate and York Road being the major roads.

14.4.2 To improve the junction three options have been developed.

Option 1 – Immediately Deliverable

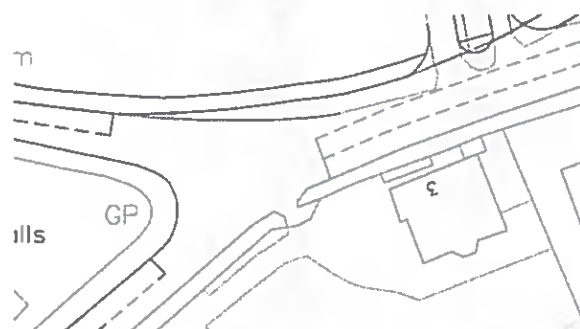


14.4.3 The only deliverable option which will not require any land is to convert the junction from a priority to a signalised junction. This will involve removing the central island on Castle Howard Road, installing traffic lights and painting the necessary junction markings into the carriageway.

14.4.4 The cost of converting the junction from priority to signals will be approximately £25-35,000.

14.4.5 However, the results of the detailed assessment of the signalisation of the junction show that for some of the scenarios the existing junction layout will provide more capacity than the proposed signalised option.

Option 2 – Preferred (Not Immediately Deliverable)



14.4.6 A preferred option and the one which will provide the most capacity but will take up land to the north side of Yorkersgate is again to convert from a priority junction to a signalised junction but to include a right turn lane from Yorkersgate to Castle Howard Road.

14.4.7 This will allow the development traffic heading up Castle Howard Road to wait without blocking the straight ahead traffic between Yorkersgate and York Road.

14.4.8 Option 2 is expected to reduce the congestion on Yorkersgate by up to 70% and by optimising the signal timings is expected to reduce the congestion on Castle Howard Road by up to 240%. These reductions in capacity should allow the junction to operate at or below the existing levels of congestion.

14.4.9 The cost of converting the junction from priority to signals will be approximately £35-45,000 excluding land.

Option 3 (Not Immediately Deliverable)



14.4.10 Another option is to change from a priority junction to a mini roundabout with a right turn lane from Yorkersgate to Castle Howard Road. The right turn lane will mean widening the carriageway on Yorkersgate which would entail taking land to the north.

14.4.11 The capacity assessment for this option showed that the mini roundabout will reduce congestion on Castle Howard Road by up to 280% but will not significantly reduce the congestion on Yorkersgate.

14.4.12 The cost of converting the junction from priority to a mini roundabout will be approximately £25-35,000.

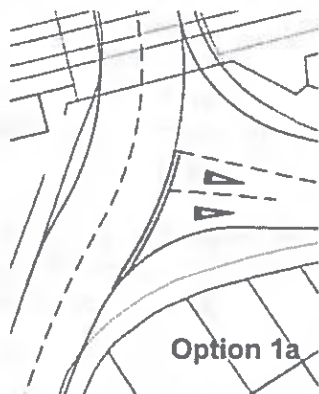
14.5 Welham Road



14.5.1 The existing Welham Road junction is a priority junction with Welham Road as the minor arm. There is a segregated left turn between Church Street and Welham Road which is segregated by a traffic island.

14.5.2 Immediately to the north of the junction the railway line crosses Castlegate over a level crossing and there is the junction between Norton Road and Castlegate just north of the railway line.

Option 1a – 1b – Immediately Deliverable



14.5.3 There are two deliverable options which have been developed for this junction. Both are to change the priority of the junction so that Church Street becomes the minor road and Welham Road and Castlegate become the major roads giving Castlegate priority. One of the options involves keeping the island (1b) and the other involves removing the island (1a). Analysis has showed that keeping the island will provide more capacity at the junction. As such the preferred deliverable option for the Welham Road junction is a change in priority and keeping the island (Option 1b). A further advantage of Option 1b is that the existing signage currently located on the island can remain.

- 14.5.4 The capacity assessment of Option 1b shows that changing the priority of the junction will reduce congestion on Welham Road by up to 290% and will eliminate the congestion on Castlegate as Castlegate will have priority. This of course takes the priority away from Church Street which will therefore become congested. The overall congestion at the junction will be less under Option 1b than existing.
- 14.5.5 The cost of changing the priority of the junction will be approximately £20,000 for Option 1a and approximately £20-25,000 for Option 1b.

Option 2 – Hybrid Mini Roundabout - Preferred (Not Deliverable)



- 14.5.6 For safety reasons a standard mini roundabout at this junction is not suitable as a mini roundabout will mean traffic backing up over the level crossing as they give way and queue to enter the roundabout via Castlegate.
- 14.5.7 To solve this problem a hybrid mini roundabout has been designed which gives priority to Castlegate traffic as right turners from Welham Road have to give way to the Castlegate traffic either at the Welham Rd entry or on the circulatory carriageway.
- 14.5.8 The Welham Road entry has two lanes, one for left turns up Castlegate and the other for right turns to Church St. The give way on the circulatory will have capacity for one vehicle so the majority of traffic waiting to turn right will queue at the Welham Road entry.
- 14.5.9 This junction layout provides maximum capacity and traffic using the roundabout will not experience any significant congestion or queuing problems under all 9 scenarios.
- 14.5.10 This option needs to be investigated further through a Stage 1 Safety Audit and it needs to be discussed with the DfT so is not immediately deliverable.
- 14.5.11 The cost of converting the junction to a hybrid mini roundabout will be approximately £25-30,000.

14.6 Westfield Way

Option 1 – Optimise Signal Timings (Deliverable)



14.6.1 The junction between Westfield Way and Scarborough Road is currently a signalised junction with one lane entries on each arm. The first option for this junction is to optimise the signal timings for the traffic flows generated by each scenario.

14.6.2 A detailed assessment has shown that optimising the signal timings could reduce congestion on Scarborough Road by up to 40% but as a consequence may increase congestion on Westfield Way.

14.6.3 The cost of optimising signal timings will be approximately £2,000.

Option 2 – Best Case Deliverable



14.6.4 The deliverable option for this junction is to add a left turning lane between Scarborough Road East and Westfield Way. This will provide some extra capacity by preventing the left turners from blocking the straight through vehicles. This option will involve taking some land to the south of the existing junction footprint. This land is within the existing highway boundary so land acquisition is not necessary.

14.6.5 Modelling this deliverable improvement adds enough capacity to alleviate congestion generated in all nine scenarios.

14.6.6 The cost of adding a left turn lane with optimised signal timings will be approximately £30-35,000.

Option 3 – Preferred (Not Deliverable)



- 14.6.7 The preferred option for this junction to add the maximum amount of capacity is to add a left turn lane on Scarborough Road East and a right turn lane on Scarborough Road West. However this requires land take from the wooded area and fields belonging to Quarry Farm.
- 14.6.8 As this option will provide more capacity at the junction than the deliverable option it as well as the deliverable option will alleviate all congestion at the junction under all 9 scenarios.
- 14.6.9 The cost of adding a left and right turn lane with optimised signal timings will be approximately £45-55,000 excluding land.

14.7 Summary

- 14.7.1 Given the strategic nature of this study, these mitigation measures are theoretical solutions to the impact on the highway network and it is important to note that:
 - Additional modelling work will be required to test the impact of site specific allocations to demonstrate that the proposed solutions are still necessary, suitable and appropriate.
 - Alternative mitigation measures may be considered and developed as part of the additional modelling work.
 - Mitigation measures identified within the report could work in traffic modelling terms but any delivery will be subject to normal NYCC scheme approval and consultation procedures.
 - Should the proposed mitigation measures in this study not take place, alternative measures which achieve at least the same level of mitigation will be necessary. This will need to be agreed with NYCC.

14.7.2 Table 14.1 below shows the deliverable junction option for each of the four key junctions and a brief summary of how the proposed option performs in terms of reducing the congestion levels below those of Scenario 1.

Junction	Deliverable Option	Approximate Cost	Comments
Pasture Lane	Double Mini Roundabout	£65-75,000	Increased capacity on all arms. Pedestrian facilities will be similar or will improve on existing facilities.
Castle Howard Road	Signalisation with no additional lanes	£25-35,000	Does not mitigate congestion in all scenarios
Welham Road	Change in priority so that Church Street becomes the minor road. Existing traffic island will remain.	£20-25,000	Gives Castlegate priority and provides additional capacity on Welham Road. Church Street becomes congested due to change in priority.
Westfield Way	Left turning lane between Scarborough Road East and Westfield Way.	£30-35,000	Provides additional capacity for traffic in and out of Westfield Way.

Table 14.1 Deliverable Junction Improvement Option Summary

15.1 General

15.1.1 As part of the Norton East development a link road is proposed through the site. The proposed road will provide access to the various elements of the development. The link is proposed to connect into the existing highway network at Scarborough Road to the north and Beverley Road to the south. This link road has been included in the traffic models.

15.1.2 Similar to the Norton East development site the Woolgrowers site has an associated link road which runs through the site providing access to the various elements of the development. The link is proposed to connect into the existing highway network at York Road to the north and Welham Road to the east. This link road has been included in the traffic model.

15.1.3 The design and layouts of the Woolgrowers and Norton East link roads have been considered in combination with the 'North Yorkshire Highway Design Guide' requirements for local distributor roads (LDR) and also where appropriate the DfT's Design Manual for Roads and Bridges (DMRB) due to the high level of predicted traffic.

15.1.4 The indicative layouts for both sites have been detailed to best replicate those indicated on the master plans albeit with minor alterations to accommodate the above design standards.

15.1.5 The profile of the link roads proposes a 7.3m superelevated carriageway with 3m footway/cycleways on both sides separated by 1.5m verges and 1.5m verges at the back of footways.

15.2 Norton East Development Link Road

Ground Conditions

15.2.1 From a basic desk study it is understood that there are areas of marsh land to the south of B1248 Scarborough Road. Therefore the indicative works cost estimate allows for a 1m deep excavation in this location to provide a suitable sub-formation surface for the construction of the development road.

Statutory Undertakers

15.2.2 A preliminary NRSWA enquiry has been carried out which has identified several statutory undertakers that may be affected by the proposals.

15.2.3 They include BT overhead and underground cables, Yorkshire water mains that either cross the route close to, and at the tie-in with Beverley Road. Both may require diversion or protection works.

15.2.4 There are also overhead electric cables in the vicinity of Norton Grove Stud which may require diverting or transferring underground to accommodate the proposed development road.

15.2.5 At this stage budgetary diversion/protection works cost estimates have not been obtained from the statutory undertakers. An arbitrary estimate has been included in the works cost estimate based on experience of similar types of work.

Junction Consideration

15.2.6 A roundabout or traffic signalled junction would be most appropriate for the northern tie-in with B1248 Scarborough Road and a ghost island junction at the western Beverley Road tie-in as shown on the layout drawing included in Appendix xx. If this development road is to be considered further consideration should be given to other factors including an accident, geometric capacity and land cost benefit analysis.

15.2.7 The proposals include for an underpass at the point at which the proposed development road crosses the existing none motorised user facility along the disused railway and has been included in the works estimate cost.

Drainage

15.2.8 At this stage based on a feasibility design check with consideration given to the requirements of Sustainable Urban Drainage Systems (SUDS), the proposed highway surface water run-off will discharge into a number of attenuation ponds and then into existing watercourses. The junction tie-ins may require direct discharge into the existing highway surface water systems.

15.2.9 It should be noted, based on the ground model data along with an assumption the existing water courses are 1m deep, that the proposed carriageway will require lifting approximately 1.2 to 2.5m above existing ground level. This could be markedly different following a more accurate traditional topographical survey.

15.2.10 Due to the inclusion of footways on both sides of the carriageway and subsequent inclusion of a kerbed edge the most appropriate and cost efficient collection method is to provide gullies and carrier drainage system while also superelevating virtually the entire length of the road.

Road Lighting

15.2.11 Due to the volume of access likely to be required along the main development roads it is envisaged the entire length (except for a short section at the river and rail crossing) will require lighting.

Cost Estimate

15.2.12 Table 15.1 below shows the estimated quantified costs for the design and construction of the Norton East Link Road.

Item	Cost
Total Works Cost	£13,587,537
Design & Supervision	£1,644,092
Quantified Risk Assessment (QRA)	£1,358,754
Total 2009/10 Works Cost	£16,590,382
Total with Optimism Bias Uplift (45%)	£24,056,054

Table 15.1 Norton East Link Road Cost Estimate

15.3 Woolgrowers Development Link Road

Existing Ground Conditions

15.3.1 From a basic desk study and comments detailed in the Malton / Norton River-Rail Study, Jacobs understand that this site is within a flood plain and therefore has areas of land possibly consisting of silt and river deposits. Jacobs have therefore, for the purposes of providing an indicative works cost estimate allowed for a 1m deep excavation in this location to provide a suitable sub-formation surface for the construction of the development road.

Statutory Undertakers

15.3.2 A preliminary NRSWA enquiry has been carried out which has identified several statutory undertakers that may be affected by the proposals.

15.3.3 They include BT underground cables along York Road and overhead cables at Star Cottage Stables and Welham Road, a Yorkshire water main along York Road and a Foul sewer between the River Derwent and York Road, all of which may require diversion/protection works. There are also underground electric cables at both tie-ins which may require diverting.

15.3.4 At this stage budgetary diversion/protection works cost estimates have not been obtained from the statutory undertakers. An arbitrary estimate has been included in the works cost estimate based on experience of similar types of work.

Junction Consideration

15.3.5 A roundabout or traffic signalled junction would be most appropriate at both junction tie-ins. If this development road is to be considered further consideration should be given to other factors including an accident, geometric capacity and land cost benefit analysis.

15.3.6 At this stage it has been assumed the link road will service the development area with a series of simple T-junctions but include a roundabout and ghost island junctions at points considered to have the highest traffic demand.

- 15.3.7 Consideration has been given to potential junction tie-in locations with the existing road network on Welham Road to the east of the development.
- 15.3.8 It is considered that both Park Road and the private access between property no's 66 and 77 are unsuitable locations for a major junction without having a significant impact on property within the immediate vicinity, although the latter could accommodate a minor connection.
- 15.3.9 The Malton / Norton River-Rail Corridor Study suggests a traffic signal control junction for further consideration at the junction between Welham Road and Church Street. Although it is felt that this is a potential site for a development road tie-in, it is also likely to be very expensive and would require a thorough feasibility study to determine its viability and possible additional benefits to the network. At this stage tie-ins that are likely to have less impact on the existing network have been considered.

River Derwent and Rail Crossing

- 15.3.10 A development road tie-in with York Road to the northwest of the development will require a bridge crossing of the River Derwent and railway with a span of approx. 100m. The works cost estimate will provide costings for 2 bridge options, a steel composite bridge and an iconic cable-stayed bridge. There will be ecological and flood risk sensitivities associated with the crossing as the River Derwent is a Site of Special Scientific Interest (SSSI) in this location.

Drainage

- 15.3.11 If this site is to be considered further the highway drainage will require careful consideration as the options to discharge into an existing watercourse appear fairly limited to only the River Derwent. With the considerations of SUDS a balancing ponds will be required both sides of the River Derwent valley. This would require a carrier pipe to be bored under the railway lines potentially incurring a significant cost. An alternative solution would be to pump the surface water along the structure and discharge to the balancing pond on the western side of the river. This may provide a cheaper initial installation cost than the boring option but factoring in the maintenance liability cost may prove more expensive long term.
- 15.3.12 It is unlikely the existing highway surface water sewer will have sufficient capacity to accommodate the development road surface water run off.
- 15.3.13 The works cost estimate also assumes the development surface water will be dealt with separately.

Road Lighting

- 15.3.14 Due to the volume of access likely to be required along the main development roads it is envisaged the entire length (except for a short section at the river and rail crossing) will require lighting.

Cost Estimate

15.3.15 Table 15.2 below shows the estimated quantified costs for the design and construction of the Woolgrowers Link Road.

Item	Cost
Total Works Cost	£14,453,309
Design & Supervision	£1,748,850
Quantified Risk Assessment (QRA)	£1,445,331
Total 2009/10 Works Cost	£17,647,490
Total with Optimism Bias Uplift (45%)	£25,588,860

Table 15.2 Woolgrowers Link Road Cost Estimate

16 Broughton Road Grade Separated Junction (B1257/A64)

16.1 Introduction

- 16.1.1 Jacobs was commissioned to provide an outline design and indicative cost estimate for the provision of the GSJ at the crossing of the A64 and B1257 Broughton Road, to the north west of Malton.
- 16.1.2 As the A64 is a trunk road, it falls within the responsibility of the Highways Agency (HA) whereas NYCC are responsible for the B1257 Broughton Road. The existing structure crossing the A64 on the B1257 Broughton Road is also the responsibility of the HA. It is assumed at this stage that a proposed GSJ including slip roads and junctions would also be adopted by the HA.
- 16.1.3 As part of this study a preferred option (Option 1) has been developed to provide the lowest cost which achieves current DfT design criteria without departures from standards. However, due to planning proposals for developing the land to the south west of the crossing, Jacobs were asked by NYCC to consider alternative design approaches to avoid the development area, and the likely cost implication. Option 4 achieves this requirement but requires significant land take. Two further options (Options 2 & 3) have therefore been considered which reduce but don't eliminate the requirement to take land from the development area.

16.2 Design Options for the Junction

Option 1

- 16.2.1 This option is based on a 'dumb-bell' type layout with two new proposed roundabouts and retains the existing A64 / B1257 road structure. It is assumed that the bridge is structurally capable of accommodating the additional traffic volume although this will need to be confirmed by the HA if this option is to be progressed.
- 16.2.2 Assuming the above this option has minimal impact on the existing structure and requires the least amount of overall land take. However this option requires most of its land from the south west quadrant of the A64 / B1257 crossing and would have a significant impact on the proposed development in this quadrant.

Option 2

- 16.2.3 This option requires less land than Option 4 but would slightly impact on the proposed south west quadrant development. This option significantly impacts on the B1257 bridge and for the purposes of the estimate it has been assumed a replacement bridge will be required.

Option 3

- 16.2.4 This option requires less overall land than Options 2 and 4 but takes slightly more land from the development than Option 2.
- 16.2.5 Option 2 has been designed to avoid the B1257 southern bridge pier such that it may be possible to incorporate the existing northern abutment and both piers within the proposal, or even allow the construction of a separate box culvert / structure to accommodate the south western slip road.
- 16.2.6 This could significantly reduce the cost of this option compared with Option 2 subject to the retention of the existing structure or parts of it being feasible (due to this uncertainty an estimate has not been provided for Option 3).

Option 4

- 16.2.7 This option achieves the requirement not to impact on the proposed development but it requires the most overall land take. This option also does not affect the existing B1257 Broughton Road bridge but it will have a major impact on the Outgang Road bridge further east. For the purposes of the estimate it has been assumed the existing bridge will require total reconstruction.

16.3 Feasibility Works Cost Estimate

16.3.1 The table below provides an indicative cost estimate for each option. Note an estimate is not included for Option 3 as this option would not be economically viable if the existing road bridge is to be reconstructed:

Item	Option 1	Option 2	Option 4
Road Works			
***Roadwork's	3,200,000	3,000,000	3,200,000
Statutory Undertakers Works	250,000	250,000	250,000
Traffic Management	320,000	300,000	320,000
Sub-total	3,770,000	3,550,000	3,770,000
Preliminaries (10%)	377,000	355,000	377,000
Sub-total	4,147,000	3,905,000	4,147,000
* Contingencies (40%)	1,658,800	1,562,000	1,658,800
Road Works Total	5,805,800	5,467,000	5,805,800
Structures			
Bridge Reconstruction	0	900,000	600,000
Traffic Management	0	54,000	54,000
Sub-total	0	954,000	654,000
Preliminaries (10%)	0	95,400	65,400
Sub-total	0	1,049,400	719,400
** Contingencies (40%)	0	419,760	287,760
Structure Works Total	0	1,469,160	1,007,160
Works Cost (2009/10)			
* Total works cost total	5,805,800	£6,936,160	£6,812,960
Design & Supervision	638,638	762,978	749,426
Quantified Risk Assessment (QRA)	580,580	693,616	681,296
Total 2009/10 Works Cost	7,025,018	8,392,754	8,243,682
Total with Optimism Bias Uplift (45%)	10,186,276	12,169,493	11,953,338
Outturn Works Cost (2015/16)			
Total with Optimism Bias Uplift (45%)	13,649,105	16,306,517	16,016,881

Table 16.1 Broughton Road A64 GSJ Works Cost Estimate (£'s)

** A 40% contingency has been allowed for due to the number of unknowns (for example topography and ground conditions).

*** Road works costs including drainage, earthworks, pavement, road lighting, traffic signs, accommodation works etc.

16.4 Congestion in Malton and Norton

16.4.1 Using the traffic model the 9 scenarios have been tested to establish what effect the GSJ has on the increase in congestion at Butcher Corner and at the 4 key junctions within Malton and Norton.

16.4.2 The model shows that the introduction of the GSJ will reduce the impact of the development across the four junctions.

16.4.3 Introducing the proposed junction improvements as well as the GSJ will reduce the increase in congestion even further.

16.4.4 Table 16.2 below shows the summarised results for the congestion at the 4 main junctions and Butcher Corner. This table should be compared with Table 13.1 to compare the effects of the GSJ on each junction both with and without mitigation. The actual RFC values can be found in the Technical Annex which accompanies this report.

Junction	Road Names	Scenario 1 No Mitigation with GSJ	With Mitigation & GSJ									No Mitigation with GSJ								
			Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	Scenario 8	Scenario 9		
Butcher Corner	WG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	OM	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	G	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	CG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Welham Road Junction	YG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	CG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	WR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Castle Howard Junction	CS	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	CHR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	YG	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Pasture Lane Junction	YR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	BR	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	PL	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	NB	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Westfield Way Junction	MC	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	SRW	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
	SRE	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		
Westfield Way Junction	WW	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●		

Table 16.2 Assessment Overview with A64 Broughton Road Grade Separated Junction

16.4.5 As a relative measure, the cells shaded green in Table 16.2 show where the congestion is less than that of Scenario 1 (with GSJ) and the pink shaded cells show where the congestion is greater than Scenario 1 (with GSJ).

16.4.6 The results show that the congestion levels of scenarios 3 and 5 can be fully mitigated with the GSJ and mitigation measures in place. Scenario 4 has only the congestion on Church Street which is caused by the mitigation as a result of eliminating congestion on Castlegate and a small increase in congestion on Castle Howard Road.

16.5 Scenario Ranking (with GSJ)

16.5.1 A further assessment has been undertaken to give a quantitative indication of how the 8 development scenarios compare against each other in terms of total increase in congestion above Scenario 1 across all four of the key junctions with the GSJ in place. This has been undertaken by ranking the 9 scenarios with 1st in the list having the least amount of increased congestion and 9th having the most when compared to Scenario 1.

16.5.2 Table 16.3 below gives each scenario a rank using the comparison against the Scenario 1 congestion. The results include the mitigation measures for each junction except where the mitigation measure has a detrimental effect (e.g. Castle Howard Road). These results can be compared with table 13.3.

Rank	Increase in Congestion (With GSJ)
1 st	Scenario 5
2 nd	Scenario 6
3 rd	Scenario 3
4 th	Scenario 2
5 th	Scenario 7
6 th	Scenario 8
7 th	Scenario 4
8 th	Scenario 9

Table 16.3 Scenario Ranking (with GSJ)

16.5.3 The ranked results show that Scenarios 3, 6 and 5 will create the least increase in congestion above the Scenario 1 congestion overall. Scenarios 2 and 7 are positioned 'mid table' and scenarios 8, 4 and 9 are at the bottom of the table.

16.5.4 Figure 16.1 below gives an illustrative summary of the total congestion levels for each scenario across the network both with and without the GSJ in place. The total congestion across the network includes mitigation measures where required.

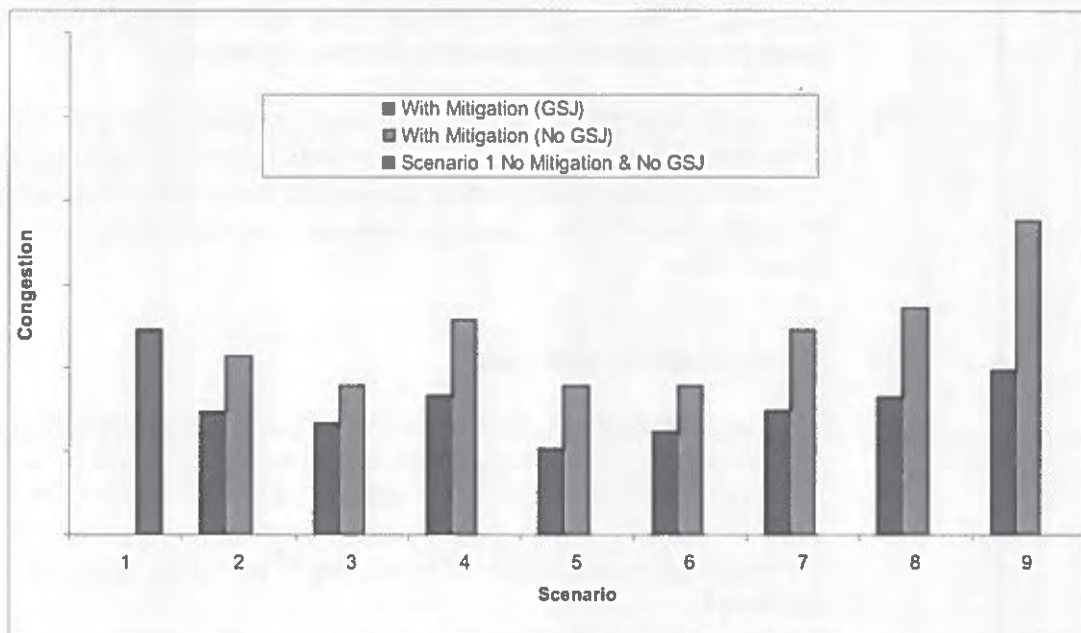


Figure 16.1 With and Without GSJ Congestion Comparison

16.5.5 It is clear from Figure 16.1 that the introduction of the Broughton Road GSJ will reduce the congestion across the Malton and Norton highway network.

16.6 Summary

16.6.1 From the works cost estimate it can be seen Option 1 is the least costly and is likely to have the lowest land costs. However it has a significant affect on the proposed development within the junction's southwest quadrant. Option 4 is the only option that has no affect on the proposed development. However this is the most expensive option in terms of construction costs and likely land take. It should also be noted this option would have a significant impact on the allotments to the east of the crossing.

16.6.2 Options 2 and 3 require less overall land take than Option 4 but they both require a small amount of land from the development area. Option 2 requires less land from the development area but is likely to require the replacement of the B1257 bridge whereas Option 3 takes slightly more land but may achieve savings by allowing retention of the bridge, or part of it. Further assessment of the existing bridge is required before the treatment of the existing bridge can be determined.

16.6.3 However in any event both options will be cheaper than Option 4. This section recommends several areas to investigate and consult further to provide a greater certainty in design achievability and cost. It also suggests that if departures from standard or the use of compact grade separated junctions are to be considered then the HA should be consulted at an early stage to obtain their acceptance.

16.6.4 The list below summarises the areas for further investigation and consultation if the options mentioned are to be considered further:

- A more detailed desktop ground investigation.
- Topographical survey.
- Draft NRSWA enquiry to establish more robust statutory undertaker diversionary / protection works.
- Consultation with the HA with regards the existing road structures, drainage philosophy, consideration of a compact grade separated junction and possible departures from standard.
- Quantified Risk Assessment (QRA)
- Stage 1 Safety Audit.

16.6.5 The GSJ is considered to be a longer term option put forward as part of the preparation of this Local Development Framework. Whilst the junction will offer substantial benefits in terms of reducing queues and congestion across the highway network there are significant challenges to it coming forward.

16.6.6 National advice has a presumption against new accesses onto trunk roads and the cost of the GSJ at (£13-16m) is substantial and is unlikely to attract funding from the Highways Agency. This policy presumption applies even if alternative funding was secured for the scheme. The Council needs to show that its plans are deliverable within the plan period to 2026 such as setting out what infrastructure will be required, how it will be funded and how it will be delivered.

16.6.7 Whilst seeking developer contributions towards funding this junction is a possibility, this will be on top of the contributions already being sought for Brambling Fields, which RDC and NYCC are already committed to. Viability work is being carried for the Council as part of a separate study. However indications are that the substantial costs involved in providing a new GSJ – regardless of the policy presumption against such improvements - will have a detrimental effect on the Council's ability to secure viable housing development. That is not to say that the GSJ is not worthy of further investigation by the Council with key partners such Highways Agency and NYCC should this situation change in the future.

17 Selecting Development Scenario(s)

17.1 Introduction

- 17.1.1 Sections 4 to 12 describe in detail the impacts the traffic generated by each of the nine scenarios will have on the local highway network within Malton and Norton compared to the Scenario 1 conditions.
- 17.1.2 The emphasis of this impact has been focussed on the four key junctions by detailing the amount of additional congestion they will experience in the morning peak in 2026 using both the existing junction layouts and a set of deliverable junction layouts (designed where possible to mitigate congestion).
- 17.1.3 The congestion (RFCs) for each arm of each junction ranges from near zero to significant (above 100%) which could potentially affect other nearby junctions and cause major problems in the future.

17.2 Extraction of Results

- 17.2.1 The qualitative traffic light system within the results tables in Sections 4 to 12 shows how congested the junctions will be in comparison to Scenario 1. The results from these tables have been collated and summarised in Section 13 to give an illustration of the congestion levels the traffic from each scenario will have on the network both with and without the proposed junction improvements.
- 17.2.2 Figure 17.1 below gives an illustrative summary of the total congestion levels for each scenario across the network both with and without junction improvements in place.

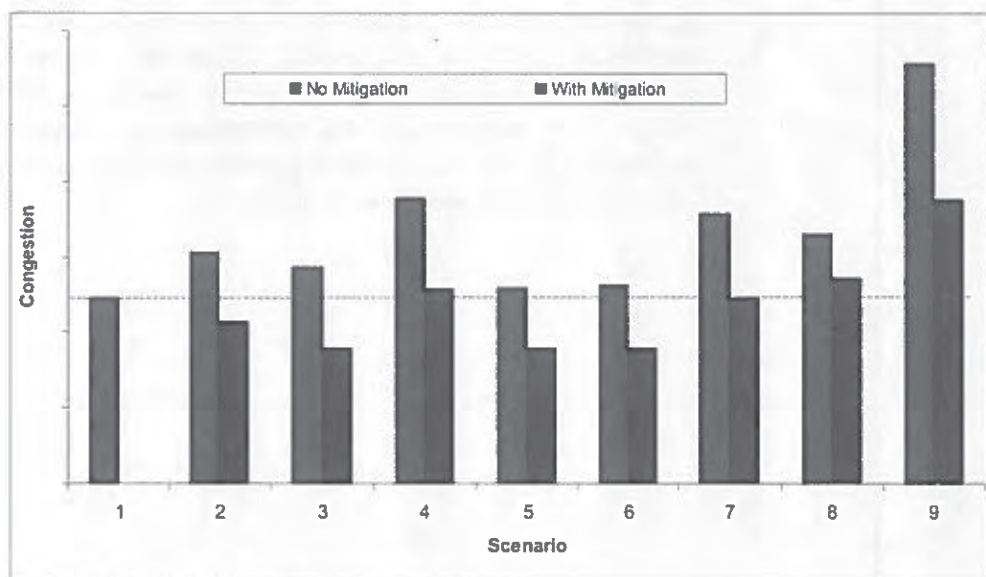


Figure 17.1 Scenario Assessment Summary

- 17.2.3 In comparison to Scenario 1, Scenarios 2, 3, 5 and 6 with mitigation in place will generally have less congestion across the highway network than Scenario 1.
- 17.2.4 Scenarios 4 and 7 are likely to produce no significant increase in overall congestion, however locally within each junction there will be some increases on certain arms such as on Church Street at the Welham Road junction. Scenarios 8 and 9 will produce a significant increase in congestion across the network even with mitigation.

17.3 Refining the Choice of Scenarios

- 17.3.1 Recommending a scenario depends on a number of factors. It is not just about the amount of additional congestion produced from development but also balancing that against the magnitude and geographical spread of that development.
- 17.3.2 The above results show that scenarios 2, 3, 5 and 6 create the least amount of congestion with the mitigation measures in place. Of these Scenarios 2, and 6 produced no significant increase in congestion at each junction but Scenario 5 produced significant increases on Welham Road. On this basis Scenarios 3 and 6 could be taken forward as recommended scenarios in highway terms.
- 17.3.3 As mentioned in Section 6, Scenario 4 represents a spread of development across Malton and Norton without a concentration of development traffic on any particular part of the network. However Scenario 4 also involves a scale of development beyond that which is likely to be proposed through the LDF.
- 17.3.4 Even at this higher level of development the increase in congestion levels associated with Scenario 4 compared to Scenario 1 is relatively low with congestion particularly occurring at the Welham Road junction. There is potential that under the junction improvement with a 'hybrid mini roundabout that this congestion could be eliminated. However, this option would need to pass a Stage 1 Safety Audit and be given authorisation by DfT to be put into place. Whilst this is being investigated, no approval exists at this time.
- 17.3.5 In light of this a sensitivity test has been undertaken to test the effects of reducing the amount of residential development by 50% in this scenario so that it equates to a lower level of housing that is more likely to be considered through the Council's LDF.
- 17.3.6 This development scenario with 50% of the Scenario 4 residential development has been named Scenario 4A. It is important to note that whilst the level of residential development has been reduced proportionately by 50%, the level of other development remains the same. This is due to the fact that other uses cannot be proportionately reduced in comparison to housing. Similarly as this study is on a strategic basis, no site could be left out. However the result of this is that the quantum of employment and in particular retail development (which is higher trip generating development than housing) is in excess of what is being proposed through the Council's LDF. On this basis we consider the figures from Scenario 4A to be extremely robust.



17.3.7 The amount of development land in Scenario 4A is as shown in the table below:

Development Type	Plot Area
Retail	27 ha
Residential	2165 dwellings
Education	0.2 ha
Employment	44 ha
Leisure	3.3 ha

17.3.8 The modelling of Scenario 4A is shown in Section 18.

18 Scenario 4A Congestion Analysis

18.1 Increase in Congestion

18.1.1 For Scenario 4A the magnitude of the increase in congestion relative to Scenario 1 is shown in the table below.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 4A No Mitigation	2026 AM Scenario 4A With Mitigation
Butcher Corner	Wheelgate	●	●	●
	Old Maltongate	●	●	●
	Castlegate	●	●	●
	Yorkersgate	●	●	●
Welham Road Junction	Castlegate	●	●	---
	Welham Road	●	●	●
	Church Street	---	---	●
Castle Howard Road Junction	Castle Howard Road	●	●	●
	Yorkersgate	●	●	●
	York Road	---	---	●
Pasture Lane Junction	Broughton Road	●	●	●
	Pasture Lane	●	●	●
	Newbeggin	●	●	●
	Mount Crescent	●	●	●
Westfield Way Junction	Scarb. Rd West	●	●	●
	Scarb Rd. East	●	●	●
	Westfield Way	●	●	●

Table 18.1 Scenario 4A RFC Magnitude (5 Key Junctions)

18.1.2 The circular traffic light symbols represent the actual RFC values for each scenario and each junction as described in Table 3.12. As a relative measure, the cells or boxes with a green background in Table 18.1 show where the congestion is less than that of Scenario 1 and the cells or boxes with a pink background show where the congestion is greater than Scenario 1.

18.1.3 As with the other 9 scenarios the capacity restrictions at Butcher Corner will cause the junction to operate at or around capacity on Old Maltongate and Yorkersgate. Castlegate will operate just under capacity (RFC < 100%) and Wheelgate will have no congestion. The congestion at Butcher Corner will be no worse than in Scenario 1.

18.1.4 At the Welham Road Junction, Welham Road and Castlegate will have less congestion than Scenario 1. Church Street will also operate within capacity with minimal congestion. Overall, with the proposed change in priority at the junction the junction will operate with less congestion than the existing junction under the Scenario 1 traffic.

- 18.1.5 At the proposed signalised Castle Howard Road junction, Castle Howard Road, Yorkersgate and York Road will have no congestion.
- 18.1.6 On the existing junction layout the Pasture Lane Junction will be over capacity on all four arms. With mitigation measures in place the RFCs on all four arms will be considerably less than in Scenario 1 (existing junction) which shows that the proposed junction improvement does mitigate the impact of the development traffic for Scenario 4A. Broughton Road and Pasture Lane will however still be over capacity with RFCs greater than 100%.
- 18.1.7 With mitigation in place the Westfield Way junction will experience no congestion.
- 18.1.8 The table below shows the results for the other six junctions. There will be no significant increases in congestion when compared to Scenario 1.

Junction	Road Name	2026 AM Scenario 1 No Mitigation	2026 AM Scenario 4A No Mitigation	2026 AM Scenario 4A With Mitigation
Town Street Junction	Highfield Road	●	●	●
	Old Malton Road	●	●	●
	Town Street	●	●	●
Railway Street Junction	Yorkersgate E	---	---	---
	Yorkersgate W	●	●	●
	Railway Street	●	●	●
Norton Road Junction	Castlegate	●	●	●
	Church Street	---	---	---
	Norton Road	●	●	●
Level Crossing	Castlegate	●	●	●
	Church Street	●	●	●
Wold Street Junction	Church Street	●	●	●
	Commercial Street	---	---	---
	Wold Street	●	●	●
Mill Street Junction	Commercial Street	●	●	●
	Scarborough Road	---	---	---
	Mill Street	●	●	●

Table 18.2 Scenario 4A RFC Magnitude (Other Junctions)

18.2 Advantages of Scenario 4A

- 18.2.1 With the proposed deliverable junction Improvements Scenario 4A will have zero to minimal congestion levels when compared to Scenario 1 while also containing a realistic level of development likely to be proposed in the future, and developments distributed across both Malton & Norton.

**18.3 Disadvantages of Scenario 4A**

- 18.3.1 The model results show there will be some congestion at the Pasture Lane junction. This congestion will however be less than that in Scenario 1.

18.4 Recommendation Summary

- 18.4.1 At this level of development, Scenario 4A is a robust and viable option as it results in an acceptable impact on the local highway network particularly with mitigation and contains sites distributed across both Malton & Norton and therefore allows an assessment of the complex traffic impacts and interrelationships across the towns in a single scenario.

19 Scenario 4A Sensitivity Testing

19.1 Introduction

19.1.1 To establish the relative impacts of the traffic generated by three of the development sites within Group 1 the following sensitivity tests have been carried out based on Scenario 4A.

- Test 1 – Remove the Pasture Lane / Showfield Lane development.
- Test 2 – Remove the Ryedale Business Park development on Eden Road
- Test 3 – Remove the Wentworth Street Car Park development.

19.1.2 These sites have been chosen for sensitivity testing as they represent choices over where development could be accommodated and it is therefore appropriate to test the difference in traffic impact from removing them from the model.

19.2 Test Results

19.2.1 The results of the three sensitivity tests are shown in Table 19.1 and 19.2 below. Both tables show the RFC values for each scenario and each junction using the traffic light colours as described in Table 3.12.

Junction	Road Name	2026 AM Scenario 4A With Mitigation	2026 AM Test 1 With Mitigation	2026 AM Test 2 With Mitigation	2026 AM Test 3 With Mitigation
Butcher Corner	Wheelgate	76.1	79.2	74.3	77.3
	Old Maltongate	126.5	127.9	125.6	126.2
	Castlegate	100.0	99.8	100.0	100.0
	Yorkersgate	105.6	105.6	105.7	105.6
Welham Road Junction	Castlegate	---	---	---	---
	Welham Road	74.7	69.0	70.7	78.0
	Church Street	70.6	64.3	66.1	65.3
Castle Howard Road Junction	Castle Howard Road	52.4	51.0	52.4	52.9
	Yorkersgate	75.0	74.7	73.7	66.6
	York Road	82.7	77.2	80.2	80.3
Pasture Lane Junction	Broughton Road	151.4	124.3	144.5	147.3
	Pasture Lane	104.3	104.9	104.5	104.3
	Newbeggin	26.0	18.4	26.5	23.7
	Mount Crescent	59.8	57.8	59.5	56.7
Westfield Way Junction	Scarb. Rd West	84.6	82.2	80.2	84.5
	Scarb Rd. East	73.4	68.2	70.9	70.3
	Westfield Way	84.0	82.5	80.3	83.3

Table 19.1 Scenario 4A Sensitivity Testing Results (5 key Junctions)

Junction	Road Name	2026 AM Scenario 4A With Mitigation	2026 AM Test 1 With Mitigation	2026 AM Test 2 With Mitigation	2026 AM Test 3 With Mitigation
Town Street Junction	Highfield Road	6.0	3.3	3.3	3.2
	Old Malton Road	28.9	24.4	25.3	24.4
	Town Street	96.9	96.8	102.1	96.8
Railway Street Junction	Yorkersgate E	102.3	103.0	102.4	102.3
	Yorkersgate W	14.9	18.0	17.0	16.7
	Railway Street	3.6	3.7	3.7	3.8
Norton Road Junction	Castlegate	40.8	43.4	40.3	40.1
	Church Street	26.9	24.7	27.1	24.7
	Norton Road	12.5	12.9	12.4	11.9
Level Crossing	Castlegate	40.6	43.1	40.2	40.0
	Church Street	25.9	24.3	26.2	24.4
Wold Street Junction	Church Street	42.2	42.5	41.9	42.6
	Commercial Street	61.9	56.1	60.4	56.9
	Wold Street	59.1	58.4	59.0	57.9
Mill Street Junction	Commercial Street	83.7	84.8	83.6	84.3
	Scarborough Road	38.2	34.9	37.9	35.9
	Mill Street	54.6	49.8	50.7	52.7

Table 19.2 Scenario 4A Sensitivity Testing Results (Other Junctions)

19.2.2 The results show that the removal of any one of the three sites has a minimal effect on the congestion within the highway network. The colour of the majority of the traffic lights remains the same as Scenario 4A for all three tests. In Test 2 Town Street is slightly over capacity.

19.3 Conclusion

19.3.1 The removal of any one of the three development sites in Tests 1, 2 and 3 will have a minimal effect on the congestion within the highway network.

19.3.2 In the majority of cases (exception of Town Street in Test 2) the traffic light colour will not change from that of Scenario 4A.

20 Summary and Conclusions

20.1 Summary of Methodology

20.1.1 The purpose of the Malton and Norton Strategic Transport Assessment is test the impact of strategic development locations on the road network in Malton and Norton and compare the congestion levels against development represented by Scenario 1. The study objective is also to identify any potential problems with particular development scenarios and to confirm where deliverable highway infrastructure improvements are likely to be required to enable individual developments to go ahead without incurring an unacceptable impact on the highway network.

Traffic Model

20.1.2 Jacobs has used NYCC's fully validated SATURN traffic model of Malton and Norton to test a number of proposed highway improvements across the Malton and Norton local highway network.

20.1.3 The AM peak model has been used based on an assessment year of 2026 and including all the major highway links and junctions in both Malton and Norton (A64, Museley Bank Junction, A169, A64 Grade Separated Junction and the Brambling Fields Junction).

20.1.4 Additional measures at the Butcher Corner junction along with the additional slip road at Brambling Fields have been tested in the SATURN traffic model. The SATURN model network with these network improvements in place has been used as the base network for the Malton & Norton STA.

Development Sites

20.1.5 A number of development sites in the vicinity of Malton & Norton have the potential to be developed in the future. In order to realistically test the effects of these development sites on the local highway network, the sites have been divided into 5 groups based on location, size and or phasing as follows

- Group 1 – Stage 1 and Stage 2 Brownfield Development Sites
- Group 2 – Malton Based Sites
- Group 3 – Norton Based Sites
- Group 4 – Woolgrowers Development Site
- Group 5 – Norton East Development Site

20.1.6 Nine scenarios have been created to test the traffic impact of different combinations of the five development site groups. The scenarios allow realistic varying levels of development to be tested all with Group 1 as a base. These tests then allow a maximum 'best case' level of development to be determined which will provide the most development for the least amount of congestion on the network.

20.1.7 Each of the individual development sites within each of the five groups will generate traffic on the local highway network. To estimate the amount of traffic each development site will generate, a number of assumptions have been made regarding development size, type, vehicle type split, travel plan measures and interactions with other sites.

Engineering Solutions to Facilitate Development

20.1.8 To minimise the amount of congestion as a result of the traffic generated by the nine development scenarios a number of junction improvements have been considered. A number of options have been developed some involving land take and some which are immediately deliverable as they do not take up any land outside of the existing highway boundary. The junctions which have been considered are as follows:

- Welham Road
- Castle Howard Road
- Pasture Lane
- Westfield Way

20.1.9 The deliverable options mentioned above are not necessarily the optimum in terms of delivering maximum capacity to each junction. As such a range of improvement options have been developed to provide the maximum realistic capacity at each junction but which take up land or may not be immediately deliverable.

20.1.10 In addition to the improvement options for the four junctions listed above Jacobs was commissioned to provide an outline design and indicative cost estimate for the provision of the GSJ at the crossing of the A64 and B1257 Broughton Road, to the north west of Malton. This junction could bring substantial benefits to the local highway network to significantly reduce congestion, improve journey times and improve air quality within the town centres.

20.1.11 Associated with the Norton East and the Woolgrowers sites are proposed link roads. The design and layouts of the Woolgrowers and Norton East link roads have been considered in combination with the 'North Yorkshire Highway Design Guide' requirements for local distributor roads (LDR) and also where appropriate the DfT's DMRB due to the high level of predicted traffic.

20.1.12 The indicative layouts for both link roads have been detailed to best replicate those indicated on the master plans albeit with minor alterations to accommodate the above design standards.

20.2 Scenario Testing Results

- 20.2.1 Scenario 1 is a viable option. However, this is only the base scenario and represents a limited amount of development which will not deliver the wider objectives of the Local Development Framework (LDF).
- 20.2.2 When compared to Scenario 1 the majority of the highway network will not be detrimentally affected by the development proposed in Scenario 2. However, there may be some additional queues at Castle Howard Road. These queue lengths will not be substantial enough to cause any serious problems. Scenario 2 therefore represents a potential option for accommodating additional development in Malton and Norton.
- 20.2.3 With mitigation measures in place, Scenario 3 represents a potential option for accommodating additional development in Malton and Norton as there will be limited congestion across the highway network.
- 20.2.4 At this level of development, Scenario 4 is not a viable option as it results in an unacceptable impact on the local highway network even with mitigation. However this scenario does contain sites distributed across both Malton & Norton and therefore allows an assessment of the complex traffic impacts and interrelationships across the towns in a single scenario.
- 20.2.5 Scenario 4A is a robust and viable option resulting in an acceptable impact on the local highway network particularly with mitigation and contains sites distributed across both Malton & Norton and therefore allows an assessment of the complex traffic impacts and interrelationships across the towns in a single scenario. Sensitivity tests have been carried out on Scenario 4A by removing three of the development sites in Group 1. These tests show that there would be minimal effect on the congestion on the highway network.
- 20.2.6 In Scenario 5 there will be significant congestion at the Westfield Way junction but with mitigation measures in place the junction will operate under capacity. Scenario 5 is a potential option for accommodating development in Malton and Norton but there will be considerable congestion on Church Street with the Welham Road mitigation measures in place. There will however be no congestion on Welham Road itself or on Castlegate.
- 20.2.7 Scenario 6 will not cause any extensive capacity and queuing problems on the Castle Howard Road, Westfield Way or Pasture Lane junctions. The Welham Road junction will, even with the deliverable mitigation, experience additional queuing on Welham Road and Church Street due to the amount of additional traffic from the Woolgrowers development. Due to the large traffic flows in and out of the Woolgrowers development there will be significant congestion at Welham Road.
- 20.2.8 Scenario 7 is not a realistic option as it will generate an unacceptable level of congestion on the existing highway network.
- 20.2.9 Whilst generating proportionally less congestion than Scenario 7, Scenario 8 is still not a realistic option due to additional congestion on the existing and mitigated highway network.

20.2.10 The significant amount of development involved in Scenario 9, leads to numerous areas of congestion across the existing local highway network in Malton and Norton. To overcome this, it is likely major highway improvements beyond that of the proposed mitigation measures would be necessary.

20.3 Conclusion - Recommended Scenarios

20.3.1 This study indicates that there are a number of potential options for accommodating the anticipated level of new development in Malton and Norton. These involve different patterns of development such as development just in Malton or Norton, in both, or a major expansion to Norton. Therefore the Council has choices in how it can accommodate new development in Malton and Norton in highway terms. Rather than recommend a particular scenario in this study, it is for the Council to make that choice based on consultation and it's evidence base, which includes this Strategic Transport Assessment.

20.3.2 Therefore, the four top rated scenarios are scenarios 2, 3, 6 and 4A.

20.3.3 The increase in congestion levels associated with Scenario 4A are small with only limited congestion occurring at the Pasture Lane junction with the double mini roundabout layout proposal.

20.3.4 In Scenario 2, there may be some additional queues at Castle Howard Road but will not be substantial enough to cause any serious problems. Scenario 2 therefore represents a potential option for accommodating additional development in Malton and Norton.

20.3.5 With mitigation measures in place, Scenario 3 represents a potential option for accommodating additional development in Malton and Norton as there will be limited congestion across the highway network.

20.3.6 Scenario 6 will not cause any extensive capacity and queuing problems on the Castle Howard Road, Westfield Way or Pasture Lane junctions. Due to the large traffic flows in and out of the Woolgrowers development there will be significant congestion at Welham Road.



Appendix A Map of Malton & Norton



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

Agent contact details (if applicable)

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

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.

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 : [REDACTED]

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. 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 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.

Although I am not legally qualified to give a fully legal response, as far as I can see the plan appears to follow all the requirements necessary for submission to the planning inspectorate.

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: <div style="background-color: black; width: 200px; height: 20px; display: inline-block;"></div>	Date: 1 st DEC 2016
--	--------------------------------

Official Use Only Reference Number
N N N N N N N N N N

From: HOLLINRAKE, Kevin <kevin.hollinrake.mp@parliament.uk>
Sent: 09 December 2016 18:01
To: mwjointplan
Cc: Charlotte Milligan; KNAPTON, Nigel
Subject: Minerals and Waste Joint Plan

Draft Minerals and Waste Joint Plan – NYCC, NYM, CoYC

I welcome the Drafts Minerals and Waste Plan and its comprehensive approach to key aspects of the legal and regulatory requirements for hydraulic fracturing for shale gas in my constituency of Thirsk and Malton. I have made it clear, from the moment fracking was given the go ahead by a majority of over 250 in the House of Commons, that it should only proceed if robust regulations are in place.

It is right that there must be a balance between the national benefits from exploration and development of shale gas and the need to protect local communities and the environment and, furthermore, that this should be constantly under review.

I pressed heavily for the Government's announcement that there would be no surface activity in 'protected areas' (National Parks, AONB's, Protected Groundwater Source Areas, Scheduled Monuments, Special Protection Areas, Special Areas of Conservation and Sites of Special Scientific Interest). I fully support the proposal within the plan for a 3.5km buffer zone around these areas.

Concerns have been raised about the potential industrialisation of the area, increased traffic and particularly heavy vehicles, noise and pollution to water supplies. Therefore, I agree that it is right that hydrocarbon development will only be permitted in locations with suitable direct or indirect access to classified A or B roads and that access to the sites are appropriate to the volume and nature of any road traffic. I also welcome the fact that the number of individual wells will be limited to 10 well pads per 100/sq km, **I would, however, suggest that it is made clear that the density restrictions apply specifically to non-protected areas and buffer zones; i.e. that there are no more than 10 well pads per 100 sq km in non-protected areas and associated buffer zones. If this were not the case, development could be much more heavily concentrated in locations outside protected areas.**

Separation distances specified (page 90) should also provide for minimum distances from schools and medical establishments, a minimum of one mile would be more appropriate at this stage until more evidence on environmental impact is available. This will ensure protection from adverse impacts of noise, light pollution, emissions to air or ground and surface water.

I welcome the introduction of independent scientific monitoring to establish the baseline and ongoing water and air quality and seismic activity, before, during and after work takes place. This also monitors methane in water and fugitive emissions of methane into the air, so any impacts from fracking will quickly become apparent.

It is essential that, as fracking is a new industry to the UK, regulations should be kept under review and changed as it develops. This year I have set up an All Party Parliamentary Group for Shale Gas Regulation and Planning which will examine all aspects of the regulatory regime surrounding fracking. We are currently taking evidence from a whole range of experts and people from within the industry as well as community groups. The report will make recommendations and this will provide us with an opportunity to make sure that all issues are properly taken into consideration.

Whilst these problems are temporary (because once the fracking operation is up and running, there will be minimal impact on local communities) they do need to be moderated by all available means and those communities affected should be properly compensated for any inconvenience caused. The Government estimates that community benefits paid directly by the producer over the 25-year life of a single well-pad would be in the order of £10m. Ineos have stated that they will pay much more than this figure, possibly as much as £370m for a ten well-pad network. In addition, the Government will also allocate 10% of any tax receipts to a shale gas wealth fund and are consulting on

how this might be distributed. My preference would be that this should be shared between the wider community and directly to the householders who suffer the brunt of any disturbances.

Finally, I have made it clear that if exploration cannot be carried out whilst staying inside acceptable environmental limits then I will call for a moratorium.

Kind regards

Kevin Hollinrake MP
Member of Parliament, Thirsk & Malton Constituency
House of Commons
London
SW1A 0AA
01347 666880



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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable): Samuel Smith Old Brewery (Tadcaster)		
Address:		
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mr	Initial(s): S
Surname:		Vendy
Organisation (if applicable): Cunnane Town Planning LLP		
Address:	PO Box 305	
	Manchester	
Post Code: M21 3BQ		
Telephone: 0161 861 0410		
Email: stuart.vendy@cunnanetownplanning.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.

For official use only:
Respondent Number

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

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
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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="2.26"/>	Policy No.	<input type="text" value="n/a"/>	Policies Map	<input type="text" value="n/a"/>
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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 checked="" 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.

Firstly, in considering the emphasis and importance placed upon the conservation of both landscape and heritage assets it is important to recognise that these aims are also reflected in the purposes of designating areas of green belt. Therefore harm to either landscape or heritage assets within the green belt will equate to harm to the purposes of including land within the green belt.

This provides clarification with regard the proper application of green belt policy in the development management process, and ensures that where these harms are identified the correct approach to whether a proposal is 'appropriate' within a green belt is understood and adopted at an early stage.

Secondly, the supporting text should make it clear that the test of whether a proposal conflicts or otherwise with the purposes of the green belt is not qualified within NPPF. There is no ability to identify conflict with the purposes of the green belt, and then conclude that the conflict is not so significant as to make the proposal 'inappropriate development'. Any conflict will make the proposal 'inappropriate' within the green belt.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	Obj. 6, page 40	Policy No.	n/a	Policies Map	n/a
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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 checked="" 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.

In identifying suitable locations for minerals development, the current wording of the objective fails to include the 'need' for the proposed development/allocation. The entire process of identifying general locations and sites for development in a sustainable fashion must be predicated on a forecast need for the facility. To identify and allocate sites for which a need has not been identified risks the development of facilities in locations which would not have been acceptable until opportunities to develop in more appropriate locations had been exhausted.

The approach of identifying potentially unneeded locations for development does not reflect the sustainable release of land as a finite resource for development. The principal tool of planning for sustainable development is preventing the development of facilities in locations which are unsustainable. The current wording of the objective does not reflect 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.

The wording of the objective should be modified to ensure that the development of unneeded facilities is expressly resisted within the plan area.

(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: 20/12/16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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="n/a"/>	Policy No.	<input type="text" value="M05"/>	Policies Map	<input type="text" value="n/a"/>
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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 checked="" 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.

In identifying a need for crushed Magnesian Limestone within the plan area, the Local Aggregate Assessment (LAA) appears not to have taken into account the potential sources of supply from outside the plan area. These may be able to meet the need for a suitable land bank, without the identified risk to heritage assets.

Whilst the supporting text to this policy identifies the potential risk to heritage assets, it neglects to mention that the Southern Magnesian Limestone Ridge that passes through the area is also an important and characteristic landscape feature, and supports a number valuable habitats.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	n/a	Policy No.	M09	Policies Map	n/a
--	-----	------------	-----	--------------	-----

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

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

In previous representations we have identified the flaws in the evidence base and methodology, and consequently the requirement to identify a specific need for Magnesian Limestone resources within the Plan Area. The policy seeks to identify sites which can be used to meet the purported need for a supply of sites capable of meeting a need for crushed Magnesian Limestone. The evidence base associated with the developing policies of the emerging plan do not support to separate identification of a Magnesian Limestone land bank and it should therefore be removed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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="n/a"/>	Policy No.	<input type="text" value="M16"/>	Policies Map	<input type="text" value="n/a"/>
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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 seeking to provide a framework for the consideration of proposals for identifying and securing hydrocarbon resources, both through 'fracking' and via other methods, the policy has failed to recognise the importance of green belt policy in the determination of such proposals.

Both conventional and unconventional hydrocarbon proposals fall outside the definitions of appropriate development contained within NPPF. These proposals would need to be justified with reference to Very Special Circumstances that outweigh both the harm by virtue of inappropriateness and the other harm resulting from the proposal. The current policy wording and supporting text is silent on the approach that must be adopted in such circumstances.

Such developments would not fall within the definition of appropriate development within the green belt contained within the NPPF, and therefore their consideration of should begin with a presumption that they will not be acceptable within the green belt. This should be reflected in the policy in the interest of clarity and transparency.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	n/a	Policy No.	M17	Policies Map	n/a
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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 checked="" 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.

In seeking to provide a spatial and locational framework for the consideration of hydrocarbon proposals, both through 'fracking' and via other methods, the policy has failed to recognise the importance of green belt policy in the determination of such proposals.

Both conventional and unconventional hydrocarbon proposals fall outside the definitions of appropriate development contained within NPPF. These proposals would need to be justified with reference to Very Special Circumstances that outweigh both the harm by virtue of inappropriateness and the other harm resulting from the proposal. The current policy wording and supporting text is silent on the approach that must be adopted in such circumstances.

Such developments would not fall within the definition of appropriate development within the green belt contained within the NPPF, and therefore their consideration of should begin with a presumption that they will not be acceptable within the green belt. This should be reflected in the policy in the interest of clarity and transparency.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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="n/a"/>	Policy No.	<input type="text" value="M18"/>	Policies Map	<input type="text" value="n/a"/>
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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 seeking to provide a spatial and locational framework for the consideration of hydrocarbon proposals, both through 'fracking' and via other methods, the policy has failed to recognise the importance of green belt policy and the proper and full restoration in the determination of such proposals.

Both conventional and unconventional hydrocarbon proposals fall outside the definitions of appropriate development contained within NPPF. These proposals would need to be justified with reference to Very Special Circumstances that outweigh both the harm by virtue of inappropriateness and the other harm resulting from the proposal. The current policy wording and supporting text is silent on the approach that must be adopted in such circumstances.

Such developments would not fall within the definition of appropriate development within the green belt contained within the NPPF, and therefore their consideration should begin with a presumption that they will not be acceptable within the green belt. This should be reflected in the policy in the interest of clarity and transparency.

With regard the approach to restoration, the policy adopts differing approaches depending upon whether the proposal is conventional or unconventional hydro-carbon development. There is no apparent justification for this differing approach.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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="n/a"/>	Policy No.	<input type="text" value="D02"/>	Policies Map	<input type="text" value="n/a"/>
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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 checked="" 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 seeks to provide framework for the assessment of local amenity issues and cumulative impacts associated with minerals and waste developments. The policy provides a definitive list of potential impacts that proposals may have on surrounding businesses and users of the public rights of way network.

Firstly, this policy does not appear to identify the amenity of residents as a potential receptor of impacts of development proposals. Clearly, residents living in proximity to a minerals or waste proposals or associated development. The need to assess possible impacts upon residents should be identified within the policy alongside businesses etc.

Secondly, in providing a definitive list of the possible types of impacts the policy does not provide for impacts which may yet be identified, or impacts that result from technologies or processes that are not currently known or deployed. The policy should provide for 'other impacts, that may result from minerals and waste developments' in order that the full range of possible effects can be assessed and taken into account during the determination of proposals.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : Samuel Smith Old Brewery (Tadcaster)

Please mark with an x as appropriate

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

Paragraph No./ Site
Allocation Reference No.

n/a

Policy No.

D05

Policies Map

n/a

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 seeks to control the development of minerals and waste proposals within the adopted green belts. The policy provides guidance firstly with regard minerals development and then waste.

In the first instance the policy refers only to the York and West Yorkshire Green Belts. Whilst these are the only green belt areas currently within the plan area, there is not account made for green belts which may be adopted during the course of the plan period.

With regard mineral development the policy mis-interprets national green belt policy within the NPPF. The policy currently allows minerals development within the green belt if it can be demonstrated that the openness is preserved, and in the case of proposals within the York Green Belt, the historic character and setting of the city is preserved. NPPF (para 90) makes it clear that minerals development is appropriate in the green belt if the proposal preserves openness and does not conflict with the purposes of the green belt. These purposes are set out in paragraph 80 of the NPPF and provide for a far wider ranging set of circumstances. For clarity I also consider that the five purposes reflect the fundamental aim of including land within the green belt, its openness.

With regard the approach to waste developments within part 2 of the policy, again there is a misinterpretation of national policy. Toward the end of the second paragraph the policy seeks to guide the application of the Very Special Circumstances test. The policy states that:

"...will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations." [my emphasis]

This wording fails to reflect that NPPF requires that Very Special Circumstances are required to outweigh both harm by reason of inappropriateness and any other harms.

The policy, in the third paragraph, goes on to identify a series of developments which it considers to be 'appropriate development within the green belt'. The rationale or methodology of identifying these uses and development types is unclear, however their range and scope is far beyond that identified within NPPF as development that are not inappropriate development in the green belt.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Samuel Smith Old Brewery (Tadcaster)
------------------------	--------------------------------------

Please mark with an x as appropriate

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="n/a"/>	Policy No.	<input type="text" value="D10"/>	Policies Map	<input type="text" value="n/a"/>
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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 checked="" 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 provides complex guidance with regard the restoration of sites that have previously been used for minerals and waste development. As a general comment on the policy, the current wording is far from transparent and unlikely to be easily understood by members of the public and practitioners concerned with the legacy that such developments may permanently leave on the landscape.

The first part of the policy provides for the assessment of the restoration and aftercare elements of proposals. The policy fails to specify that the proposal must be in compliance with the development plan, or that a reasonable level of publicity and public consultation would be expected to ensure that deviations from the restoration of the site to its previous state are well advertised and understood by the public.

Criterion V) specifics that imported waste should only be relied upon where essential to deliver a high quality restoration. This fails to reflect the overarching requirement to seek sustainable solutions to waste disposal and reclamation.

The second part of the policy considers the approach to minerals developments. Again the policy fails to adequately reflect the green belt policies of the NPPF.

Criterion i) provides not for the restoration and preservation of the best and most versatile agricultural land, but the best and most versatile soils regardless of the use. This doesn't reflect the aim of the NPPF in this regard which is to preserve this valuable resource primarily for agricultural purposes.

The policy wording in its current form is overly complex and very difficult to amend meaningfully through written representations. The form and operation of the policy needs to be fully explored in an open and transparent forum.

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:20/12/16

From: Stuart Vendy <stuart.vendy@cunnanetownplanning.co.uk>
Sent: 20 December 2016 12:45
To: mwjointplan
Subject: Representations to the North Yorkshire Minerals and Waste Local Plan
Attachments: - Representation 5 - SSOBT - Dec 2016.pdf; Publication_response_form_part_A1.pdf; Representation 1 - SSOBT - Dec 2016.pdf; Representation 2 - SSOBT - Dec 2016.pdf; Representation 3 - SSOBT - Dec 2016.pdf; Representation 4 - SSOBT - Dec 2016.pdf; Representation 5 - SSOBT - Dec 2016.pdf; Representation 6 - SSOBT - Dec 2016.pdf; Representation 7 - SSOBT - Dec 2016.pdf; Representation 8 - SSOBT - Dec 2016.pdf; Representation 9 - SSOBT - Dec 2016.pdf; Representation 10 - SSOBT - Dec 2016.pdf

Dear Sir/Madam,
Please find attached representations to the above document.
Please do let me know if you have any queries.
Regards

Stuart Vendy
CUNNANE TOWN PLANNING LLP
stuart.vendy@cunnanetownplanning.co.uk

Cunnane Town Planning LLP
PO Box 305
Manchester
M21 3BQ

Tel +44 (0)161 861 0410

<http://www.cunnanetownplanning.co.uk/>

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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 enteredDate 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

mw joint plan @ northyorks. gov. uk

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 : [REDACTED]

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. 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 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.

UN SOUND - The buffer zone around ~~the~~ residences, SSSI's, Archaeological sites, National parks etc should be unified, at 750m. There should be no exceptions. This will be consistent with

- Paragraphs 17 (reducing pollution)
- Paragraph 124 (EU limit values for pollutants)

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : [REDACTED]

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.

Policy No.

DO1

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 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.

To comply with NPPF paragraph 119,
the "presumption in favour of sustainable
development" does not apply to the
oil and gas industry.

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
------------	------

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	[REDACTED]
------------------------	------------

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" value="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 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.

This is inconsistent with para 100 of the NPPF regarding developments in areas at risk of flooding.

It is also inconsistent with the E.U. Water Directive, which specifies that, in matters of risk of water pollution, the precautionary principle should be applied.

Your ref:
Our Ref:ZG/MWJP/PS/001

21st December 2016

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

Dear Mr Smith,

MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT NOVEMBER 2016 – RESPONSE FROM ZETLAND GROUP LIMITED

In response to the latest round of consultation on the Minerals and Waste Joint Plan published jointly by City of York Council, North York Moors National Park and North Yorkshire County Council, please find below the consultation response from Zetland Group Limited.

This letter forms Zetland Group's submission, as agreed with the North Yorkshire County Council Plans and Technical Services Team.

Zetland Group Consultation Response

Paragraph 5.93

5.93 Since work started on the Joint Plan, there has been increasing public and commercial interest in issues associated with developing onshore shale gas resources. This is a highly relevant issue for the Plan area following the announcement by Government in late 2015 of new oil and gas exploration and development licences (PEDLs) in the eastern part of the area (see fig. 12), as well as the approval in 2016 of proposals for hydraulic fracturing for shale gas at an existing well site near Kirby Misperton, in Ryedale District. Nevertheless, substantial uncertainties remain about the scale and distribution of any future proposals that could come forward.

Not Effective -Paragraph 5.93 – The text should reflect hydrocarbon resources, as opposed to singling out shale gas resources.

Paragraph 5.95

5.95 The expected increase in commercial interest in gas in the Plan area in future years, including shale gas, together with the highly sensitive nature of the environment in large parts of the area covered by new and existing PEDLs, presents a significant challenge. An appropriate balance has to

be achieved between provision of a degree of support and flexibility to enable development to take place in appropriate locations, and the need to provide a high standard of protection to local communities and the environment. This section of the Joint Plan sets out a comprehensive range of policies that aim to achieve this balance.

Not Positively Prepared - Paragraph 5.95 – the use of words ‘presents a significant challenge’ – this is not positively presented and could be considered to pre-judge sensitivities without understanding the specifics of the development. Any development type could present a significant challenge, there is no justification to single out hydrocarbon development. The purpose of the Plan is to provide a clear, justified and positive policy framework against which proposals can be formulated and tested. As drafted, the negative sentiments of this paragraph are in conflict with paragraph 14 of the NPPF presumption in favour of sustainable development.

Paragraph 5.98

*5.98 Conventional hydrocarbons are oil or gas which has accumulated in a ‘reservoir’ of porous rock such as sandstone or limestone and which **can be extracted by conventional drilling techniques**. Conventional gas was first discovered in the North York Moors in the 1940s. In the 1970s, gas was extracted from a wellhead in the National Park and processed at a site in Pickering, although this operation was only short lived as a result of water ingress. In the 1980s successful exploration wells were drilled in the Vale of Pickering and in 1995 the Knapton gas power generation plant was commissioned, with gas being sourced from a number of well sites within the Vale, at Kirkby Misperton, Marishes, Malton, and Pickering. Production continues and the Vale of Pickering contains one of the larger onshore gas fields in the UK. More recently, further exploratory drilling for conventional hydrocarbons development has taken place within the National Park, with a view to extracting gas for transport via pipeline to the Knapton facility.*

Not effective - Paragraph 5.98 ‘can be extracted by conventional drilling techniques’. Incorrect use of the words ‘conventional drilling techniques’. Drilling techniques are the same whether conventional or unconventional. It is the properties of the rock which determine whether unconventional or conventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale (fluid volumes and pressures).

These techniques fall under the more general heading of “well stimulation”. Well stimulation refers to any intervention technique on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage area around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundreds of meters away from the well bore, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 plus years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

Paragraph 5.100

5.100 More recently, there has been interest in unconventional hydrocarbons as a form of energy supply. These are hydrocarbons which cannot be extracted by conventional techniques and include sources of hydrocarbons such as methane captured from coal mines, coal bed methane, underground coal gasification, as well as shale gas'

Not effective - Paragraph 5.100 – 'cannot be extracted by conventional techniques' . It is the properties of the rock which determines whether the formation is unconventional or conventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale. (fluid volumes and pressures).

These techniques fall under the more general heading of "well stimulation". Well stimulation refers to any intervention technique on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage area around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundreds of meters away from the well bore, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 plus years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

Paragraph 5.105

5.105 Whilst permission for hydraulic fracturing of an existing gas well near Kirby Misperton was granted in 2016, there is still a high degree of uncertainty about the commercial viability of any resources in this area or the UK generally, and hence the potential scale or distribution of development activity that may come forward. This uncertainty is likely to prevail until further exploration activity has taken place.

Not Positively Prepared - Paragraph 5.105 – use of word 'uncertainty' – not positively presented does not comply with National Policy support for shale development. The reference to the existing gas well near Kirby Misperton is unnecessary and serves to confuse, the commercial viability of any resource can only be determined by further exploration.

Paragraph 5.107

5.107 There are three main phases of onshore hydrocarbon development identified in national planning guidance: exploration, appraisal and production, as summarised below. Development relating to each of these main phases falls within the scope of the Policies in the Joint Plan. However, the distinctions between the phases may not always be clear cut. For example, hydraulic fracturing for unconventional gas can be associated with each of the main phases.

- *Exploration - seeks to acquire geological data to establish whether hydrocarbons are present. It may involve 2-dimensional or 3-dimensional seismic surveys, exploratory drilling, well testing and completion and, in the case of shale gas, hydraulic fracturing. For conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically, site construction, drilling and site clearance will take between 12 to 25 weeks. For unconventional hydrocarbons, exploratory*

drilling **may take considerably longer**, especially if hydraulic fracturing is involved and, in the case of coalbed methane, removal of water from the coal seam.

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

- *Production - normally involves the drilling of a number of wells at one or more well pads. These may be at well pads used at the exploratory and/or appraisal phases of hydrocarbon development, or from one or more new well pads. Associated equipment and infrastructure, such as pipelines and processing facilities needed to clean or compress or store gas may also be required. Production can be up to around 20 years. The production stage is likely to require the periodic maintenance of wells, which may require use of drilling equipment.*

Not Effective - Paragraph 5.107 Reference to drilling for unconventional hydrocarbons taking considerably longer – this is not correct. Hydraulic Fracturing is a separate process to drilling. It is unnecessary to single out unconventional hydrocarbons and shows a lack of understanding of the industry. As stated previously it's the properties of the rocks that determine if the formation is conventional or unconventional. The techniques used differ only in scale (high volume versus low volume).

Paragraph 5.112

*5.112 Particular concerns have been expressed about other potential impacts of the hydraulic fracturing techniques used in extraction of shale gas and some other forms of hydrocarbons development. These include matters such as pollution of ground and surface water, use of water resources and management of waste water, air pollution and the potential for ground movements (i.e. earth tremors) to be triggered. 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, the potential for various effects on health and well-being is a key concern to local communities. The focus of the planning system is on whether the development itself is an acceptable use of the land. Other regulatory regimes (see below) are relevant to the detailed control of matters such as sub-surface environmental pollution, induced seismicity, borehole design and construction and health and safety. In accordance with Government advice, the Minerals Planning Authorities will assume that these other regimes will operate effectively. **However, where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process.***

Not Justified - Paragraph 5.112 – Recognises the community concern about impact on public health and that 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. The paragraph should be deleted.

Use of the words ‘However, where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process.’ This wording is not helpful, it is open ended and ambiguous. Clarification is required to provide potential applicants with guidance as to what, in practice, this means.

Paragraph 5.114

5.114 Each proposed development is assessed by the Environment Agency, which regulates discharges to the environment, issues water abstraction licences, and acts as a statutory consultee in the planning process. The Environment Agency has issued guidance which notes that an environmental permit will be required for matters such as the emission of waste gasses and the disposal of waste underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.

Not Effective - Paragraph 5.114 – The role of the EA – for consistency this paragraph could be expanded to cover those points raised in policy M18 1) i) with reference to arrangements for the management or disposal of any returned water and naturally occurring radioactive material – avoid overlap with the role of other regulators.

Paragraph 5.117

*5.117 In 2012 DECC (now **DBEIS**) introduced measures to control seismic risks from fracking. Operators are now required to assess the location of any relevant faults before fracking operations can take place. Operators must submit to **DBEIS** a plan of operations, starting with small test fractures before main operations and install realtime monitoring based on a traffic light system. Operators must stop and investigate if they detect tremors above the normal range. Further guidance on the regulation of hydrocarbons proposals is set out in the DECC publication ‘Onshore Oil and Gas Exploration in the UK: regulation and best practice (England) (December 2015). A diagram illustrating the ‘traffic light’ system is provided below.*

Not Consistent with National Policy - 5.117 needs to be amended to reflect Oil and Gas Authority and its role within government.

Paragraph 5.118

*5.118 Planning guidance and case law makes clear that **Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies**. It states that they can determine applications having considered the advice of those bodies without having to wait for the other approval processes to be concluded.*

Not Effective - Paragraph 5.118 – Other sections of the draft plan and policies do not accord with this paragraph, paragraph 5.112, and policy M18 for example. There is a need to avoid unnecessary regulatory overlap.

Paragraph 5.119

Definitions

5.119 To ensure that the local policy approach to hydrocarbon development is as clear as it can be, it is helpful to define some key words and concepts that will be used by the Mineral Planning Authorities when implementing the Joint Plan:

a) 'Hydrocarbon development' includes all development activity associated with exploring, appraising and/or producing hydrocarbons (oil and gas), including both surface and underground development.

b) 'Surface hydrocarbon development' and 'surface proposals' includes use and/or development of the land surface for the purposes of the exploring, appraising and/or producing hydrocarbons.

c) 'Sub-surface hydrocarbon development' and 'sub-surface proposals' includes development taking place below the ground surface for the purposes of exploring, appraising and/or producing hydrocarbons.

d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability, extracted using conventional drilling and production techniques.

e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in situ coal seams through underground coal gasification.

f) For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.

g) In planning terms it is important to distinguish between:

i) the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and:

ii) the use of more conventional, less complex drilling and production techniques to extract hydrocarbons

Not Effective - e) f) the definition of conventional and unconventional hydrocarbons needs to be reworked. There is a need for consistency with the Infrastructure Act definition of Hydraulic Fracturing. Hydraulic fracturing technique can be used in both conventional and un-conventional reservoirs, all references too conventional and unconventional should be removed as there is no differentiation other than scale.

Not Effective – g) ii) the use of 'less complex', we disagree with this statement – drilling is the same whether for conventional and unconventional resources and should hydraulic fracturing be required this is no less complex than some conventional stimulation techniques. Complexity differs irrespective of conventional or unconventional.

Policy M16

Policy M16: Key spatial principles for hydrocarbon development

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

a) • exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing;

• exploration for unconventional hydrocarbons, without hydraulic fracturing: Proposals for these forms of hydrocarbon development will be permitted in Publication Draft Plan Minerals and Waste Joint Plan 84 locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.

b) • Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;

• Exploration for unconventional hydrocarbons, involving hydraulic fracturing;

• Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):

i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, **Areas which Protect the Historic Character and Setting of York**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.

iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.

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

d) All surface hydrocarbon development:

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

ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined **Heritage Coast** will be protected.

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

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

Not Effective - The policy could be simplified to provide clarity as to the applicable principles to each hydrocarbon development type.

b) i) Areas which protect the Historic Character and Setting of York – there does not appear to be any clarification within the Plan as to whether this policy applies to specific identifiable areas (ie that could be mapped and backed up with evidence of the significance/vulnerability of such area in terms of heritage interest), or whether this is a general undefined approach. The lack of certainty and direction that this element of policy provides is unhelpful. The policy goes beyond the provisions of the Infrastructure Act, in that new designations are introduced. Consideration of these additional designations is unnecessary as effective operation of the planning system provides for consideration of potential impacts where relevant.

D) i) 3.5km buffer zone - concern about the use of the buffer zone. Paragraph 5.128 states ‘that this distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes. Reference to 35m high structure but no reference to the temporary nature – it is contended that this is not sufficient to justify a buffer zone of this magnitude. Within protected landscapes there are permanent structures of comparable or greater height that have been assimilated within and adjacent to protected landscapes.

D) ii) Reference to Heritage coasts – such areas are not formal landscape designations, and in terms of the Plan area generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to heritage coasts is unjustified.

e) the section ‘*Conversion of well pads and wells for further or alternative forms of hydrocarbon development*’ and ‘*or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons,*’ requires deletion, the wording is unnecessary.

Paragraph 5.122

*5.122 While the Infrastructure Act 2015 and secondary legislation address hydraulic fracturing which occurs underground, the Government has also consulted on further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from being carried out from new or existing wells drilled at the surface in certain specified areas, **although they are not yet in force**. As proposed, the restrictions would apply to surface development for unconventional hydrocarbons involving high volume hydraulic fracturing but not to conventional hydrocarbons development, or development for unconventional hydrocarbons which do not require high volume hydraulic fracturing. The areas proposed for protection through this means are National Parks, AONBs, World Heritage Sites, Groundwater Source Protection Zone 1, SSSIs, Natura 2000 sites (SPAs and SACs) and Ramsar sites. Although these areas all benefit from strong national planning policy protection in their*

own right, the proposed restrictions would not, in themselves, constitute planning policy as they are proposed to be implemented through the oil and gas licensing regime.

Not Effective - Paragraph 5.122 – We would question the need for this paragraph to be included. Inserting reference to proposals that have only been the subject of consultation is pre-emptive and runs the risk of the plan being out of date or misleading. Any changes in context during the course of the plan making process henceforth could be addressed through modifications as and when appropriate.

Paragraph 5.123

5.123 The net effect of the existing restrictions would be to prevent subsurface development involving high-volume hydraulic fracturing at a depth of less than 1,000m below the surface anywhere in the Plan area, and at a depth of less than 1,200m below the surface in some highly protected areas (as indicated in para. 5.121). However, a range of other important types of designation would not be subject to similar legislative protection. Furthermore, whilst the proposed surface restrictions would provide protection to a range of important designations, albeit not as a matter of planning policy, there are other types of sensitive areas that would not receive equivalent protection.

Not Effective - Paragraph 5.123 – It is unnecessary to include this paragraph as it refers to a consultation which is not yet in force and would in any case once in force be implemented by another regulator.

Paragraph 5.124

*5.124 An additional consideration is that the new Regulations and proposed surface protections would only apply to **high volume hydraulic fracturing** whereas in terms of land use and the potential for impacts on the environment, local amenity and other relevant matters, impacts could occur at lower levels of activity. It is therefore not considered appropriate to distinguish in the Policy between high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid. Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.*

Not Effective - Paragraph 5.124 – reference needs to be made to the Infrastructure Act definition of Hydraulic Fracturing. The paragraph is drafted such that it does not differentiate the scale of the development and the impacts therewith. Each application should be considered on its own merits and not dictated by other legislation.

Paragraph 5.125

*5.125 In view of the **limited protection** provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy. This would help provide a clear, robust and consistent*

local approach by ensuring that their protection is incorporated within the statutory development plan. Such an approach acknowledges the very important contribution made by these designations to the overall character of the Plan area, the quality of its environment and its attractiveness to both residents and visitors. The development management policies in Chapter 9 of the Joint Plan, including Policies D04, D05, D06, D07, D08 and D09, also provide specific policy protection for these and other assets, and will need to be taken into account as relevant in the determination of planning applications. This includes the need to take account of any Impact Risk Zones identified by Natural England for SACs, SPAs, Ramsar sites and SSSSIs, via the requirements of Policy D07 Biodiversity and geodiversity and impacts on the historic environment through the requirements of Policy D08 where relevant forms of surface or underground hydrocarbon development are proposed. Policy D11 also sets out requirements relating to the sustainable design, construction and operation of development, including minimisation of greenhouse gas emissions, consumption of water and generation of waste amongst other matters, in order to further reduce potential adverse impacts.

Not Effective - Paragraph 5.125 – The wording – ‘limited protection’. We disagree with this wording – the established regulatory system is effective and offers a high level of protection. Existing environmental designations have sufficient protection to ensure no adverse impact from future hydrocarbon development. The level of development will be restricted by these designations. The paragraph is negatively written.

Paragraph 5.126

*5.126 Mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act 1990 (“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land). Where horizontal drilling beneath a National Park is proposed from a location outside the Park, a ‘straddling’ application to both mineral planning authorities will be required. As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as **major development** and should be steered away from these highly protected areas. Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.*

Not Effective - Paragraph 5.126 – We question the basis for the claim that any straddling application would as a matter of course meet the definition of major development.

Paragraph 5.127

5.127 A key factor leading to designation of an area as a National Park or Area of Outstanding Natural Beauty is the quality of its landscape. These areas benefit from a very high degree of protection in national policy, which states that major development within them should be refused unless there are exceptional circumstances and the development would be in the public interest. National Parks and AONBs are very important in contributing to the overall environmental quality, distinctive character and rural economy of the Plan area, yet substantial areas of PEDLs are located in them. In some cases, development outside a National Park or AONB could have an impact on its setting, and conflict with the statutory purposes of its designation. A particular consideration is

whether the scale, nature and location of a proposed development would detract from the special qualities of the designated area. Tall elements of surface hydrocarbons development, such as drill rigs associated with exploration and appraisal, or production wells, may typically be 35- 40m in height. Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently. However, where they would be located in close proximity to National Parks or AONBs, they have the potential to cause significant adverse impact on the setting of these important areas. This could include impact on important views to or from the National Park or AONB, or on the dark night skies typically associated with such areas as a result of the need for site lighting during 24-hour operations at some stages of development. Further justification for the protection of the setting of National Parks and AONBs is provided in paras. 9.26 and 9.27.

Not Effective - Paragraph 5.127 – Short term duration needs more emphasis – matter of weeks.

Paragraph 5.128

5.128 In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, 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. This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor. Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.

Not Effective - Paragraph 5.128 – Based on typical planning practice – this is not sufficient justification for the buffer zone. Any application that would be likely to have an adverse impact on the landscape of the National Park or AONB will be subject to consultation with the MPA and following the consideration of the application on its own merits a LVIA will be submitted. A Landscape and Visual Impact Assessment may not be required in all cases.

Paragraph 5.129

5.129 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.

Not Effective - Paragraph 5.129 – We have experienced difficulty in accessing a plan to show areas identified as affecting the historic character and setting of York. No justification is provided for this additional restriction; we consider that the existing regulation/ policies provide for sufficient protection.

Paragraph 5.130

5.130 Areas of Heritage Coast have been defined in the Plan area. In these nationally defined non-statutory areas, local planning authorities are required to ‘maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast’. Such areas are therefore afforded a relatively high level of significance in national policy terms and it is appropriate to reflect this in the spatial approach.

Not Effective - Paragraph 5.130 – see comment on policy M16 above - D) ii) Reference to Heritage coasts – such areas are not formal landscape designations, and in terms of the Plan area generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to heritage coasts is unjustified.

Policy M17

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

1) Accessibility and transport

i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local 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

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 nonmotorised users where relevant; and

c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

2) Cumulative impact

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, **planned** or unrestored hydrocarbons development.

ii) Well pad density and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:

a) The proximity of a proposed new well pad site to other existing, planned or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;

b) **The duration over which hydrocarbon development activity has taken place in the locality** and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;

c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

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 of lower quality in preference to higher quality.

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.

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.

ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

Not Effective - Policy M17: Other spatial and locational criteria applying to hydrocarbon development.

- 1) C) iii) 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. Disagree with this requirement. Unnecessary constraint. If a development requires importation of water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.
- 2) I) 'planned' should be permitted or consented. Planned is too imprecise, permitted provides a degree of certainty that the development could take place.

2)b) Reference to the duration over which hydrocarbon development has taken place in the locality is irrelevant. The MPA will have approved development on the basis that impacts are not significantly adverse, and should test other proposals accordingly.

2c - an overall scheme of production development within the PEDL may not be known. Delete unconventional.

Paragraph 5.132

5.132 Where produced gas needs to be transported off-site to remote processing facilities or other infrastructure, pipelines are the most appropriate method in order to minimise the need for vehicle movements and their associated impacts. As pipeline construction can itself give rise to adverse impacts, it is important that the need for new infrastructure is minimised and sharing of infrastructure is supported under part 2) iv) of this Policy. Where new pipelines are required, routes which seek to minimise any impacts on the environment or local amenity should be selected, recognising that there are a range of factors which can impact on this, including land ownership and economic factors as well as environmental constraints. Impacts from vehicle movements can be reduced by ensuring that development such as hydraulic fracturing, involving large volumes of water, is located where water can be supplied by means such as pipeline or directly from a suitable local source, without the need for road transport. This can be further supported by encouraging re-use or recycling of water where practicable and this is addressed in Policy M18.

Not Effective - Paragraph 5.132 – The Transport Assessment will assess transport Impact – this paragraph is not relevant.

Paragraph 5.133

5.133 The nature of hydrocarbon operations, particularly for unconventional hydrocarbons such as shale gas, means that development may be proposed incrementally within a given area, potentially over substantial periods of time. This is done to access new areas of gas or stimulate the flow of gas in a given location, therefore helping to ensure maximum recovery of the resource and an appropriate return on investment on items such as processing infrastructure. As a result there may be commercial pressure to construct progressively more well pads and/or drill more wells on an existing pad, or re-fracture existing wells.

Not Effective – Paragraph 5.133 – the phases of hydrocarbon development are clearly set out in National Planning Guidance. Each application and subsequent applications for later phases will, as with any application, be considered on their own merits. – Undue repetition – delete.

Paragraph 5.134

*5.134 At this early stage in commercial interest in shale gas in the area, there is considerable **uncertainty** about the potential scale and distribution of development that could come forward. Indications are that a typical well pad would have a surface area of some 2ha and that the density of well pads per PEDL area would depend on factors including surface constraints and geological factors. It would be influenced by the outcome of further initial exploration activity in the area. Each well pad could be expected to contain several individual well heads, from each of which a number of horizontally drilled wells would be drilled to access the shale gas resource, leading to the possibility of a substantial number of individual wells being drilled per pad. Such a scenario has the potential to lead to cumulative impacts as more development is proposed within an area, and to the potential for an incremental increase in impacts on the environment or local communities, including from traffic movements.*

Not Effective – Paragraph 5.134 – as above. Reference to uncertainty. There is no certainty with any development type. Planning system exists to manage development that may come forward – Therefore there does not need to be certainty.

Paragraph 5.135

5.135 If further exploration leads to commercial interest in the production of shale gas in the Plan area, it is vital that a reasonable balance is found between developing the resource and protecting local communities and the environment. This is particularly so bearing in mind that PEDL areas are subject to a range of environmental constraints; are places where people live, work or visit and that they make an important existing contribution to the overall character, economic well-being and perception of the area.

Not Effective - Paragraph 5.135 – As above comment for paragraph 5.134

Paragraph 5.136

5.136 Consequently, it will be very important to ensure that cumulative impacts that could arise through a proliferation of development are assessed and taken into account in considering proposals for hydrocarbon development. Whilst the current state of the evidence does not make it practicable to impose, at this stage in the development of the industry, a specific policy limit on the number of well pads or individual wells that may be acceptable in any particular area, or to specify a minimum separation distance that should be maintained between well pads, the policy sets out a range of criteria which will be used when assessing proposals which could give rise to cumulative impact.

Not Effective - Paragraph 5.136 – As above comment for paragraph 5.134

Paragraph 5.137

5.137 To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the Policy¹⁷. 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. As PEDL boundaries are based purely on the OS grid and do not reflect other considerations, the location of existing or planned development in adjacent PEDL areas will also be considered in assessing cumulative impact under this Policy.

Not Effective – Paragraph 5.137 – It is not appropriate to set pad density limits. The paragraph is over complicated and unnecessary – hydrocarbon developments are often temporary, low impact developments – some areas may well have capacity to accommodate numerically more than others. At production phase hydrocarbon development can be unobtrusive as evidenced by the existing gas production sites within the Vale of Pickering. Applications should be determined on a case by case basis, an assessment of density will be captured by an assessment of cumulative impacts. It should be noted that licence ‘blocks’ are typically 10km by 10km, but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

Paragraph 5.138

5.138 Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

Not Effective – Paragraph 5.138 – The overall scheme of production development within the PEDL may not be known. There may be occasions where applications are submitted concurrently but similarly individual planning applications may be submitted in isolation. Each application should be considered on its own merits.

Paragraph 5.140

*5.140 Accommodating any processing facilities and other supporting infrastructure, such as gas treatment, compressor or storage facilities, which may be needed to serve hydrocarbons development **may be a challenge**, given the predominantly rural nature of the Plan area and the scale and character of the development that could be involved. There are likely to be benefits therefore in locating new hydrocarbon development where it can use existing infrastructure, such as processing and distribution facilities, effectively, thus reducing the need for new development across the Plan area. This could help to reduce overall adverse impacts, including cumulative impacts. Consideration should therefore be given when locating development, and at the design stage, to the potential for the development to use suitable existing infrastructure, including infrastructure developed to serve activities carried out by other operators in adjacent PEDL areas, and developers should seek to deliver this where practicable.*

Not Effective – Paragraph 5.140 – ‘may be a challenge’ is phrased in a negative manner as hydrocarbon development is no different to any other development type and applications should be determined in accordance with national and local planning policy, taking into consideration the presumption in favour of sustainable development.

Paragraph 5.143

*5.143 Whilst **oil and gas development** has the potential to bring local economic benefits to the area, such as through employment and positive impact on the local service economy, there is also the potential for adverse impact on elements of the existing economy. Tourism and recreation are an important part of the wider economy in Ryedale, Scarborough and Hambleton Districts, in the North York Moors National Park and in the City of York. The quality of the natural environment, the opportunities for outdoor recreation and the cultural and heritage assets in the area all play an important part in attracting visitors. Furthermore, many local businesses in the area, including within the agricultural and manufacturing sectors, benefit from the current perception that they operate in **a high-quality rural environment**.*

Not Effective - Paragraph 5.143 – Reference to the perception of a high quality environment is an intangible statement with no evidence upon which to support this. Inconsistency with the reference to development type, throughout the plan hydrocarbon development is used, where as in this instance oil and gas development is used.

Paragraph 5.146

*5.146 Unlike other forms of minerals development currently taking place or expected in the Plan area, some phases of hydrocarbons development, such as the drilling of a well, require 24-hour operations. Such operations have acute potential to impact on local communities adversely, for example due to noise and light intrusion. This potential exists over much of the area that is currently subject to PEDLs, which is rural in nature, often with relatively low background noise levels, and relatively dark night skies. It is therefore important that locations for development are selected which will ensure adequate separation distances from residential property and other sensitive receptors. This would also help to ensure adequate protection from other potential impacts, such as emissions to air or water. The adequacy of separation distances to properties and other receptors will need to be determined by the Mineral Planning Authority on a case by case basis but in all cases a rigorous assessment of potential impacts is required and a high standard of mitigation provided where necessary. In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation **distance of 500m** should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances. **A 500m distance is considered to represent a reasonable distance** taking into account the potential for a range of impacts including noise, vibration, light pollution, visual impact and other emissions, as well as the potential for some forms of hydrocarbon development to generate disturbance during night time periods, when there is potential for a greater degree of perceived impact. For the purpose of interpreting this approach, the term 'sensitive receptor' includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.*

Not Effective – Paragraph 5.146 – The 500m distance from residential properties or other sensitive receptors has no justification and does not reflect the experience of recent proposals. Each application needs to be considered on its own merits, with supporting technical information providing the basis for the MPA's decision.

Paragraph 5.148

5.148 A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and can be a significant concern to local communities. Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Proposals should therefore be supported by information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development. Operators will be expected to apply the DBEIS traffic light system (see Fig.15) during their operations.

Not Effective - Paragraph 5.148 – Regulatory overlap with DBEIS. This does not fall under the remit of the land use planning regime.

Paragraph 5.149

5.149 The potential for emissions to water or air is also a key issue, particularly for proposals involving hydraulic fracturing. Although these are primarily matters controlled by other regulators (see below), they may have implications for the use and development of land, and local communities may be concerned about the potential for adverse impacts on health, which is also a relevant consideration in planning. Where proposals are put forward for development involving hydraulic fracturing, an air quality monitoring plan should be included. This should set out the measures to be taken to monitor air quality in the vicinity of the site, including the parameters to be monitored (to include parameters which relate to vehicle movements), the locations for monitoring and arrangements for reporting of results. A Health Impact Assessment should also be provided as part of an Environmental Impact Assessment, utilising any relevant data arising from baseline monitoring, including air quality monitoring and from other sources. This assessment should identify any likely significant health impacts, any mitigation and also identify proposals for further monitoring.

Not Effective – Paragraph 5.149 – Delete reference to ‘particularly for proposals involving hydraulic fracturing’ as emissions to water and air are not as a matter of principle limited to those proposals involving hydraulic fracturing. Emissions to Water and air are appropriate to the remit of the Environment Agency and therefore there is some regulatory overlap.

Paragraph 5.151

5.151 Hydrocarbon development is subject to a range of other regulatory regimes which provide control over certain aspects of the operations. These are administered by organisations such as the Environment Agency, the Health and Safety Executive and the DBEIS. National planning guidance is clear that planning authorities should not seek to duplicate these controls, and should assume that other regulatory regimes will operate effectively. The mineral planning authorities will therefore seek to work effectively with other regulatory bodies to ensure that a robust approach is taken to protect the environment and local amenity, recognising that issues relevant to the use and development of land are matters for the planning system.

Not Effective – Paragraph 5.151 – This paragraph needs to be amended to reflect Oil and Gas Authority and its role within government. Contradiction with paragraphs 5.148 and 5.149

Policy M18

Policy M18: Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes

through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

2) Decommissioning and restoration

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and*
- ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.*
- iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.*

Not Effective – policy M18 1)i)and ii) Overlap with regulatory responsibility of the Environment Agency.

2)i) Decommissioning of the well only occurs at the point at which the well is no longer considered viable. A well may be suspended pending further development in which case decommissioning would be inappropriate.

We also question whether the MPA has complied with the Duty to co-operate, as within the Duty To Co-operate Statement, there is evidence of consultation with the Environment Agency however, the matter of regulatory overlap does not appear to have been specifically addressed within the plan. Paragraph 002 of the Planning Practice Guidance which sets out guidance on Duty to Co-operate states:

‘The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.’

The regulatory overlap between Policy M18 and the Environmental Permitting regime has a negative impact on the effectiveness of policy M18, and conflicts with the provision of the planning practice guidance.

Paragraph 5.153

5.153 A significant issue with hydrocarbon development, particularly development involving hydraulic fracturing, is the need to manage the various forms of waste water that may be returned to the surface via a borehole. This can include water originally held within the rock (known as formation water) and, where hydraulic fracturing is involved, a proportion of the fracture fluid which returns to the surface via the borehole, known as flowback fluid. At production stage produced water arising as condensate in the gas can also occur. Such waste can arise in substantial volumes and may contain Naturally Occurring Radioactive Materials (NORM) and other contaminants. It may be practicable to prepare waste water on site for re-use, through cleaning it, or subject it to other reprocessing so that it can be recycled. Relevant processes can include filtration, disinfection, oxidation, sterilisation, sedimentation and electrocoagulation. It may also be practicable to treat some waste at the site prior to any requirement for off-site disposal.

Not Effective – Paragraph 5.153 – The use of the word ‘significant’ is negative and is not supported by evidence. The written justification does not accurately reflect the management of waste water. Produced water is not considered to be a waste, and the wording does not correspond to the practicalities of hydrocarbon development.

Paragraph 5.154

5.154 Provided a high standard of environmental protection is maintained to prevent spillage that could result in contamination of surface or groundwater, on-site preparation for re-use, recycling or treatment is likely to represent the most sustainable option, minimising the need to transport waste and promoting increased re-use or recycling in line with waste policy objectives in the Joint Plan. Where this is not practicable or appropriate, then off-site treatment or disposal will be required. The need for appropriate management of waste water is an important consideration for these forms of development, given the potentially large volumes that could arise. Proposals which would generate waste water should therefore be supported by a waste water management plan, identifying the measures proposed, including any offsite arrangements, to ensure the safe and sustainable management and transport of the waste in order to minimise risks to local communities or the environment. Further information on the protection of ground and surface waters, including the requirements of the Water Framework Directive, is provided in Chapter 9 in the section on the Water Environment.

Not effective – Paragraph 5.154 – If a development requires the removal of waste water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

Paragraph 5.155

5.155 Evidence suggests that there are a small number of existing facilities in and around the Yorkshire and Humber area which may be able to receive such waste, and these are likely to represent the nearest appropriate installations for management of this form of waste. However, it is

possible that if hydraulic fracturing activity develops on a significant scale, either inside or outside the Plan area, there will be a need for further development of suitable waste management infrastructure. At this stage it is not practicable to assess in any detail the likely scale or location of the capacity that could be required. However, the existing waste policies in Chapter 6 of the Joint Plan, particularly relevant elements of Policies W10 and W11, provide a basis for considering any applications for the development of local capacity if required.

Not Effective – Paragraph 5.155 – overlap with the responsibilities of the Environment Agency.

Paragraph 5.156

*5.156 Reinjection of water down existing wells, or new wells drilled specifically for this purpose, is sometimes proposed as a disposal method and is most likely to be appropriate for water which does not contain returned flowback fluid, given that such fluid poses a pollution risk. Whilst the Environment Agency has indicated that reinjection of flowback fluid is not necessarily prohibited, it currently takes the view that a precautionary approach should be applied and that this method of disposal does not represent the **Best Available Technique**. This part of Policy M18 will therefore need to be implemented taking into account the position of other relevant regulators, particularly the Environment Agency, at the time any planning application is being considered. Whilst in some circumstances reinjection of water may be an appropriate means of helping to manage waste without the need for off-site transport, it will be particularly important to ensure that it would only take place where a high standard of protection can be provided to ground and surface water resources. 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. Proposals for this form of development should therefore be supported with detailed information on the underlying geology of the site and an assessment of the potential for induced seismicity, together with any proposed mitigation.*

Not Effective – Paragraph 5.156 – It is not the duty of the MPA to determine what is Best Available Technique. The role of the MPA is to determine the appropriateness of any planning application based on material planning considerations.

Paragraph 5.158

*5.158 Unlike development of conventional gas resources, or indeed a range of other forms of minerals development, which are well-established industries, development involving hydraulic fracturing for shale gas, or development for some other forms of unconventional gas, would involve **new and relatively unfamiliar processes** in the Plan area and in the UK generally. As a result there is no well-established track record of the successful progression of development from the operational stage through to the final decommissioning and restoration of the site. The national Planning Practice Guidance states that a financial guarantee provided by the operator to cover restoration and aftercare costs can be justified where a novel approach or technique is to be used.*

Not Effective – Paragraph 5.158 – We would contend that the processes are well established and proven as opposed to new and unfamiliar. There are examples of successful processes, including hydraulic fracturing, having been undertaken in the UK.

Paragraph 5.159

5.159 At the time of preparing this Joint Plan, unconventional hydrocarbon development, particularly for shale gas and other technologies such as Underground Coal Gasification, is unproven on a commercial scale in the UK. The relevant mineral planning authority may therefore, depending on the scale and nature of the development proposed and sensitivity of the location, require provision of an adequate financial guarantee. This is to ensure that there is appropriate financial provision in place, at the outset, to safeguard the satisfactory restoration and aftercare of the land in accordance with planning requirements. Whether this policy should be continued throughout the plan period will be considered at the first review of the Joint Plan.

Not Effective – Paragraph 5.159 – Paragraph 48 of the planning practice guidance sets out the exceptional circumstances where a financial guarantee will be justified. We would contend that as a matter of course that there are no ‘novel’ techniques being utilised in the hydrocarbon development industry.

Please accept this letter as Zetland Group’s representation to the Minerals and Waste Joint Plan Publication Draft. Should you require any further clarification then please do not hesitate to contact me.

Yours sincerely



Elizabeth Walker BSc(Hons) MRTPI
Senior Town Planner
Tel: 01287 625650
Email: ewalker@zetlandgroup.com

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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.

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 : [REDACTED]

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. 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 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 JUST

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

Having examined the map and documents associated with this Minerals and Waste Joint Plan, I can only conclude that the waste part of the plan is a complete waste of time and is only a passing nod at the Duty to Co-operate.

Around 2 years ago you passed a plan to build the incinerator at Allerton Park. As a result of this project and the changes in projections, as far as I can see you have no choice other than to send all your waste to the incinerator. Any other better plans cannot be considered.

I and many others advised that the incinerator was unnecessary based on the projections of waste at the time. Those projections were based on the 2010 estimates of waste arising in 2020. You now have the 2014 projections in the Memorandum for the Environmental Audit Committee: Waste and Recycling review which show that household waste will be down by 22% on those figures and C&I waste will be down 18%.

During that same period too many incinerators will have been built both locally and nationally. The consequent overcapacity makes the whole development a white elephant and this consultation a waste of time.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name: Kate	Title: Mrs	Initial(s):
Surname: Arscott		
Organisation (if applicable): North Yorkshire Local Access Forum (Secretary)		
Address:	Legal & Democratic Services	
	County Hall	
	Northallerton	
Post Code: DL7 8AD		
Telephone: 01609 532834		
Email: kate.arscott@northyorks.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: 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:

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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	North Yorkshire Local Access Forum
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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="Chapter 9"/>	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 North Yorkshire Local Access Forum is pleased to be consulted on the Joint Minerals and Waste Plan and thanks Rachel Pillar, Senior Planning Policy Officer at North Yorkshire County Council, for attending its meeting on 30 November to discuss the publication version of the Plan with the Forum.

The Local Access Forum has no specific comments on the legal compliance or soundness of the Plan.

The Forum is however pleased to see some of its comments from the previous stage of the consultation reflected in revised wording in this Publication version of the Plan, for example in paragraph (viii) of the Vision on page 38 of the main plan document; Objective 12 on page 42; and in Policies D2 and D3. The Forum recommends a robust approach is taken to the timescale of site restoration in points vi and vii, (Policy D10 Part 1, page 184) to mitigate the adverse effects on local amenity value.

The Local Access Forum understands that comments on specific sites will be dealt with through the site assessment and planning application processes, and hopes to be kept informed in order to comment at the appropriate time.

NORTH YORKSHIRE LOCAL ACCESS FORUM

These comments constitute formal advice from the North Yorkshire Local Access Forum. North Yorkshire County Council is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.

Mineral and Waste Joint Plan – Publication Stage

Comments of the North Yorkshire Local Access Forum

The North Yorkshire Local Access Forum is pleased to be consulted on the Joint Minerals and Waste Plan and thanks Rachel Pillar, Senior Planning Policy Officer at North Yorkshire County Council, for attending its meeting on 30 November to discuss the publication version of the Plan with the Forum.

The Local Access Forum has no specific comments on the legal compliance or soundness of the Plan.

The Forum is however pleased to see some of its comments from the previous stage of the consultation reflected in revised wording in this Publication version of the Plan, for example in paragraph (viii) of the Vision on page 38 of the main plan document; Objective 12 on page 42; and in Policies D2 and D3. The Forum recommends a robust approach is taken to the timescale of site restoration in points vi and vii, (Policy D10 Part 1, page 184) to mitigate the adverse effects on local amenity value.

The Local Access Forum understands that comments on specific sites will be dealt with through the site assessment and planning application processes, and hopes to be kept informed in order to comment at the appropriate time.

Conclusion

We hope you will find our suggestions constructive which are offered under the LAF's remit to advise section 94(4) bodies. We should also like to engage further on any particular issues arising from this consultation, and look forward to your feedback.

Feedback

The Forum requests feedback on the above advice. Please provide this to the Secretary to the Local Access Forum – kate.arscott@northyorks.gov.uk
21 December 2016

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s): T N
Surname: Franklin		
Organisation (if applicable): York Green Party		
Address:	15 Priory Street	
	York	
Post Code: YO1 6ET		
Telephone: 07989948221		
Email: office@yorkgreenparty.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:

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2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
------------------------	--------------------------------

Please mark with an x as appropriate

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 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.

M18(1)(ii) The Environment Agency has informed me at the consultation in York on on 29 November that reinjection will not be permitted, and therefore the policy should reflect this and state that reinjection will not be allowed.

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.

M18 (1)(iii) re-injection of returned water will not be permitted.

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016
--	------------------

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
------------------------	--------------------------------

Please mark with an x as appropriate

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	<input type="checkbox"/>	No	<input checked="" 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 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 order to prevent to prevent works being a statutory nuisance arising from noise (both in construction and production phases), vibration, odour and light pollution as well as the potential threat from leaks and spills including fugitive gas.

Many places have a minimum of 500m from residential buildings for wind farms, when these cause far less nuisance than eg fracking which will not only generate noise from the wells, but will also generate vehicle movements, and at least 5% of wells are expected to fail in any year which can lead to leaks of noxious (and radioactive) leaks. It is therefore clear that a much larger boundary is needed.

This should NEVER be breached. Proposed new text below

2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
------------------------	--------------------------------

Please mark with an x as appropriate

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.

Despite the mineral planning authority's limited scope to the consultation focusing on legal compliance and adherence to the tests of soundness in the NPPF I feel that as Policy M16 has changed considerably since the Preferred Options consultation, the consultation scope should be widened to accommodate more general commentary as per the Town and Country Planning (Local Planning) England Regulations (2012).

These regulations do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : Tom Franklin, York Green Party

Please mark with an 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 X
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 (d)(i) fails to offer the same protection to othere types of protected environments as to AONBs. SPAs,SACs, RAMSARs and SSSIs are equally need legal protection, and should be added to the paragraph as..

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.

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

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

Official Use Only Reference Number

[Reference Number Grid]

2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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.	M21	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.

M21(2)
One of the Core Planning Principles in Paragraph 17 of the NPPF is to "support the transition to a low carbon future"
Paragraph 94 of the NPPF calls for "proactive strategies to mitigate and adapt to climate change."
Therefore an additional clause is needed

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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.	M21	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 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 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.

M21(2) lacks clarity as to whether all the criteria (i)-(iv) need to be met. The word ALL should be added to the first sentence so that it reads as below

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.

Other proposals for the working of shallow coal will be permitted where the ****all**** following criteria are met:

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

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 : Tom Franklin, York Green Party

Please mark with an 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. M21 Policies Map

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

2.(1) Legally compliant Yes No X
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.

M21(2) fails to ensure that applications meet the requirements of the Climate Change Act 2008, An additional clause is needed

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : Tom Franklin, York Green Party

Please mark with an 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. M20 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.

M20(i)
One of the Core Planning Principles in Paragraph 17 of the NPPF is to "support the transition to a low carbon future"
Paragraph 94 of the NPPF calls for "proactive strategies to mitigate and adapt to climate change."
Therefore an additional clause is needed.

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.

M20(1) add (vi) The work can be shown to be carbon neutral, or better and is compliant with the Climate Change Act 2008

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

Official Use Only Reference Number

[Reference Number Grid]

2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : Tom Franklin, York Green Party

Please mark with an 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. M20 Policies Map

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

2.(1) Legally compliant Yes No X
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.

M20(i)
The policy is not sufficient to meet the requirements of the Climate Change Act 2008, and needs to be strengthened to ensure that development does not lead to greenhouse gas emissions or global warming. Kirklees Council's plan says that developments must show that they are (at least) carbon neutral. Therefore a new section is needed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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	<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.

M18 (2)(iii) There is clear evidence in the past of companies failing in their duty to reinstate land at the end of the exploitation – sometimes by winding up the company responsible. This has left the community to pick up the cost. The policy as stated does not do sufficient to guard against this. The policy should read:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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.	D11	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"/>
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2.(2) Sound	Yes	<input 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 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"/>
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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.

One of the Core Planning Principles in Paragraph 17 of the NPPF is to "support the transition to a low carbon future"
Paragraph 94 of the NPPF calls for "proactive strategies to mitigate and adapt to climate change."

Additional clauses are therefore needed:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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.	D11	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 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"/>
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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.

D11 fails to address several sustainability issues relating to global warming and therefore fails to meet the requirements of the Climate Change Act 2008.

Developments should look at the entire life-cycle of the development.

Further, there is nothing about the health of people living in the area around the proposed development. The section therefore needs the following additional clauses:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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	<input type="text"/>	No	<input checked="" type="text"/>
2.(2) Sound	Yes	<input 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.

There is a legal duty to ensure that restoration of any site does in fact take place, and therefore Part 1 (viii) needs to be strengthened so that applicants demonstrate the ability to fund any restoration at the end of the development, for instance by placing appropriate funds into a bond, as too often we have seen companies wound at the end of the profitable part of the project in order to avoid their obligations.

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.

Add Part 1 (viii) Applicants need to demonstrate the ability to fund any restoration at the end of the development, for instance by placing appropriate funds into a bond.

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

Official Use Only Reference Number

[Reference Number Grid]

2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
------------------------	--------------------------------

Please mark with an x as appropriate

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

D07(3) fails to meet the need to secure SSSIs by not giving sufficient protection to secure them from unreasonable development.

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.

Development which would have an impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

- a) The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy; and
- b) The impact of permitting it, or refusing, it upon the local economy; and
- c) Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met in some other way; and
- d) Whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation.

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

Official Use Only Reference Number



Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Tom Franklin, York Green Party
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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.	D01	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"/>
2.(2) Sound	Yes	<input 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 checked="" type="text"/>

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.

One of the Core Planning Principles in Paragraph 17 of the NPPF is to "support the transition to a low carbon future"

Paragraph 94 of the NPPF calls for "proactive strategies to mitigate and adapt to climate change."

2224

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation : Tom Franklin, York Green Party

Please mark with an 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. D01 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.

There is no mention here of climate change, which is the single most important issue in sustainability, and deserves an explicit mention. Kirklees has included a statement to the effect that all developments must demonstrate that they are (at least) carbon neutral. This would help make clear what makes a development sustainable, and meet the requirements of the Climate Change Act 2008.

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.

Proposed updated text:

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 **in a way that supports a transition to a low carbon economy.**

(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 waste plan is neither sound, nor is it fully legal and it is important that the plan is both and meets the needs of the local community.

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: 15/12/2016

Official Use Only Reference Number

[Reference Number Grid]

mwjointplan

From: Tom Franklin <tom@franklin-consulting.co.uk>
Sent: 20 December 2016 22:24
To: mwjointplan
Cc: tom@franklin-consulting.co.uk
Subject: submission on waste and mineral plan
Attachments: Publication_response_form_part_A.docx; Publication_response_form_part_B1 D01L.docx; Publication_response_form_part_B1 D01S.docx; Publication_response_form_part_B1 D07L.docx; Publication_response_form_part_B1 D10L.docx; Publication_response_form_part_B1 D11L.docx; Publication_response_form_part_B1 D11S.docx; Publication_response_form_part_B1 M16L.docx; Publication_response_form_part_B1 M16S.docx; Publication_response_form_part_B1 M17L.docx; Publication_response_form_part_B1 M18L.docx; Publication_response_form_part_B1 M18S.docx; Publication_response_form_part_B1 M20L.docx; Publication_response_form_part_B1 M20S.docx; Publication_response_form_part_B1 M21L.docx; Publication_response_form_part_B1 M21S.docx; Publication_response_form_part_B1 M21S2.docx

Please find attached York Green Party's response to the joint waste and mineral consultation

Best wishes

Tom

Tom Franklin
York Green Party
15 Priory Street
York
YO1 6ET

Email: office@yorkgreenparty.org.uk

mwjointplan

From: Sneaton Parish Council <sneatonparish@hotmail.co.uk>
Sent: 09 November 2016 13:46
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam

Thank you for your email; however, we are not able to respond as the deadline is before our next parish council meeting.

Kind regards

*Victoria Pitts
Parish Clerk
Sneaton Parish Council
c/o Davison Farm, Egton, Whitby, North Yorkshire, YO21 1UA
Mobile: 07791889737 Email: sneatonparish@hotmail.co.uk*

From: mwjointplan <mwjointplan@northyorks.gov.uk>
Sent: 09 November 2016 13:36
To: mwjointplan
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.

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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. 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

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	[REDACTED]
ADDRESS	[REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

No, I do not want to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

Because this version of the plan contains much that is different in content from the January version, I believe that much of this new policy should be made available for proper consultation by the general public and not limited to soundness and legality alone. NYCC is not bound by law to limit the scope in this way. The Town and Country Planning England Regulations (2012) do not demand this.

CLIMATE CHANGE

The MWJP is unsound in claiming in M16 that shale gas extraction could help the UK keep within its carbon budget. In fact, shale gas exploitation looks likely to take the UK over its carbon budget. The Committee for Climate Change report (March 2016) stated that in order to stay within the 80% emissions reduction of the Climate Change Act, three tests would have to be met. The Committee's report test 3 states "emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy". However, there has been much back-tracking in "other areas". For example, the Zero Carbon Homes initiative has been dropped, support for Carbon Capture & Storage has diminished and support for renewable energy (significantly via the feed-in tariff) has been drastically reduced.

All future hydrocarbon development must be assessed by:

- CO2 emissions and fugitive emissions of methane and the CO2 emissions need to include those resulting from both combustion and production.
- How it can be accommodated within carbon budgets
- How it will lead to a reduction in climate changing emissions with clear definition.

LOCAL IMPACTS

M16. As well as National Parks, AONBs and the City of York having their surfaces protected from fracking, the Vale of Pickering and the Yorkshire Wolds should also have their surfaces protected

from fracking. The current MWJP is unsound because it is not taking into account the Ryedale Local Plan (SP13) in the same way that it takes into account the City of York Plan.

The Ryedale Local Plan is SP13 aims to protect and enhance distinctive elements of landscape character in areas such as the Yorkshire Wolds and the Vale of Pickering. It mentions "Visually sensitive skylines, hill & valley sides, the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure / exposure". If shale gas extraction were to be developed as envisaged by the MWJP, it would be in clear contravention of the Ryedale Local Plan.

Following the words 'Areas which Protect the Historic Character and Setting of York' should be inserted 'Land shown on the Key Diagram of the Ryedale Plan as landscape of local value'

The MWJP's suggestion of 10 fracking well sites per 10 x 10 km squared (one every 2 or 3 miles with possibly up to 50 wells on each and associated drill rigs) will change the character of the Vale of Pickering from rural to semi-industrial if not wholly industrial. In the Howardian Hills AONB above Broughton, Swinton (where I live), Amotherby, Barton, Slingsby and Hovingham, numerous footpaths and roads give good views of the Vale of Pickering which currently just looks pleasant and rural in character (except for Knapton silo). The same could be said of other vantage points surrounding the Vale. It must also be remembered that these sites will be lit up at night with the drilling rigs lit vertically, adversely affecting dark night skies.

The above changes will affect quality of life for residents but also make our countryside less attractive to visitors. Swinton (where I live) has some holiday cottages and a pub on the main road whose trade is boosted by passing tourists. Agriculture too could be affected and the economic future of 'Malton – the food capital of Yorkshire' could be jeopardised.

The Yorkshire Wolds has a distinctive landscape and many prehistoric features.

Buffer Zones

I support the inclusion of a 3.5 km buffer zone for shale gas extraction around National Parks and AONBs. Any fracking within 3.5 km of these areas will have an impact not only on landscape and views but also on tranquillity and biodiversity. In order to be legally compliant with the NPPF, the MWJP should completely prohibit fracking in these buffer zones.

Air quality

There is now ample evidence that fracking causes a risk to health. Paragraph 109 of the NPPF should apply. Setback distances from 'sensitive receptors' should be a minimum of 750 metres to ensure reduction of the negative effects of fracking and a minimum of 1 km for schools, hospitals and residential homes. Baseline health impact assessments should be required before any work commences.

Noise impacts

Shale gas development is a medium term activity – so the NPPF paragraph 144 must apply. A setback distance of at least 750 m is necessary to reduce the noise from drilling which can be

expected to be more noticeable at night, especially in many North Yorkshire areas which are normally quiet.

There should be no 'exceptional circumstances' to fracking within the residential buffer zone as this would contravene NPPF guidelines and be unsound. Remove the caveat allowing fracking within the buffer zone.

Require a Health Impact Assessment for all fracking operation – to measure the current noise levels and also air quality and the level at which it might be acceptable to the nearest home.

Biodiversity impacts

"have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Section 40 of the Natural Environment & Rural Communities Act 2006 places a duty on every public authority in England and Wales. To be within this law, remove the clause in DO7 stating "where the benefits of the development would clearly outweigh the impact or loss". We are witnessing a general decline in wildlife numbers; SSSIs represent habitat and species already in great need of protection.

Noise can be injurious to bats and certain bird species. Their populations might suffer even if fracking takes place outside the designated SSSI.

Biodiversity offsetting offers no certainty of protecting species and this approach should be removed from the MWJP guidance.

The 3.5 km buffer zone afforded to National Parks and AONBs should also be applied to SSSIs to ensure that no damage is caused by activities close to their boundaries e.g. noise, light pollution and other activities related to fracking such as hedge and tree clearance, in particular in N.Yorkshire as many of the SSSIs are quite small.

Highways and Traffic Impacts

Fracking operations require huge increases in heavy lorry traffic for which most rural roads in North Yorkshire are not suited.

Include a policy / policies to protect the safety of non-vehicle users of the road network – cyclists, walkers and horse-riders. I walk quite a lot within a 2 mile radius of Swinton and my husband regularly cycles the roads. We regularly encounter problems with volume and speed of traffic. A large increase in HGV traffic can only compound safety and air pollution issues. We are not alone with our concerns; Swinton Parish Council has called (unsuccessfully) for a lowering of the 40 mph speed limit on the B road through the village over safety concerns for both pedestrians crossing the road and for motorists entering from side roads.

A large increase in fracking related vehicles would not endear tourists to North Yorkshire.

Cumulative impact

The MWJP lacks soundness in that it has no separation distances between fracking sites. To be sound the plan needs to set out separation distances between each well to avoid the clustering of fracking pads in certain areas. This should be a minimum of 3 miles.

The Precautionary Principle

To comply with current legislation the precautionary principle should be included in the MWJP – to ensure that new developments do not take place unless it can be proved that no unacceptable cumulative effects would result.

An Environmental Impact Assessment should always be required to assess potential cumulative impacts.

Waste management and re-injection wells

Para 5.156 This underplays the size of earthquakes associated with fracking wastewater re-injection. Evidence from Oklahoma suggests they may be over 3.0. Also, the increased frequency is undeniable; Oklahoma averaged one earthquake a year of over 3.0 and now it's over 230. Although no lives have been lost, the earthquakes have caused damage.

There are many geological faults in the Vale of Pickering and elsewhere in North Yorkshire (we live above one in Swinton) which could conceivably be activated by wastewater re-injection if it was to be carried out at any scale.

The MWJP should use the precautionary principle and only allow re-injection if it can be proved absolutely that no adverse effects would ensue.

[REDACTED]

19th December 2016

[Redacted]

From: [Redacted]
Sent: 19 December 2016 13:43
To: mwjointplan
Subject: Waste & Minerals Joint Plan Consultation Submission
Attachments: MWJP consultation response.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Attached is my submission for the Waste & Minerals Joint Plan consultation. Please acknowledge your receipt of it (by email will be fine)

Yours sincerely,

[Redacted]

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation Response

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ORGANISATION (if applicable)	N/a
ADDRESS	[REDACTED] [REDACTED] [REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

I confirm that I do not want to attend the Oral Examination of the MWJP.

SCOPE OF THE CONSULTATION

- Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)
- Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.
- It is clear 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 the content of the new policy is actually brand new, and has not gone through the required consultation rounds with other representative bodies or the general public.
- The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.
- The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

- The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to 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.
- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that "*Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change.*".
- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.
- 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.*"
- It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans

- to make all new homes zero carbon by 2016.
- 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

City of York Area

- The new policy does not appear to have taken into account the City of York Council's policy MW3 on Minerals Extraction (City of York Development Control Plan April 2005 Chapter 14) or the Council's resolution to resist planning applications for drilling for shale gas, passed on October 9th 2014.

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.
- 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 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

- 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

- There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.
- Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. 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 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 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

- Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to *"...have regard, so far as is consistent with the proper*

exercise of those functions, to the purpose of conserving biodiversity”.

- The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.
- However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.
- Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.
- Planning Practice Guidance supports this viewpoint, stating that: *“Particular consideration should be given to noisy development affecting designated sites.”*
- Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted *“...where the benefits of the development would clearly outweigh the impact or loss”*.
- This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).
- 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.
- Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

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.
- In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:
http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf
- Fracking has also been proven to pollute groundwater in Wyoming:
<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>
- It is therefore the Planning authorities’ legal duty to ensure that water contamination will not occur in North Yorkshire.
- The EU Water Framework Directive is part of the UK’s legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- 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.”*
- Paragraph 94 of the NPPF states that local planning authorities should *“adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply”*. Paragraph 99 later states that *“local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.”*
- The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply.
- 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

- 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. Given the pressure of summer holiday traffic on all these routes, such an increase is unacceptable.
- 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

- The NPPF states Planning Authorities should: *“...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”*
- Planning practice guidance also states: *“The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”*
- 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.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, “More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.” <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- 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.

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 (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will [INSERT] not only be permitted [INSERT] unless where it can be demonstrated that significant [INSERT] no harm to the designated asset will not occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will [INSERT] not only be permitted where [INSERT] unless they would be outside [INSERT] and respect the setting of 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, [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 highways impacts)

...i) Hydrocarbon development will [INSERT] not be permitted in locations with [INSERT] without suitable direct or indirect access to classified A or B 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 in locations where [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 500[INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only [INSERT] not be permitted in exceptional circumstances...

...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.

M18 pt ii (regarding waste water and re-injection wells)

Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will [INSERT] not only be permitted in locations unless where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be proven beyond doubt demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

mwjointplan

From: [REDACTED]
Sent: 11 December 2016 16:26
To: mwjointplan
Subject: MINERALS AND WASTE JOINT PLAN CONSULTATION
Attachments: MINERAL AND WASTE JOINT PLAN CONSULTATION RESPONSE [REDACTED].docx

Please see the enclosed submission.

Many thanks.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Rachel Pillar
Re Minerals and Waste Joint Plan
Planning Services
NYCC
County Hall
Northallerton
DL7 8AH

[Redacted]

30TH November 2016

Dear Rachel

Re Site Ref WJP01 Hillcrest Harmby

I write following your decision to discount the above site in your latest round of deliberations. Obviously it is a great disappointment to me to read that our site has been discounted and even more because of the reasons that you have set out in your document. Whilst I understand at face value what you are saying about our current provision for a 'waste facility for end of life vehicles being lost' it has been wrongly assumed by you that **this is a site for that purpose whereas the opposite is the case** for the following reasons. Despite the fact that we have a Permit, issued by the Environment Agency, to treat end of life vehicles on site **no such operations take place**. This is because the end of vehicle life process is simply not financially viable and never has been since we first obtained the Permit.

Some 3 years ago we requested cancellation of the Permit (which itself allows up to forty cars per week to be treated) because we are only being offered on average one car per week. Over this period we have been in lengthy correspondence and site meetings with the Environment Agency and they are currently satisfied that we do not undertake any End of Vehicle life operations at this site. So your assumption that a transfer station will cause a loss of this facility is completely **unfounded**.

I indicated in my letter to you dated 27th March 2016 that the on site business itself was is such a bad way that I was hardly able to make a living. I have also raised this point with the Environment Agency many times in my attempts to revoke the Permit. The option of a Transfer Station on the site was our hope that a business here could survive. You discounting it puts another nail in that coffin.

I can understand you making the assumption that a significant an end of vehicle life operation would be lost but you have wrongly made the assumption that one exists when it does not and **I would formally request that you re-visit this decision following further exchange of information and an on site visit**. This will enable me to produce such evidence as you may require to look again at your decision. This brings me to the second point in your reasoning for discounting. You stated that the proposed use would give rise to increased visual impact. The visual impact of a transfer station in my view and that of others would be a **significant improvement** in the existing visual impact of the site. Additionally, as to the question of any future potential detrimental visual impact; this would of course be properly and satisfactorily dealt with at any planning stage and therefore is not a relevant issue at this stage.

Yours sincerely
[Redacted]

[Redacted Signature]

mwjointplan

From: Richard Horne CBOA <r.horne@cboa.org.uk>
Sent: 20 December 2016 20:47
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage - CBOA response

Dear Sirs,

Thank for the notification of the above. The Commercial Boat Operators Association has no further comment to make in addition to the CBOA response for the Preferred Options Consultation in January of this year.

Yours faithfully,

Richard Horne
Commercial Boat Operators Association (CBOA)

Tel 01252 844259
Mob 07792 149942
r.horne@cboa.org.uk
<http://www.cboa.org.uk/>

The CBOA is the prime trade organization involved in sustaining and promoting freight carriage on our waterways for economic and environmental reasons.

----- Original Message -----

From: mwjointplan
To: mwjointplan
Sent: Wednesday, November 09, 2016 1:41 PM
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.

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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 Team
Planning Services
Business and Environmental Services
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire, DL7 8AH

North Yorkshire and York Local Nature
Partnership
c/o Growth, Planning and Trading Standards
County Hall
Northallerton
North Yorkshire, DL7 8AH

Contact: Matt Millington
Direct dial: 01609 532127
E-mail: matthew.millington@northyorks.gov.uk
Web: www.nypartnerships.org.uk/lnp

19th December 2016

Dear Sir/Madam

Re: North Yorkshire & York LNP comments on the Minerals and Waste Joint Plan.

I am writing to you on behalf of the North Yorkshire and York Local Nature Partnership (LNP). Thank you for providing the LNP with the opportunity to engage in your Local Plan process. While the LNP cannot endorse Local Plans, as we do not have this responsibility under our governance arrangements, the LNP feels it is important that where possible, the aims and aspirations of the LNP are reflected in the Minerals and Waste Joint Plan.

The vision of the LNP is to "To see the natural environment of North Yorkshire and York conserved, enhanced and connected across the whole LNP area for the benefit of wildlife, people and the economy." To do this the LNP is focussing its work on 4 themes: Habitats and Species; Economy; People & Communities; Climate Change. Each of these has objectives and targets detailing how these will be progressed. For more information please see the LNP strategy at www.nypartnerships.org.uk/lnp. The LNP welcomes the opportunities that the Joint Plan brings in strengthening and connecting the natural environment across its area to underpin sustainable development.

If you require further information, please do not hesitate to contact the LNP via matthew.millington@northyorks.gov.uk.

Yours Sincerely

Matthew Millington
Local Nature Partnership Development Officer
North Yorkshire County Council



From: Matthew Millington
Sent: 19 December 2016 08:57
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan
Attachments: LNP Response to Minerals and Waste Join Plan Dec 2016.docx

Dear Sir/Madam,

Thank you for allowing the LNP to opportunity to comment on the Minerals and Waste Joint Plan. Please find attached our response.

Kind Regards

Matt

Matt Millington
 Local Nature Partnership Development Officer
 Heritage Services
 Growth, Planning & Trading Standards
 County Hall
 Northallerton
 North Yorks, DL7 8AH

Tel: 01609 532127

Please note that my usual working days are Mondays, Tuesdays and Fridays.

From: mwjointplan
Sent: 17 November 2016 11:03
To: mwjointplan
Subject: Minerals and Waste Joint Plan - Publication Stage: Confirmation of Receipt

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 launched the Publication Stage of the Minerals and Waste Joint Plan on **9th November 2016** for a six week period to allow for representations to be made.

As part of this stage in the production of the Joint Plan you were notified by email on the date of launch.

Please can you confirm that you received this notification and are aware of the **5pm** deadline for representations on **21st December 2016**.

The Joint Plan and supporting documents are available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult

In addition, we would also like to offer you the opportunity to meet and discuss this formal stage in the production of the Joint Plan. If you wish to do so, please indicate in your reply to this email.

Yours faithfully

From: [REDACTED]
Sent: 21 December 2016 15:34
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan - Publication Stage

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]
[REDACTED]
[REDACTED]

Dear Madam or Sir at North Yorkshire County Council,

Minerals and Waste Joint Plan - My Response

I appreciate that the JWMP consultation is a complex process and necessarily has many technical terms, but I need to start off by saying that the way this part of the consultation has been conducted has been extremely off-putting to ordinary members of the public who might have liked to have a say in what goes on in their area, but did not have the time or intellect to understand your process and to fill in the documents. To require/suggest that people download and save and fill in separate documents for every comment is cumbersome and has made your consultation inaccessible for many.

I have spent time trying to understand the issues of soundness and legal compliance, and despite being reasonably intelligent (for instance, I have a science degree) I have found this a particularly difficult consultation to participate in. Despite that, I've helped my friends in Frack-Free York tackle their responses, mainly because I have a clear understanding of what unconventional gas extraction entails and have been able to explain some of the issues to them.

I have not been able to download and save the pro-forma response sheets and thus I request you accept my personal submission in simple text format.

1) I fully endorse and agree with the official Frack-Free York response submitted by my colleague [REDACTED]. He has been able to use the technical jargon where I have not.

2) My main objection to the opening up of a new fossil fuel industry is because climate change is the most serious threat facing humanity today, in as much as it will impact on every single person on the planet, is at least partly responsible for the current extinction event that we are witnessing around us, and that CO2 given off now remains in the atmosphere for a significant length of time, enough for its radiative forcing effect to impact severely upon future generations of human and all other life forms. The UK Government response to this is the **Climate Change Act, requiring us to cut CO2e emissions by 80% (based on 1990 levels) by 2050**. I strongly believe that a new fossil fuel industry, which has a product which releases its carbon as CO2 as an inevitable part of its use, AND has a high risk of fugitive emissions of methane from the extraction end of the process, an even more powerful greenhouse gas, is incompatible with our obligations under the Act. There is currently little or no investment in any Carbon Capture Storage methodology to mitigate the CO2 releases from the industrial uses of gas (power stations, hydrogen production, other chemical production, cement production, etc) so all CO2 emitted now just adds to the growing CO2 concentration in the atmosphere, up 42% over pre-industrial levels.

The CO2 already given off by human activities to date will raise the global average temperature past what the IPCC calls a disaster (2C over pre-industrial levels by 2100) and thus we really should not add to that disaster by adding more, and risking the possible collapse of our civilisation or even the extinction of our species, which some scientists argue is possible should we wreck our supporting ecosystem so severely we cannot grow food.

The National Planning Policy Framework makes it absolutely clear that we should be supporting the transition to a low carbon future. Opening up a new fossil fuel industry with associated inevitable methane leaks and new infrastructure which is designed to be used for decades is hardly a 'transition to a low carbon future'!

I understand that the JWMP cannot 'ban fossil fuel extraction' but it can make it difficult! So, **policy M18 in the JWMP is not consistent with national policy.** It needs to be changed to indicate that any application to extract hydrocarbons should indicate how the application is consistent with the Climate Change Act and the NPPF. This should include emissions from the extraction site and related activities (for instance, compressors, lorry movements, flaring of waste gases) and the intended end-uses of their product (combustion to provide heat for domestic or industrial use, to generate steam to spin turbines to make electricity, and for use as a chemical feedstock) as nearly all uses result in CO2 entering the atmosphere unchallenged.

3) Because the JWMP cannot ban hydrocarbon extraction, it has to lay out conditions where it would be deemed acceptable, and in my opinion these need to be so strict to effectively prevent any new extraction to take place. **Policy M17** has statements which say that hydrocarbon extraction 'will be permitted' if certain conditions are met, and this introduces ambiguity as a developer could argue that one of these conditions has been met so their application should be accepted. The statements should be rephrased to say the extraction 'will not be permitted' **unless** the condition is met, as this allows all the conditions to be assessed individually and ensures that any new extraction meets all of the conditions.

In addition, **M17 has the concept of a 'buffer zone'** around residential buildings where extraction cannot take place, a distance of just 500m. This is not nearly far enough away from where people live and expect not to have to deal with new industrial activity, with its associated noise pollution, vibration, light pollution, smells and vapours, and traffic movements. I'm personally unsure about what distance constitutes 'acceptable', but it has to be more than 500m. Some commentators suggest 750m, others 1600m. All I can suggest is 'more than 500m, and 750m as a minimum, with no exceptions'.

4) Some forms of hydrocarbon extraction involve the use of large volumes of water; hydraulic fracturing in the USA, for example, uses an average of 1.5 million gallons of water per frack job. Horizontal wells are fracked many times, in sections, and the flowback water contains high levels of dissolved salts, often contains naturally occurring radioactive materials, and suspended solids, as well as the chemicals and proppants introduced in the first place. Some of the flowback water may be re-used but the contamination means that much has to be 'disposed of', ie it is a waste material which has to be treated before the clean water can be put back in the environment. **Policy W11** looks at the availability and suitability of water treatment facilities, and in my opinion, all applications should have to demonstrate how the waste water is to be transported to where it will be cleaned, and if the facility where the waste water is being taken to can cope with the intended volumes and the types of contamination. 'Normal' sewage works cannot deal with waste water which contains NORMs and the high volumes mean that new treatment works may be needed. These additional facilities should be considered with any policy addressing new hydrocarbon extraction.

5) I am concerned about many other aspects of the impact of new fossil hydrocarbon extraction but feel that the Frack-Free York submission deals with these adequately so I'm not going to mirror these here. I have detailed what I believe to be the most important issues above.

I hope that my submission is acceptable and understandable and helps you decide how to progress with the JWMP. I apologise about not being able to comment with all the 'soundness' and 'duty to co-operate' stuff which is jargon which I don't fully understand.

I wish you all the very best in collating peoples' submissions and in creating a document which will be acceptable to the decision-makers in government.

Please do let me know if my response is accepted into your processes. I am happy to speak to the inspector should they value my opinions. I am happy for this response to be published for members of the public to read.

Yours, [REDACTED]

On 09/11/16 13:42, mwjointplan wrote:

Dear Sir/Madam,

Minerals and Waste Joint Plan – Publication

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- 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).

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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

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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
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For official use only:
Respondent Number

Date received..... Date enteredDate acknowledged

Mr Robert Smith
Head of Strategic Planning
Minerals and Waste Joint Plan
Planning Services
North Yorkshire County Council
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Via email only: mwjointplan@northyorks.gov.uk

21st December 2016

Dear Mr Smith,

North Yorkshire Minerals and Waste Joint Plan - Publication Stage (9th Nov to 21st December 2016)

Friends of the Earth (FoE) England, Wales and Northern Ireland objects to the North Yorkshire Minerals and Waste Joint Plan - Publication Stage. Our objection is made with regard to policies M16, M17 and M18 relating to unconventional oil and gas developments. Our principal concerns are that:

- Climate change mitigation is not adequately considered within the above policies given the Section 19(1A) duty as set out in the Planning and Compulsory Purchase Act (2004) as amended by the Planning Act (2008);
- The Sustainability Appraisal fails in its approach of considering likely impacts of fracking on the climate change reduction objective for policy M16;
- Local impacts have been understated within policies M16 and M17;
- The precautionary principle has not been addressed.
- Coal phase out has not been addressed within relevant coal policies

As a precursor to this submission, we have previously questioned the mineral planning authority's approach to the scope of the consultation in terms of its focus on legal compliance, as well as soundness; querying whether this should be widened to allow more general comment. This is especially relevant where the structure of Policy M16 has changed since the Preferred Options consultation. Our view is that the consultation scope should not have been limited to this extent, and should accommodate more general commentary (as per our letters from 10th and 24th November 2016) from members of the public as per the Town and Country Planning (Local Planning) England Regulations (2012).

Matter 1: Legality: Climate Change Mitigation

- 1 Section 19(1A) of the Planning and Compulsory Purchase Act (2004)¹ in the context of Local Plan formation puts an obligation on plan-making authorities to ensure their development plan documents (taken as a whole) include policies that are:

¹ Via amendments from section 182 of the Planning Act (2008)

“...designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.”²

2 The wording of the 2004 act is also reflected in the NPPF³, which states:

“...Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change [footnote 16], taking full account of flood risk, coastal change and water supply and demand considerations.”

3 Footnote 16 (mentioned above) of the NPPF also refers to the objectives and provisions of the Climate Change Act (2008), including binding targets such as:

“...the net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline.”

4 Friends of the Earth has sought legal interpretation of the Planning and Compulsory Purchase Act (2004), the Climate Change Act (2008) and NPPF in relation to the climate change duty that applies to plan-making. The advice received makes it clear that when formulating local plans, local planning authorities are duty bound to produce policies that contribute to the mitigation of, and adaptation to, climate change. This requirement links into the tests of soundness referred to within the NPPF⁴; specifically policies that as a whole do not contribute to climate change mitigation will lead to the plan being considered 'unsound', as the plan will not be considered "consistent with national policy"; linked to the delivery of sustainable development.

5 In this light, current Objective 11 aims for more sustainable design and working practices for minerals and waste, including those aimed at carbon reduction, which together with opportunities to deliver renewable energy generation would: *“contribute to meeting the national requirement to reduce greenhouse emissions by 80% below the 1990 baseline by 2050”⁵*. Linked to this, Policy D11 (Sustainable Design, Construction and Operation of Development) aims to incorporate energy efficient siting, design and sustainable operational practices linked to minerals transportation, generation of renewable or low carbon energy and measures to minimise water consumption and flood risk. While climate change mitigation is therefore mentioned in some of the objectives and policies of the plan, the plan making authorities should put more emphasis on including climate change mitigation with regards to hydraulic fracturing (re policies M16 - M18). The purpose of fracturing shale rock is ultimately for methane gas extraction, for use in commercial, industrial and domestic energy production. Notwithstanding some existing sustainability aims included within the plan, Policies M16 to M18 and their associated policy wording should aim to curb greenhouse gas emissions within the exploratory, appraisal, and production phases of the fracking process. As they stand, the policies currently fail the Section 19 duty mentioned above related to plan making. These policies have not fully incorporated measures by which unconventional mineral extraction can contribute to climate change mitigation and are therefore not legally compliant (as the requirements of section 19 duty⁶ have not been addressed) or consistent with national policy⁷.

6 The Infrastructure Act 2015⁸ requires the Secretary of State to seek objective advice from the Committee on Climate Change (CCC) on the UK's ability to meet the carbon account target for 2050. The CCC's most recent report⁹; concludes that that the exploitation of shale gas would not be compatible with UK carbon budgets, or the 2050 commitment to reduce emissions by at least 80% unless three crucial tests are met:

i) Emissions must be strictly limited during shale gas development, production and well decommissioning. This requires tight regulation, close monitoring of emissions, and rapid action to address methane leaks.

2 Section 19(1A) of the 2004 Act

3 Paragraph 94

4 Para 182 - NPPF

5 Pg 42 - Minerals and Waste Joint Local Plan 2016

6 Section 19(1A) of the 2004 Act

7 Paras 93 and 94 - NPPF

8 Part 6 – Section 49: Advice on likely impact of onshore petroleum on the carbon budget

9 Onshore Petroleum: The compatibility of UK onshore petroleum with meeting the UK's carbon (CCC March 2016) budgets:

<https://documents.theccc.org.uk/wp-content/uploads/2016/07/CCC-Compatibility-of-onshore-petroleum-with-meeting-UK-carbon-budgets.pdf>

ii) Overall gas consumption must remain in line with UK carbon budgets. The production of UK shale gas must displace imports, rather than increase gas consumption.

iii) Emissions from shale gas production must be accommodated within UK carbon budgets. Emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure UK carbon budgets are met.

Hydraulic fracturing – at any stage – is not considered compatible within the framework of these three tests; planning decisions to permit development cannot by its nature secure a legal commitment to lower imports; carbon capture and storage is in abeyance; there is insufficient understanding of methane leakage from fracking activities¹⁰ and subsidies for renewable energy have been scaled back. Our view is that the advice from the CCC should be a key consideration for the policy formation stages of this plan and considerations incorporated within policy wording to take this advice into account.

- 7 The Department for Energy and Climate Change (DECC) responded earlier this year¹¹, stating that the three CCC tests can be met:

*“The Government believes that the strong regulatory environment for shale gas development, plus the determined efforts of the UK to meet its carbon budgets, means that the three “tests” put forward by the CCC will be met.”*¹²

The above wording suggests however that these tests are not currently being met. In addition, Professor Kevin Anderson of the Tyndall Centre – the UK’s leading academic climate change research organisation – takes the view that the UK’s ability to comply with its climate commitments is heavily restricted going forward and that prospective investments in shale gas would be better directed towards zero carbon technologies;

*“Given the investment in infrastructure required to exploit these resources there is the danger of locking the UK into years of shale gas use, leaving unproven carbon capture and storage, as the only option for lower carbon electricity. Consequently, this investment would be better made in real zero-carbon technologies that would provide more effective long-term options for decarbonising electricity.”*¹³

- 8 Within the context of plan formation - the product of which will guide the next 15-20 years of minerals and waste development – it is considered reasonable that relevant fracking policies which could lead to very large contributions of greenhouse gas emissions should be assessed for their impact on current UK carbon budgets. While plan objective 11 and policy D11 aim to contribute in more traditional ways to climate change mitigation, if there is no assessment of the fracking policies in these terms, there can be no real understanding of the implications of the policy on the UK’s carbon budgets. The impacts of cumulative decisions can more easily be understood and impacts effectively mitigated against at the plan-making stage. We would request the plan-making authority consider the overarching policy context of climate change mitigation in terms of carbon emissions reductions, especially for specific policies controlling unconventional hydrocarbon extraction (i.e. the meaning of ‘taken as a whole’).
- 9 As a contrast to the current draft version of unconventional hydrocarbon minerals in this plan, other adopted minerals plans have included reference to climate change mitigation for such developments. Lancashire County Council’s Adopted Minerals and Waste Plan has embraced climate change mitigation within Policy DM2, and is explicit in targeting carbon emissions:

“...developments will be supported for minerals or waste developments where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of

10 Lavoie, Tegan; Shepson, Paul (et al) – Aircraft base measurements of Point Source Methane Emissions in the Barnett Shale Basin (<http://pubs.acs.org/doi/abs/10.1021/acs.est.5b00410>)

11 Government Response on the Compatibility of UK Onshore Petroleum with Meeting the UK’s Carbon Budgets - <https://www.gov.uk/government/news/committee-on-climate-change-report-and-government-response-on-the-compatibility-of-uk-onshore-petroleum-with-meeting-the-uks-carbon-budgets>

12 Page 12 – see footnote 11

13 (pg. 19 - 2011) - Shale gas: an updated assessment of environmental and climate change impacts – Tyndall Centre <http://www.mace.manchester.ac.uk/media/eps/schoolofmechanicalaerospaceandcivilengineering/newsandevents/news/research/pdfs2011/shale-gas-threat-report.pdf>

appropriate information, that the proposals will, where appropriate, make a positive contribution to the: [from set of bullets] Reduction of carbon emissions¹⁴

- 10 In light of the above arguments, the final version of policies M16-M18, but especially Policy M16, should seek similar commitments for unconventional oil and gas developments to positively contribute to reducing carbon emissions. The citing of Policy D11 within the policy justification for M16 in our view does not give enough weight to addressing greenhouse gas impacts of fracking. The policy wording should cover the consumption of (end use) of hydrocarbons, especially given this is directly related to the need for the development. In addition, the language used should make it clear that such development needs to make positive contributions to mitigate climate change impact (as per the Section 19 duty). A suggested amended version of this policy is given at the end of this submission.
- 11 The current wording of policies linked to fracking, principally policies M16, M17 and M18, are not legally compliant with the aforementioned Section 19 duty that requires policies that: *"contribute to the mitigation of, and adaptation to, climate change."*¹⁵ In addition, the same policies are not consistent with national policy, specifically paragraphs 93 and 94 of the NPPF.

Matter 2: The Sustainability Appraisal

Acknowledgement of Climate Change Impact

- 12 Linked to issues of legal compliance, we have looked at the findings of council's Sustainability Appraisal (SA)¹⁶. SA is required during the preparation of Local Plans, allowing the plan making authority/authorities to assess how its objectives and policies will contribute to the achievement of sustainable development as per PCPA (2004). The methodology and remit of the SA should meet Government guidelines¹⁷ which are currently enforced by a European Directive on Strategic Environmental Assessment (SEA)¹⁸. Both strategic objectives and policies within the evolving plan are assessed against social, economic and environmental objectives, including impacts on climate change (i.e. sustainability appraisal framework). The North Yorkshire SA includes criterion #6 'reducing climate change'.
- 13 In addition, the SEA Directive requires such documents consider reasonable alternatives are considered by plan makers. Planning Practice Guidance states that reasonable alternatives are:
- "...the different realistic options considered by the plan-maker in developing the policies in its plan. They must be sufficiently distinct to highlight the different sustainability implications of each so that meaningful comparisons can be made. The alternatives must be realistic and deliverable."* (Paragraph: 018 Reference ID: 11-018-20140306)
- 14 Section 5 of the SA compares the reasonable alternatives for the objectives of the plan in the context of the plan being adopted and it not. The council acknowledge that with the option of plan adoption, with regards to impacts on reducing climate change objective #6:
- "atmospheric concentrations of CO2 would cumulatively worsen as a result of these plan objectives"* (pg 61)¹⁹
- 15 In comparison, the do nothing approach (i.e. not adopting the plan) states that this alternative would lessen the rate of greenhouse gas emissions with regard to the climate change objective. Here there is quite clear acknowledgement that the objectives of the plan, which include sourcing unconventional oil and gas hydrocarbons, will have tangible climate change impacts. While this is not unexpected - and we are not suggesting that the alternative do-nothing scenario is taken - this supports our point made in matter 1 above, that consideration of climate change mitigation should be included in explicit detail within the plan's relevant hydrocarbon policies.

14 Joint Lancashire Minerals and Waste Local Plan – Site Allocations and Development Management Policies Pt 1 (September 2013) <http://www.lancashire.gov.uk/media/228119/Local-Plan-Part-One-website-1-.pdf>

15 See footnote 2

16 Sustainability Appraisal Report to accompany the Minerals and Waste Joint Plan – October 2016

17 The Environmental Assessment of Plans and Programmes Regulations (2004) (<http://www.legislation.gov.uk/uksi/2004/1633/contents/made>)

18 The Environmental Assessment of Plans and Programmes Directive (Directive 2001/42/EC)

19 See footnote 15

Questionable "positive" effects of M16

- 16 The SA also considers the potential of Policy M16 to impact on sustainability criteria, including #6. The report states that the chosen approach incorporates a mix of reasonable alternatives, stating that the policy has been adapted substantially since even the preferred options stage. Regarding criterion 6, reducing climate change, the document suggests that possible impacts could be positive as well as negative:

"Mixed effects are reported for climate change as on the one hand shale gas may generate significant traffic movements, while on the other hand it may provide a domestic source of gas that could offer an alternative to liquid natural gas (LNG) and coal, resulting in carbon savings, though this is uncertain as it also depends on higher level policy decisions made by energy providers and government. (pg 112 – SA)

- 17 We find this assumption that shale gas could lead to carbon savings (depending on national level uncertainties) as highly questionable, especially when available evidence suggests the Government is not able meet the 3 CCC tests (as mentioned in matter 1) required to justify shale production in terms of the carbon budget. Test 3 states that *"emissions from shale exploitation will need to be offset by emissions reductions in other areas of the economy to ensure UK carbon budgets are met"*²⁰. It is public knowledge that Carbon Capture and Storage (CCS) incentives²¹ for coal and gas generating power-stations have been redacted; that government has drastically reduced subsidies for renewable energy²² and that plans to make all new homes zero carbon by 2016 have also been scrapped²³. It is questionable how else shale gas emissions will be offset, if not via these three major objectives, the funding to which has all but been substantially reduced to the point where they are no longer viable. The potential for any positive impacts as a result of Policy M16 is therefore in serious doubt in our view. Nor can these emissions reductions be directly related to the planning consent given to fracking. Evidence clearly demonstrates that the approval of fossil fuel extraction merely adds to the amount of fossil fuels extracted and that there is no displacement (see <http://www.nature.com/nclimate/journal/v4/n9/full/nclimate2335.html> and <https://www.ssb.no/en/forskning/discussion-papers/attachment/123895?ts=13f51e5e7c8>)

- 18 We are therefore of the view that the plan making authorities have failed to consider the CCC's findings within its consideration of scoring Policy M16 in respect of the "reducing climate change" objective. Current impacts envisaged include the following:

- *"minor / low level positive effects";*
- *"minor / low level negative effects on the baseline"*
- *"Uncertain impacts of the objective on the baseline".*

- 19 Assuming that the 3 CCC tests cannot be met, and when additional factors such as methane leakage²⁴ or burning of the fracked methane are taken into consideration, our view is that likely impacts for the "reducing climate change objective" would be as follows

- *"The option is predicted to have higher negative effects and the achievement of the SA objective".*
- *"Uncertain impacts of the objective on the baseline".*

Matter 3: Consideration of Local Impacts

- 20 While Policy M16 relates to the spatial principles of hydrocarbon developments, policies M17 and M18 deal with 'other spatial and locational criteria' and 'other specific criteria related to hydrocarbon developments' respectively. These three policies cover a range considerations, including a range of

20 See footnote 9 and 10 above

21 <https://www.theguardian.com/environment/2015/nov/25/uk-cancels-pioneering-1bn-carbon-capture-and-storage-competition>

22 Feed in Tariff (FIT) Generation and Export Payment Rate Table – Oct 2016 <https://www.ofgem.gov.uk/publications-and-updates/feed-tariff-fit-generation-export-payment-rate-table-01-october-31-december-2016>

23 Guardian - <https://www.theguardian.com/environment/2015/jul/10/uk-scraps-zero-carbon-home-target>

24 Lavoie, Tegan; Shepson, Paul (et al) – Aircraft base measurements of Point Source Methane Emissions in the Barnett Shale Basin (<http://pubs.acs.org/doi/abs/10.1021/acs.est.5b00410>)

exclusion zones for surface proposals, additional protections for these for sub-surface proposals and buffer zones for protected landscapes such as AONBs and National Parks (M16). M17 provides requirements for pipelines for water and gas supplies (in an attempt to offset impacts from vehicle movements), as well as an approach to assessing cumulative impact from a number of developments and buffer zones for local communities. Policy 18 considers the disposal of waste water, including provisos for water and reinjection wells. Themes from these policies are drawn out under the following headings: Landscape and Visual Impact; Health and Wellbeing; Water; Biodiversity and Highways impacts.

Landscape and Visual Impact and Exclusion Zones (Policy M16)

- 21 Planning committee members have cited landscape and visual impact harm from fracking as a reason for refusal (e.g. Preston New Road, Lancashire²⁵). We are of the view that drilling rigs and associated infrastructure for exploratory and appraisal phases, together with lower lying infrastructures linked to production are industrial developments within their respective rural contexts. In the context of Preston New Road, while the Secretary of State overturned the original refusal on the 5th October 2016, this was mitigated by limiting the drilling rig height to 36m (instead of planned 56m) via an amended planning condition. In our view this represents mitigation against very real landscape and visual impact (especially when the cumulative effect is factored in) and policies going forward in this plan need to factor this in.
- 22 Policy M16 sets out protection for 'designated areas' which the local authorities such as AONBs, National Parks and Green Belt as well as scheduled parks and gardens and international and national ecology and habitat designations. Proposals for surface exploration and appraisal for unconventional hydrocarbon development will only be permitted outside of these areas, subject to other considerations. While the approach is supported, we would argue that the policy should also consider other landscapes. Policy SP13 Landscapes (from the Ryedale Local Plan Strategy) aims to encourage new development to "*reinforce distinctive elements of landscape character*" in areas including the Yorkshire Wolds and Vale of Pickering. These are areas considered high in landscape value, possessing Neolithic elements which are considered worthy of protection within the scope of M16. While Ryedale District Council's existing policy base is not part of this plan, consideration should be given when formulating minerals policy for fracking, especially those which garner district level protection within adopted Local Plans. 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*" (pg 129 – Ryedale Plan)²⁶. We support both the Yorkshire Wolds and Vale of Pickering as being included as "protected areas" within Policy M16. While this is not an issue of the plan being inconsistent with national policy, such an approach would ensure greater consistency with policies in Adopted local plans also covered by the forthcoming minerals and waste plan, ensuring the duty to cooperate has been exercised effectively, and that the plan have both reflected the NPPF and local considerations.

Health and Wellbeing

- 23 Air quality impacts, as a result of fracking developments, have be shown to pose health risks at the local level. Evidence from the University of Colorado (United States)²⁷ documents a number of potentially toxic petroleum hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. Benzene has been identified by the US Environmental Protection Agency as a known carcinogen. In addition, research suggests the practices linked to fracking exploration and appraisal, including combustion engines for drilling produce can lead to fine diesel

25 Part of Reason for Refusal – Decision Notice for Preston New Road (App Ref: LCC/2014/0097) – 29th June 2015

"The proposal is contrary to Policy EP11 of the Fylde Local Plan in that the cumulative effects of the proposal would lead to an *industrialisation of the countryside and adversely affect the landscape character of the area*".

26 Pg 129 – Ryedale Plan Strategy - http://www.ryedaleplan.org.uk/attachments/category/12/Local_Plan_Strategy_FINAL.pdf

27 Kelly, D. (2012, March 19). Study shows air emissions near fracking sites may pose health risk. University of Colorado Denver. <http://www.ucdenver.edu/about/newsroom/newsreleases/Pages/health-impacts-of-fracking-emissions.aspx>

and Macey, G. P., Breech, R., Cherniak, M., Cox, C., Larson, D., Thomas, D., & Carpenter, D. O. (2014). Air concentrations of volatile compounds near oil and gas production: a community-based exploratory study. Environmental Health, 13(82) doi: 10.1186/1476-069X-13-82 <http://www.ncbi.nlm.nih.gov/pubmed/25355625>

soot particles lodging deep within human lungs, drastically increasing health risks²⁸. Planning Practice Guidance states that in terms of considering air quality:

"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".²⁹

- 24 With regard to air quality and new developments, the NPPF also states that the planning system has a key role to play in:

"...preventing 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;"³⁰

- 25 The issue of air quality impact is therefore very important and current within public discourse. The recent Client Earth case is relevant. The Government lost its case in the High Court, as it was recognised that it was failing to deliver its objectives linked to the EU Air Quality Directive regarding London and a range of other cities in the UK³¹.
- 26 In terms of the Local Plan, we acknowledge the 500m buffer zone proposed within Policy M17 for sensitive receptors (in acknowledgement of local amenity concerns linked to air, noise, light, ground and surface water impacts) is set out in response to concerns. In the US, current distances to houses are set at 152m from individual houses and 304m for high occupancy buildings³². While these setback distances are in force, the state of Colorado in the US recently proposed a motion to increase these thresholds to 750m for any occupied structure, known as Initiative 78³³. While this motion has not been passed into state law, its formation and momentum was put together on the back of experiences of residents living near operational and production fracking wells across the state. The aim of the measure would not be to exclude further parts of North Yorkshire to fracking developers, but more in terms of being a reasonable interpretation of national policy given above at paragraph 25 (re the need to protect existing residential and other sensitive developments from adverse air pollution from new schemes). In our view the current 500m limit cited in policy M17, while welcomed, is not justified in light of available evidence in the public domain that suggest such distances should be increased to 750m. The policy section at Appendix 1 gives our proposed changes in this regard.
- 27 Noise is a particularly sensitive issue, given that 24 hour drilling from exploration stages will lead to levels that can be significantly above night-time noise limits allowed for other types of development (such as wind turbines). The need to curb noise emissions from fracking both within policy formation and planning conditions cannot be highlighted enough, especially to protect local public health³⁴. One of the two fracking appeals allowed by the Secretary of State in Lancashire includes a requirement for a noise monitoring station on site which feeds noise data into the Lancashire County Council's offices, to ensure noise emissions do not exceed recommended levels.
- 28 While the 500m residential buffer (our proposal to increase to 750m) should assist in this regard; the language used within Policy M17 allows the possibility of breaches to this distance in "exceptional circumstances". Such wording is unclear in terms of what these circumstances might be, although the inference is it is linked to NPPF wording on minerals. In plan making terms for noise and minerals, paragraph 143 of the NPPF states:

"...when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction..."

- 29 However, despite the above, paragraph 144 of the NPPF suggests that with regards to considering

28 Fracking Fumes: Air Pollution from Hydraulic Fracturing Threatens Public Health and Communities - National Resource Defence Council - 2014 - www.nrdc.org/sites/default/files/fracking-air-pollution-IB.pdf

29 Planning Practice Guidance - Paragraph: 001 Reference ID: 32-001-20140306

30 Para 109 - NPPF

31 Clean Earth Press Release: <http://www.clientearth.org/major-victory-health-uk-high-court-government-inaction-air-pollution/>

32 Definitions Zones Exceptions 2013 Colorado State -

http://coqcc.state.co.us/announcements/hot_topics/setbacks/Definitions_Zones_Exceptions.pdf

33 [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))

34 http://www.euro.who.int/data/assets/pdf_file/0008/114101/E84683.pdf

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"

- 30 There is a clear disparity in terms of the approach to noise with regards minerals extraction. Our view is that the 24 hour intensive nature of fracking drilling is not a "noisy short term activity" as defined (in para 143 of the NPPF) above, especially when compared to blasting works in an open cast mine that might last for seconds. Paragraph 5.107 of the draft plan reinforces this assumption. It states that the exploratory stage for hydraulic fracturing exploratory drilling (which is a 24 hour process) may take "considerably longer"³⁵ than the 12-25 week timeframe experienced for conventional forms of hydrocarbons. It stands that fracking involves more medium to long term noise effects as a result, suggesting that para 144 is more applicable, in terms of establishing appropriate noise limits for extraction with regards to noise sensitive properties. While planning incorporates rather than influences Environmental Health guidelines on noise levels, interpretation of the NPPF above for fracking suggests that both stringent noise conditioning (as per the Lancashire example above) and an increased 750m buffer would be more effective in mitigating against unavoidable noise levels. We are of the view that there should be no exceptions in this the case of fracking being allowed within the proposed residential buffer zone, as the exception to noise is not applicable for fracking. Fracking exploration is a medium term activity that can be detrimental to public health in noise terms and there should be suitable acknowledgement in terms of policy in such instances.
- 31 The inclusion of a health impact assessment requirement, as currently set out, would assist in this regard to establishing existing ambient air quality and noise levels, and what might be acceptable taking into account the proposed distances.

Water

- 32 With regards to unknown impacts to ground and surface water supply, we are of the view the planning authority should incorporate the precautionary principle within the wording for Policy M17. This means that unless it can be proven that there will be no groundwater contamination as a result of a development, it should not go ahead. The precautionary principle applies (but is not exclusive to) in the context of the EU Water Framework Directive, part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA). A summary of the framework is given below:

"The case of groundwater is somewhat different. The presumption in relation to groundwater should broadly be that it should not be polluted at all. ...But for general protection, we have taken another approach. It is essentially a precautionary one. It comprises a prohibition on direct discharges to groundwater, and (to cover indirect discharges) a requirement to monitor groundwater bodies so as to detect changes in chemical composition, and to reverse any anthropogenically induced upward pollution trend. Taken together, these should ensure the protection of groundwater from all contamination, according to the principle of minimum anthropogenic impact."³⁶

- 33 Our view is that there is enough available evidence in the public domain to amend the current policy wording in this context. Development carrying the potential for such risk should always be screened for EIA. In support of this view, the British Geological Survey³⁷ (BGS) has previously highlighted major risks that unconventional gas extraction might pose to water aquifers beneath the ground. The BGS highlight the mix of chemicals associated with the hydraulic fracturing process, all of which have the potential to impact on the quality of the water supply:

"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

35 Pg 78 Publication Draft - 2016

36 Water Framework Directive - http://ec.europa.eu/environment/water/waterframework/info/intro_en.htm

37 Stuart, M E. 2012 Potential groundwater impact from exploitation of shale gas in the UK. Nottingham, UK, British Geological Survey (page 19) <http://nora.nerc.ac.uk/16467/>

*high content of saline formation water*³⁸

- 34 The BGS also criticises the capability of current methods employed within measuring groundwater pollution from conventional oil and gas production to detect the impacts of fracking. Drilling associated with fracking is undertaken at a much deeper level and with much larger quantities of water than conventional methods³⁹, with unknown volumes unlikely to return to the surface and to stay underground:

*"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."*⁴⁰

- 35 Despite the view taken by the Inspector at the recent public inquiry for the Lancashire decisions, in that it should be assumed permitting and regulatory systems to assess water pollution risk "would work properly"⁴¹ (in line with para 122 of the NPPF), we are duly concerned in light of the above comments that policy M17 is not worded strongly enough in terms of assessing the potential for such impacts to groundwater.
- 36 The NPPF is clear in its requirements for plan makers to take into account the need to consider impacts on water supplies. Paragraph 94 of the NPPF states that local planning authorities should "adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply". Paragraph 99 later states that "local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply"
- 37 In view of available evidence from the BGS above, and with unknown effects to the quality and quantity of supply which could result from a number of developments utilising and impacting on the water supply in a given area, we would insist that in light of the precautionary principle, the policy is reworded to make applicants demonstrate beyond scientific doubt that there would be no impact on such an important resource. This approach would better represent the above findings and enable the council to define a more rigorous approach to fracking applications by screening them for Environmental Impact Assessment (EIA). Again, our suggestions are included within Appendix 1 at the end of the document. Such an approach would ensure the policy's consistency with national policy, and reemphasise the county's role in ensuring new development is not allowed at the significant detriment to both existing water quality and quantity in North Yorkshire.

Biodiversity

- 38 With fracking likely to introduce impacts on wildlife and biodiversity, the process has potential to hinder the ability of planning authorities to adhere to Section 40 of the Natural Environment and Rural Communities Act (2006). This places a duty on every public authority in England and Wales to "...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". Current Policy D07 covers biodiversity and geodiversity in detail, and Policy M16 includes SSSI's to the list where surface proposals would be excluded, which includes European sites which benefit from their own statutory protection outside of planning law. On the local scale, fracking development involves not only underground works, but the clearing of vegetation, hedgerows and trees, and the laying down of access tracks, possible pipelines and brings with it associated noise pollution (raised above) which has the potential to impact on the serenity of rural areas and wildlife designations.
- 39 We are of the view that the current policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result⁴². Added to this, D07 currently states that mineral developments which would have an unacceptable impact on notified

38 *Infra* note 45.

39 See footnote 20

40 See footnote 23

41 Para 2.128 of Secretary of State's Decision (APP/Q2371/W/15/3134386 and others) - "In terms of direct health effects, i.e. the possibility of pollution of groundwater or emissions to the air that could potentially cause any negative impact on human health, these would be strictly controlled by the Environment Agency (EA) through the permitting system. ...it should be approached on the basis that the regulatory system would work properly."

42 Kelly, Morgan – Princeton University (2014) - <https://biggs.princeton.edu/research/2014/08/01/fracking-in-the-dark-biological-fallout-of-shale-gas-production-still-largely-unknown-frontiers-in-ecology-and-the-environment/>

special features of a SSSI or broader impact on a network of SSSIs will only be permitted "...where the benefits of the development would clearly outweigh the impact or loss." ⁴³. It is our view that such a policy stance is too open worded and could be overruled by the written ministerial statement on shale gas and oil. While policy M16 aims to add an additional layer of protection for national sites (re SSSIs), there is still potential for impact on the objectives of these site (including from noise impacts for resident and migrating birds⁴⁴) as their setting has not been considered within

the policy. The recent fracking decision in Nottinghamshire has demonstrated that such designations should be afforded more protection from such development⁴⁵; even when they benefit from private covenants and separate protection under the Wildlife and Countryside Act 1981. Planning Practice Guidance reinforces this point, stating that: "*Particular consideration should be given to noisy development affecting designated sites*".⁴⁶

- 40 On land outside of designations, the extent of habitat loss as a result of well pads required for development is also expected to be large⁴⁷. D07 currently mentions the potential for biodiversity offsetting in some instances, which in our view is not an acceptable approach for fracking developments. The conjoined aims of the biodiversity policies within the plan should be more ambitious in their role of protecting generic habitats and wildlife, including minimising. Suggesting buffer zones for nationally protected sites (re M16) could be one way forward – see Appendix 1 – but more consideration in terms of cumulative impacts and biodiversity could also be included (re M17). These changes would ensure the policy is better aligned with the aims of the national policy and guidance.

Highways Impacts

- 41 Fracking schemes have the potential to raise significant traffic movements and associated highway safety impacts – particularly as development of unconventional oil and gas (in contrast to conventional oil and gas) requires numerous well pads⁴⁸; large volumes of flow-back water require special offsite treatment via HGVs and there is the potential – where gas pipe lines are not scheduled – for gas to be exported via HGVs also. This translates into substantial increases in HGV loads and movements which would be detrimental to highway safety of rural road networks around where fracking schemes are cited. Despite the capacity of a wider county highways network to theoretically absorb such increases in trip generation, the cumulative capacity of smaller roads and relative impacts on the safety of non-car users is often overlooked. Policy M17 addresses some of these concerns, but does not factor in highway safety either singularly or cumulatively. While linked to determining minerals applications, paragraph 144 of the NPPF states 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*". Policy M17 seems focused on capacity of the road network, but the safety of other users of these routes such as walkers and cyclists should not be ignored, especially in the case of more rural parts of North Yorkshire where pavements run only within settlements leading to the connecting roads in-between settlements being used by pedestrians, as well as vehicles.
- 42 Traffic movements associated with fracking developments are likely lead to indirect air pollution effects⁴⁹, resulting from vastly increased HGV movements associated with the taking away of waste water and (possibly) gas where pipelines are not present. It is possible that HGVs are likely to pass a range of sensitive receptors, such as schools, nursing homes and there is also the potential to travel through Air Quality Management Areas. We would argue that it in line with provisos from the NPPF on air quality, mentioned in the air quality section above, there should be a formal requirement against this in policies linked to vehicle movements to ensure consistency with concerns of Public Health England, which has been raising this issue with minerals applications in other parts of the UK⁵⁰.

43 Pg 173 – Joint Minerals and Waste Plan – 2016

44 Are we Fit to Frack 2014 (National Trust, RSPB et al) - https://www.rspb.org.uk/Images/shale_gas_summary_tcm9-365778.pdf

45 <http://www.publicsectorexecutive.com/Public-Sector-News/nottinghamshire-county-council-approves-potential-fracking-site>

46 PPG - Paragraph: 006 Reference ID: 30-006-20141224 - <http://planningguidance.communities.gov.uk/blog/guidance/noise/noise-guidance/>

47 Third Energy Spokesperson to Env, Food and Rural Affairs Committee (March 2015) -

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food-and-rural-affairs-committee/defras-responsibility-for-fracking/oral/18577.html>

48 As per footnote 46

49 Every Breath We Take – Royal College of Physicians – 2016 <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

50 Silica Sand Application – Application ref 16/4274W – Cheshire East Council

- 43 Amendments to policy M17 in terms of highway safety and indirect air pollution should better ensure its consistency with the requirements of the NPPF, as currently this is not the case.

Matter 4: Cumulative impacts and the precautionary principle

- 44 In terms of assessing cumulative effects of minerals developments, the NPPF states plan making authorities should:

"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"⁵¹

- 45 Planning practice guidance also confirms the approach to considering cumulative effects:

"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."⁵²

- 46 While the policy wording for M17 makes reference to cumulative impacts in the context of multiple developments, providing limits to well pads per square kilometre, there is an absence of consideration of transport impacts in this context. Page 112 of the Sustainability Appraisal makes reference of cumulative effects on the public highways:

"To ensure that high quality [transport] assessments are received the SA should include an indicator to monitor transport assessments and their consideration of cumulative issues."

- 47 In terms of the need to monitor cumulative effects of additional movements on the highways network, while the SA considers cumulative effects can be accommodated within the capacity of the rural road network, consideration and monitoring should be incorporated within Policy M17 by the Highways Authority. Policy M17 has been amended to accommodate this requirement.

- 48 Highways impacts aside, cumulative effects for fracking are, in our view, much wider-ranging than for traditional minerals workings. Consideration of fugitive (and overall) GHG emissions; impacts on the highways network (as well as repercussions for highway safety); the uptake and building over unknown areas of natural habitat; increasing demands on the county's waste water production facilities (with potential for expansion and new development if fracking developments are given the green light), as well as heightened demands for silica sand extraction (within or beyond the plan area). Cumulative concerns regarding soil and air contamination are equally important, with reports of the effects of contaminated flow-back and methane leaks discussed by credible bodies such as the UN⁵³ and United States Environmental Protection Agency (EPA)⁵⁴.

- 49 In considering new types of unconventional oil and gas development, especially where the actual or true cumulative environmental costs are openly contested for single or multiple well pad developments, we are of the view that, at the very least, the precautionary approach should be adopted, rather than the criteria based approach to weigh up possible impacts. As covered by paragraph 32 above, 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."⁵⁵

- 50 In addition, the National Planning Policy Framework within its preamble lists five principles of sustainable development (as set out in the UK 2005 strategy) – including using "sound science

51 NPPF: para 143 – section 6

52 Ibid, Paragraph: 024 Reference ID: 4-024-20140306

53 Gas fracking: can we safely squeeze the rocks?" (November 2012) http://www.unep.org/pdf/UNEPGEAS_NOV_2012.pdf

54 See footnote 14

55 Ibid, Paragraph: 023 Reference ID: 4-023-20140306

responsibly⁵⁶. At the time of the NPPF's publication this explained at the time to mean:

*"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."*⁵⁷

- 51 In our view, unconventional oil and gas proposals (singularly or in succession) should be screened as to whether Environmental Impact Assessment (EIA) is required as a result of possible cumulative effects that could arise from the development. The potential for water quality impact is currently unknown and despite the operation of "other regulatory regimes" - such as EA permitting - planning has a duty to play its part in protecting the environment in line with overarching sustainable development objectives it sets out to achieve.
- 52 This would represent a reasonable approach in light of evidence available in the public domain, suggesting unconventional gas applications possess the potential to introduce a range of significant environmental impacts. We have included reference to these in our suggested policy amendments in Appendix 1.

Matter 5: Coal policies

- 53 Coal fired power generation is currently the subject of a coal phase out consultation⁵⁸ and consultation document⁵⁹. Coal power generation is around 700-1000g CO2 p/Kwh and is therefore incompatible with the recommended CCC target of 100g CO2 per Kwh for electricity power generation by 2030. It is very clear that the Government are setting a limit to coal-fired power generation, and are linking this explicitly to the need to reduce climate changing emissions inextricably linked to the burning of fossil fuels.
- 54 There is therefore a clear end point and declining need for coal. In this context it is unsound to conflate paragraph 144 and 149 of the National Planning Policy Framework to create a hybrid policy (see M21) rather than to reflect just paragraph 149 alongside the policy context of the phase out. We therefore suggest the changes to the relevant policies on coal in the appendices.

Conclusion

The Council needs to address climate change mitigation more explicitly within the mineral extraction policies, especially given the Section 19(1A) duty set out in the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008). The obligation should explicitly be incorporated within Policy M16, specifically in terms of considering climate change impacts of burning unconventional energy minerals. This would ensure the policy is legally compliant and consistent with national policy.

The Sustainability Appraisal suggests hydraulic fracking has the potential to introduce positive impacts, however its reasoning omits requirements of the Infrastructure Act 2015 and consideration of the Committee on Climate Change's (CCC) advice which raises concern whether fracking can be accommodated within current carbon budgets. The likelihood of policy M16 introducing positive effects, even "*minor / low level positive effects*" on climate change reduction (#6), is in our view substantially limited, despite the best intentions from the plan making authorities. The SA should be revisited in this regard and the scoring for Policy M16 reevaluated, with the option likely to have higher negative effects, as well as uncertain effects on the baseline/SA. The SA therefore fails in its remit of considering the impacts of policy M16 on climate change reduction. It does not properly consider of the fracking policies on the sustainability objectives and therefore has failed in its legal requirement as per the council's own Guidance Notes accompanying the consultation (based on the tests of soundness within the NPPF).

56 Preamble, National Planning Policy Framework 2012

57 Archived: Paragraph A1 to Annex A to PPS 25: The Government's Aims for Sustainable Development

58 Amber Rudd's speech <https://www.gov.uk/government/speeches/amber-rudd-s-speech-on-a-new-direction-for-uk-energy-policy>

59 Coal consultation document: Coal Generation in Great Britain – the pathway to a low-carbon future consultation:

<https://www.gov.uk/government/consultations/coal-generation-in-great-britain-the-pathway-to-a-low-carbon-future>

Fracking as a type of development is likely to introduce a range of local impacts including: landscape and visual impacts; health and well-being; water; biodiversity and highways impacts. While the current collection of policies attempt to address concerns that are being raised by local communities across North Yorkshire - as well as those which academic evidence from the United States has documented- the policies in their current form do not provide enough protection overall. We have justified - with evidence - an increase of the scope of policies related to the above factors, to make them effective and consistent with national policy and planning guidance.

When considering the potential for unconventional oil and gas schemes to (either individually or cumulatively) impact on the local and wider environments they are proposed within, we would insist the planning authority consider adopting the precautionary principle in terms of the unknown environmental effects. This would subject such applications to a rigorous EIA screening exercise, and ensure that in making application decisions, these are based on a scientific certainty that all potential issues are being addressed.

Finally, the government's recent announcements and consultation proposals for coal phase-out should be better reflected within the relevant coal policies of the plan, rather than what is currently proposed.

Yours sincerely,

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Appendix 1 – Recommended Policy Amendments

Suggested Amendments to Policy M16

Policy M16: Key spatial principles for hydrocarbon development

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

a)

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

Proposals for these forms of hydrocarbon development will **[INSERT] not** be permitted ~~in locations~~ **[INSERT] unless** where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy. **[INSERT] (The remit of these policies is shown on the proposals map)**

b) **[INSERT] Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that adverse impacts can be avoided – either alone or in combination with other developments. Consideration should include: -**

- o **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.**
- o **a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment;**
- o **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;**

[INSERT] c)

- Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;
- Exploration for unconventional hydrocarbons, involving hydraulic fracturing;
- Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):

i) Surface proposals for these forms of hydrocarbon development will **[INSERT] not** only be permitted ~~where~~ **[INSERT] unless** they would be outside **[INSERT] and respect the setting of** 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, **[INSERT] The Vale of Pickering and the Yorkshire Wolds**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not** be permitted ~~where~~ **[INSERT] unless** only be permitted ~~where~~ it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.

iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.

c) Coal mine methane:

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

d) All surface hydrocarbon development:

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

ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

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

Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant- [INSERT], **including the precautionary principle and demonstration the scheme will not lead to adverse impacts regarding climate change**

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

1) Accessibility and transport

i) Hydrocarbon development will [INSERT] **not** be permitted in locations [INSERT] **unless proposed sites with [INSERT] have** suitable direct or indirect access to classified A or B 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

b) Access arrangements to the site are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and

c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

[INSERT] d) It can be demonstrated that proposals - linked to traffic for construction, operational or remediation phases - will not introduce detrimental impacts to the highway safety of other road users, especially those using non-motorised vehicles.

ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

2) Cumulative impact

i) Hydrocarbon development will **[INSERT] not** be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development.

ii) Well pad density and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:

a) The proximity of a proposed new well pad site to other existing, planned or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;

b) The duration over which hydrocarbon development activity has taken place in the locality and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;

c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

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 of lower quality in preference to higher quality.

3) Local economy

Hydrocarbon development will **[INSERT] not be permitted in locations where [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.** The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods.

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will **[INSERT] not be permitted in locations where [INSERT] unless it can be proven beyond scientific doubt that** 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 ~~500~~**[INSERT] 750m** of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will **only [INSERT] not be permitted in exceptional circumstances.**

ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment **[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.**

Policy M18: Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will **[INSERT] not be permitted where [INSERT] unless it can be demonstrated [INSERT] through the submission of evidence and** through submission of a waste water management plan, that **[INSERT] suitable** arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. **[INSERT] Council will require screening for EIA to consider whether such schemes have the potential for significant effects.** Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, **[INSERT] especially for unconventional extraction,** proposals should **[INSERT] will need to demonstrate that adequate arrangements can be made for this [INSERT] and that there is suitable capacity within the waste network to deal with such waste; either singularly or cumulatively with other schemes.** Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will **only [INSERT] not usually be permitted.**

[INSERT] Where it can be demonstrated beyond scientific doubt and in accordance with the precautionary principle in locations where a high standard of protection can be provided [INSERT] that to ground and surface waters [INSERT] will not be affected, proposals will be considered. [INSERT] Proposals would also need to demonstrate that they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

2) Decommissioning and restoration

Proposals for hydrocarbon development **[INSERT] not** will be permitted **[INSERT] unless** where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and
- ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.
- iii) For unconventional hydrocarbon development, the Mineral Planning Authority may **[INSERT] will** require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development. **[INSERT] Removal of gas and water pipelines associated with the development would also be required, especially where there has been a loss of agricultural land of the best and most versatile quality to accommodate for hydraulic fracturing developments.**

Policy M20: Deep coal and disposal of colliery spoil

1) Proposals for surface and underground development for the mining of deep coal will **[INSERT] not** be permitted where **[INSERT] unless** all the following criteria are met:

i) [INSERT] An assessment of the cumulative impact on climate change mitigation has been considered in relation to the UK'S commitments under the Climate Change Act 2008.

(ii) [INSERT] the proposal will not compromise the phase out of coal power generation by 2025;

(iii) [INSERT] Proposals would not impact on the landscape conservation objectives (including the setting) of National Parks or AONBs in line with national policy objectives and would be consistent with Policy D04

[INSERT] iv) 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;

[INSERT] iv) the proposals would enable coal to be transported in a sustainable manner;

[INSERT] viii) where located in the Green Belt, the proposals would comply with national policy on Green Belt; [INSERT] including proposals of how to deal with spoil and its impact on the openness of the Green Belt

[INSERT] vii) 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;

[INSERT] viii) 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, **[INSERT] only the use of lower quality agricultural land (ALC Grade 3b or below) in preference to higher quality agricultural land (ALC Grade 3a or higher) [INSERT] will be acceptable.**

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 **[INSERT] including impact on openness;**

v) **[INSERT] Preference will be given to schemes** where spoil can be delivered to the site via sustainable (non-road) means of transport ~~or~~, **Where road transport is necessary, [INSERT] it must be demonstrated that** transport of spoil can take place without unacceptable impacts on the environment or local communities.

Policy M21: Shallow Coal

~~1) Proposals for the extraction of shallow coal will be permitted, where extraction would take place as part of an agreed programme of development, in order to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development management policies in the Joint Plan.~~

[INSERT] 1) Other [INSERT] Proposals for the working of shallow coal will [INSERT] only be permitted where [INSERT] considered where the following criteria are met:

i) [INSERT] An assessment of the cumulative impact on climate change mitigation has been considered in relation to the UK'S commitments under the Climate Change Act 2008.

(ii) [INSERT] The proposal will not compromise the phase out of coal power generation by 2025;

~~iii) Where located in the Proposals would not impact on the landscape conservation objectives (including the setting) of National Parks or an AONBs in line with national policy objectives; the development would [INSERT] and would be consistent with Policy D04 or, where the development would be located outside a National Park or AONB, would provide a high standard of protection to the designated area;~~

iv) A high standard of protection would be provided to internationally and nationally important nature conservation designations;

[INSERT] v) The proposal would introduce net benefits to existing residential amenity, noise, landscape and visual impact, highway safety, dust, pollution and other planning matters.

[INSERT] vi) Where located in the Green Belt, the working, reclamation and afteruse of the site would be compatible with Green Belt objectives in line with national policy on Green Belt;

~~ivii) The site is well located in relation to the highway [INSERT] and train transport hubs and intended markets.~~

**Statement of representations procedure and statement of fact
Proposed Submission Local Plan
Regulation 19, 20 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012**

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are publishing a Local Plan, referred to as the Minerals and Waste Joint Plan ('Joint Plan') and an accompanying Policies Map. The Joint Plan covers the whole of the administrative area of the three Authorities outside the Yorkshire Dales National Park.

Subject Matter:

The Minerals and Waste Joint Plan sets out the three Authorities' approach to taking decisions on planning applications for minerals, such as quarrying, mining and gas extraction, and waste management, including waste recycling, treatment and disposal, up to 31st December 2030. The purpose of the Joint Plan is to provide guidance to developers, local communities and other interested parties on when minerals and waste development may be expected, as well as how it will be managed and any adverse impacts and maximise any benefits.

Period within which representations may be made:

Representations on the published Joint Plan can be made within the six week period from 9th to 21st December 2016.

All responses must include contact details and must be received by no later than 5pm December 2016. Responses received after this deadline will not be accepted.

How to make representations on the Joint Plan and availability of documents:

The Joint Plan and supporting documentation is available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult.

Paper copies of the Joint Plan and main supporting documents are available to view during opening hours at all libraries, including mobile libraries and all main offices of the three Authorities as well as at the District and Borough Council main offices and the National Park Centres.

Representations on the Joint Plan should be made in writing or by electronic communication using the response form. Paper copies of the response form are available at the locations mentioned above and the form is also available electronically, and can be downloaded from, the Joint Plan Website: www.northyorks.gov.uk/mwconsult.

Responses can be submitted by email to: mwjointplan@northyorks.gov.uk, or by post to: Minerals and Waste Joint Plan, North Yorkshire County Council, County Hall, Northallerton, DL15 2YU.

Kind regards,

Magnus Gallie
Planner

Friends of the Earth England Wales and Northern Ireland
Devonshire House
37 York Place
Leeds LS1 2ED

mwjointplan

From: Magnus Gallie <magnus.gallie@foe.co.uk>
Sent: 21 December 2016 09:52
To: mwjointplan
Subject: Friends of the Earth Submission - North Yorkshire Minerals and Waste Joint Plan - Publication Stage (9th Nov to 21st December 2016)
Attachments: Statement_of_representations_procedure.pdf; NYMP Consultation 2016 fv CS.pdf; Publication_response_form_part_Friends of the Earth.A1.pdf

Dear Mr Smith,

Please find attached representations from Friends of the Earth England, Ireland and Wales. Our submission relates specifically to policies M16 – M18.

As a precursor to this submission, we have previously questioned the mineral planning authority's approach to the scope of the consultation in terms of its focus on legal compliance, as well as soundness; querying whether this should be widened to allow more general comment. This is especially relevant where the structure of Policy M16 has changed since the Preferred Options consultation. Our view is that the consultation scope should not have been limited to this extent, and should accommodate more general commentary (as per our letters from 10th and 24th November 2016) from members of the public as per the Town and Country Planning (Local Planning) England Regulations (2012). *We have however included references to the tests of soundness and legal compliance throughout the submission.*

Finally, we note the wording of the Statement of representations procedure (attached and extract below), which states such submissions should be made in writing or by electronic communication, "**preferably using the response form**".

We trust the submission is compliant in terms of these requirements and would be grateful for receipt of our submission.

**Statement of representations procedure and statement of fact
Proposed Submission Local Plan
Regulation 19, 20 and 35 of the Town and Country Planning (Local Planning) (England)
Regulations 2012**

North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are publishing a Local Plan, referred to as the Minerals and Waste Joint Plan ('Joint Plan') and accompanying Policies Map. The Joint Plan covers the whole of the administrative area of the three Authorities outside the Yorkshire Dales National Park.

Subject Matter:

The Minerals and Waste Joint Plan sets out the three Authorities' approach to taking decisions on planning applications for minerals, such as quarrying, mining and gas extraction, and waste development including waste recycling, treatment and disposal, up to 31st December 2030. The purpose of the Joint Plan is to provide guidance to developers, local communities and other interested parties on where and when minerals and waste development may be expected, as well as how it will be managed to reduce any adverse impacts and maximise any benefits.

Period within which representations may be made:

Representations on the published Joint Plan can be made within the six week period from 9th November to 21st December 2016.

All responses must include contact details and must be received by no later than 5pm on 21st December 2016. Responses received after this deadline will not be accepted.

How to make representations on the Joint Plan and availability of documents:

The Joint Plan and supporting documentation is available to view on the Joint Plan Website: www.northyorks.gov.uk/mwconsult.

Paper copies of the Joint Plan and main supporting documents are available to view during normal opening hours at all libraries, including mobile libraries and all main offices of the three Authorities, as well as at the District and Borough Council main offices and the National Park Centres.

Representations on the Joint Plan should be made in writing or by electronic communication, preferably using the response form. Paper copies of the response form are available at the locations referred to above and the form is also available electronically, and can be downloaded from, the Joint Plan Website: www.northyorks.gov.uk/mwconsult.

Responses can be submitted by email to: mwjointplan@northyorks.gov.uk, or by post to: **Minerals and Waste Joint Plan, North Yorkshire County Council, County Hall, Northallerton, DL7 8AH.**

Representations at this stage should only be made on the legal and procedural compliance of the Joint Plan, including its conformity with the Duty to Cooperate, and on the soundness of the Joint Plan. All representations received will be submitted to the Secretary of State and considered as part of a public examination of the Joint Plan by an independent Planning Inspector.

Please note that representations made at this stage in the process 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 as part of the Examination process.

Request for Notification:

Representations at this stage may be accompanied by a request to be notified about:
the submission of the local plan for independent examination;
the publication of the recommendations of the inspector appointed to carry out the independent examination; and
the adoption of the local Plan.

Locations of Documents:

North Yorkshire County Council Offices- County Hall, Northallerton. DL7 8AH. (Mon – Thu 8.30 – 5.00, Fri 8.30 – 4.30, Sat & Sun closed)

Craven District

Council Offices:

- **Craven District Council**, Skipton (Mon – Thu 9.00 – 5.00, Fri 9.00 – 4.30 Sat & Sun closed)

Libraries and Information Centres:

- **Bentham Library**, Main Street, High Bentham (Mon 2.30 – 7.00, Tues, Thu & Sun closed, Wed 10.00 – 4.00, Fri 2.30 – 5.30, Sat 10.00 – 12.00)
- **Crosshills Library**, Main Street, Crosshills, Keighley (Mon & Fri 2.00 – 7.00, Tues & Sun Closed, Wed 10.00-1.00, Thu 2.00 – 5.00, Sat 10.00 – 12.00)
- **Embsay-with-Eastby Community Library**, The Institute, Main Street, Embsay-with-Eastby (Mon, Tues, Wed & Sun closed, Thu 3.00 – 7.00, Fri 2.00 – 5.00, Sat 10.00 – 12.30)
- **Gargrave and Malhamdale Community Library**, Gargrave Village Hall, West Street, Gargrave (Mon 3.00 – 6.00, Tues, Thu & Sun closed, Wed & Fri 2.00 – 5.00, Sat 10.00 – 1.00)
- **Grassington Hub Community Library**, Garrs Lane, Grassington (Mon & Wed 10.00 – 6.00, Tues, Thu & Fri 10.00 – 5.00, Sat 10.00 – 4.00, Sun closed)
- **Ingleton Library, Ingleborough Community Centre**, Main Street, Ingleton, (Mon 9.00 – 7.00, Tues & Thu 9.00 – 4.00, Wed 9.00 – 6.00, Fri 9.00 – 5.00, Sat 10.00 – 12.00, Sun closed.
- **Settle Library**, Limestone View, Lower Greenfoot, Settle (Mon & Thu 2.00 – 5.00, Tue 9.30 – 5.00, Wed & Sun – closed, Fri 2.00 – 6.30, Sat 10.00 – 12.00)
- **Skipton Library**, High Street, Skipton (Mon, Wed & Thu 9.30 – 7.00, Tue & Sun closed, Fri 9.30 – 5.00, Sat 9.30 – 1.30)

Hambleton District

Council Offices:

Hambleton District Council, Civic Centre, Stone Cross, Northallerton (Mon – Thu 8.45 – 5.15, Fri 8.45 – 4.45 Sat & Sun closed)

Libraries and Information Centres:

- **Bedale Library**, Bedale Hall. Bedale (Mon & Wed 2.00 – 5.00, Tue & Fri 10.00 – 4.00, Wed & Sun closed, Sat 10.00 – 12.00)
- **Easingwold Library**, Market Place, Easingwold, (Mon 10 – 5.00, Tue 2.00 – 5.00, Wed & Sun closed, Thu 1.00 – 6.00, Fri 9.30 – 5.00, Sat 10.00 – 12.30)
- **Great Ayton Library**, 105b High Street, Great Ayton (Mon & Sun closed, Tues, Wed, Thu, Fri & Sat 10.30 – 5.00)
- **Northallerton Library**, 1 Thirsk Road, Northallerton (Mon & Wed 9.30 – 6.00, Tue & Fri 9.30 – 5.00, Thu 1.00 – 5.00, Sat 9.30 – 1.30, Sun closed)
- **Stokesley Library**, Town Close, North Road, Stokesley (Mon & Fri 9.30 – 5.00, Tue 1.00 – 6.00, Wed 1.00 – 5.00, Thu & Sat 9.30 – 12.30, Sun closed)
- **Thirsk Library**, Meadowfields, Chapel Street, Thirsk (Mon & Thu 10.00- 5.00, Tue 1.00 – 5.00, Wed & Sun closed, Fri 10.00 – 7.00, Sat 9.30 – 12.30.)

Harrogate Borough

Council Offices:

Harrogate Borough Council, Council Offices, Crescent Gardens, Harrogate (Mon – Thu 8.30 – 5.00 Fri 8.30 – 4.30 Sat & Sun closed)

Libraries and Information Centres:

- **Bilton and Woodfield Community Library**, Woodfield Road, Harrogate. (Mon 1.00 – 7.00, Tues, Thu & Fri 9.30 – 5.00, Wed & Sun closed, Sat 9.30 – 1.00)
- **Boroughbridge Library**, 17 St James Square, Boroughbridge. (Mon & Tue 2.00 – 5.00, Wed 9.00 – 1.00, Thu 10.00 – 1.00, Fri 10.00 – 1.00 & 2.00 – 6.00, Sat 10.00 – 12.00, Sun closed)
- **Harrogate Library**, Victoria Avenue, Harrogate (Mon, Tue, Wed & Fri 9.00 – 7.00, Thu 10.00 – 6.00, Sat 9.00 – 4.00, Sun closed)
- **Knaresborough Library**, Market Place, Knaresborough. (Mon, Tue & Wed, Thu & Sat 9.30 – 1.30, Sat 9.30 – 1.30, Sun closed.)

- **Mashamshire Community Library/Community Office**, Little Market Place, Masham, (Mon, Tue, Wed, Thu & Fri 10.00 – 3.00, Sat 10.00 – 2.00, Sun closed)
- **Nidderdale Plus Community Library**, Station Square, King Street, Pateley Bridge, (Mon 10.00 – 6.00, Tue, Wed, Thu & Fri 10.00 – 4.00, Sat & Sun 10.00 – 1.00)
- **Ripon Library**, The Arcade, Ripon (Mon 10.00 – 6.00, Tue, Wed, Thu & Fri 10.00 – 5.00, Sat 10.00 – 2.00, Sun closed)
- **Starbeck Library**, 68A High Street, Starbeck, Harrogate (Mon 12 – 6.00, Tue 10.00 – 5.00, Wed & Fri 12.00 – 5.00, Thu & Sun Closed, Sat 10.00 – 12.00)

Richmondshire District

Council Offices:

Richmondshire District Council, Mercury House, Station Road, Richmond (Mon – Thu 8.45 – 5.15, Fri 8.45 – 4.45 Sat & Sun closed)

Libraries and Information Centres:

- **Catterick Garrison Library**, Gough Road, Catterick Garrison (Mon 10.00 – 5.00, Tue, Fri & Sun closed, Wed 10.00 – 7.00, Thu 1.00 – 7.00, Sat 10.00 – 1.00)
- **Colburn Library**, The Broadway, Colburn, Catterick Garrison, Catterick (Mon & Tue 2.00 – 5.00, Wed & Sun closed, Thu & Fri 10.00 – 1.00 & 2.00 – 5.00, Sat 10.00 – 12.00)
- **Hawes Library**, The Neukin, Market Place, Hawes (Mon, Tue, Wed, Thu & Fri 9.00 – 5.30, Sat 9.00 – 12.30, Sun closed)
- **Leyburn Library**, Thornborough Hall, Leyburn (Mon & Wed 9.00 – 12.30 & 1.30 – 5.00, Tues & Thu 9.00 – 12.30 & 1.30 – 6.00, Fri 9.00 – 4.00, Sat 9.30 – 12.30, Sun closed)
- **Richmond Library**, Queen's Road Richmond (Mon & Thu 10.00 – 6.00, Tue & Fri 10.00 – 5.00, Wed 10.00 – 12.00, Sat 10.00 – 1.00, Sun closed)

Ryedale District

Council Offices:

Ryedale District Council, Ryedale House, Old Malton Road, Malton. (Mon – Fri 9.00 – 4.00 Sat & Sun closed)

Libraries and Information Centres:

- **Helmsley Library**, Town Hall, Helmsley (Mon, Wed & Sun closed, Tue & Sat 10.00 – 12.00, Thu 10.00 – 12.30 & 2.00 – 4.00, Fri 10.00 – 6.00, Sat 10.00 – 12.00)
- **Kirkbymoorside Library**, Church House, 7 Market Place, Kirkbymoorside. (Mon 10.00 – 7.00, Tue & Sun closed, Wed & Fri 10.00 – 5.00, Thu 2.00 – 7.00, Sat 10.00 – 12.30, Sun closed)
- **Malton Library**, St. Michael Street, Malton (Mon, Wed & Fri 9.30 – 5.00, Tue 9.30 – 7.00, Thu & Sun closed, Sat 9.30 – 12.30)
- **Norton Library**, Commercial Street, Norton (Mon, Fri & Sun closed, Tue & Wed 2.00 – 5.00, Thu & Sat 10.00 – 12.00)
- **Pickering Library**, The Ropery, Pickering (Mon 9.00 – 5.00, Tue & Fri 10.00 – 5.00, Wed & Sun closed, Thu 10.00 – 7.00, Sat 10.00 – 2.00)

North York Moors National Park (including part of Redcar and Cleveland)

Council Offices:

North York Moors National Park Authority offices, The Old Vicarage, Bondgate, Helmsley (Mon – Fri 9.00 – 5.00, Sat & Sun closed)

The Moors National Park Centre, Lodge Lane, Danby, Whitby (Mon – Sun 10.00 – 5.00)

Sutton Bank National Park Centre, Sutton Bank, Thirsk (Mon – Sun 10.00 – 5.00)

Libraries and Information Centres:

- **Guisborough Library**, 90 Westgate, Guisborough (Mon & Tue 9.00 – 7.00, Wed 9.00 – 6.00, Thu & Fri 9.00 – 5.00, Sat 9.00 – 12.30, Sun closed)
- **Loftus Library**, Hall Grounds, Loftus, Saltburn (Mon & Tue 9.00 – 12.30 & 13.30 -18.00, Wed & Sat 9.00 – 12.30, Thu & Fri 9.00 – 12.30 & 13.30 – 17.00, Sun closed)

Scarborough Borough

Council Offices:

Scarborough Borough Council, Town Hall, St Nicholas Street, Scarborough (Mon, Tue, Thu & Fri 8.30 – 5.00, Wed 9.30 – 5.00, Sat & Sun closed)

Libraries and Information Centres:

- **Derwent Valley Bridge Community Library**, 3 Pickering Road, West Ayton, Scarborough (Mon, Thu & Sun closed, Tue 10.00 – 7.00, Wed & Fri 10.00 – 5.00, Sat 10.00 – 1.00.)

- **Eastfield Library**, High Street, Eastfield, Scarborough. Mon 9.30 – 7.00, Tue, Wed & Fri 9.00 – 5.00, Thu 9.30 – 1.00, Sat 9.30 – 12.00, Sun closed)
- **Filey Library**, Station Avenue, Filey (Mon & Fri 10.00 – 5.00, Tue & Sun closed, Wed 10.00 – 7.00, Thu 1.00 – 5.00, at 10.00 – 1.00, Sun closed)
- **Scalby Library**, 450 Scalby Road, Newby, Scarborough (Mon & Tue 10.00 – 5.30, Wed & Fri 10.00 – 7.00, Thu & Sun closed, Sat 10.00 – 4.00)
- **Scarborough Library**, Vernon Road, Scarborough (Mon, Tue & Fri 9.00 – 6.00, Wed 10.00 – 6.00, Thu 9.00 – 7.00, Sat 9.00 – 3.00, Sun closed.)
- **Whitby Library**, Windsor Terrace, Whitby (Mon, Thu & Fri 9.30 – 5.00, Tue 9.30 – 7.00, Wed & Sun closed, Sat 10.00 – 1.00)

Selby District

Council Offices:

Selby District Council, Civic Centre, Doncaster Road, Selby (Mon, Tue & Thu 8.30 – 5, Wed 10.00 – 5.00, Fri 8.30 – 4.30, Sat & Sun closed)

Libraries and Information Centres:

- **Barlby Library**, Howden Rd, Barlby (Mon, Thu & Sun closed, Tue 2.00 – 7.00, Wed & Fri 2.00 – 5.00, Sat 10.00 – 12.00.
- **Selby Library**, 52 Micklegate, Selby (Mon 9.30 – 7.30, Tue, Wed & Fri 9.30 – 5.30, Thu & Sat 9.30 – 12.30, Sun closed)
- **Sherburn-in-Elmet Library**, Finkle Hill, Sherburn-in-Elmet (Mon & Tue 9.30 – 5.00, Wed & Sun closed, Thu 9.30 – 6.00, Fri 9.30 – 1.00, Sat 9.30 – 12.30)
- **Tadcaster Library**, Station Road, Tadcaster (Mon, Tue & Wed 2.00 – 6.00, Thu & Fri 9.00 – 1.00, Sat 10.00 – 12.00, Sun closed)

City of York

Council Offices:

City of York Council, West Offices, Station Rise, York (Mon – Fri 8.30 – 5.00, Sat & Sun closed)

Libraries and Information Centres:

- **Acomb Explore library**, Front Street, Acomb (Mon, Tues & Thu 9.00 – 7.30, Wed 9.00 – 2.00, Fri 9.00 – 5.00, Sat 9.00 – 3.00, Sun closed)
- **Bishopthorpe Library**, Main Street, Bishopthorpe (Mon 2.00 – 7.00, Tue, closed, Wed & Thu 10.00-12.30 & 2.00 – 5.00, Fri 2.00 – 5.00, Sat 10.00 – 12.30, Sun closed)
- **Clifton Explore Library**, Rawcliffe Lane, Clifton (Mon 2.30 – 5.30, Tue, Wed & Fri 10.00 – 1.00 and 2.00 – 5.30, Thu 2.30 – 7.00, Sat 10.00 – 1.00, Sun closed)
- **Copmanthorpe Library**, Village Centre, Main Street, Copmanthorpe (Mon 9.00 – 1.00 & 2.00 – 5.30, Tue 2.00 – 6.30, Wed & Sun closed, Thu & Sat 9.00 – 1.00, Fri 2.00 – 5.30)
- **Dringhouses Library**, Tadcaster Road, Dringhouses (Mon 2.00 – 6.00, Tue & Thu 9.30 – 12.30 & 2.00 – 5.30, Wed closed, Fri 2.00 – 5.30, Sat 9.30 – 1.00, Sun closed)
- **Dunnington Library**, The Reading Room, Church Street, Dunnington (Mon 10.00 – 1.30, Tue 2.00 – 5.30, Wed, Fri & Sun closed, Thu 2.00 – 5.00, Sat 9.00 – 12.00)
- **Fulford Library**, St Oswald's CE School, Heslington Lane, Fulford (Mon, Wed & Sun closed, Tue, Thu & Fri 2.00 – 5.00, Sat 10.00 – 12.30)
- **Huntington Library**, Garth Road, Huntington York (mon, Tue, Thu & Fri 9.30 – 12.00 & 2.00 – 5.00, Wed & Sun closed, Sat 9.30 – 12.00)
- **New Earswick Library**, Hawthorn Terrace, New Earswick (Mon 9.00 – 12.30 & 1.00 – 5.00, Tue 9.00 – 12.30 & 2.00 – 4.00, Wed 2.00 – 5.00, Thu 1.30 – 5.00, Fri 9.00 – 12.30 & 1.30 – 5.00, Sat 10.00 – 12.00 Sun closed)
- **Poppleton Library**, The Village, Upper Poppleton (Mon 10.00 – 12.30 & 2.00 – 5.00, Tue & Sun closed, Wed & Fri 10.00 – 12.30 & 2.00 – 5.00, Thu & Sat 10.00 – 12.30.)
- **Rowntree Park Reading Cafe**, Rowntree Park Lodge, Richardson Street, York (Mon, Tue, Wed, Thu, Fri Sat & Sun 9.00 – 4.30)
- **Strensall Library**, 19 The Village, Strensall (Mon & Fri 2.00 – 5.00, Tue 10.30 – 12.30 & 2.00 – 5.00, Wed & Sun closed, Thu 9.30 – 12.30 & 2.00 – 4.00, Sat 10.00 – 12.30)
- **Sycamore House Reading Cafe**, 30 Clarence Street, York (Mon, Tue, Wed, Thu & Fri 10.00 – 3.30, Sat & Sun closed)
- **Tang Hall Explore Library**, Fifth Avenue, Tang Hall (mon 9.30 – 7.30, Tue, Thu & Fri 9.30 – 5.30, Wed & Sat 9.30 – 1.00, Sun closed) (Mobile library operates form this location)
- **York Explore Library**, Library Square, York, YO1 7DS (Mon, Tue, Wed & Thu 9.00 – 8.00, Fri 10.00 – 6.00, Sat 9.00 – 5.00, Sun 11.00 – 4.00)



After Brexit nature needs all the Friends it can get



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2762



Our Ref: NYCC/AML

21st December 2016

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

Third Energy UK Gas Limited
Knapton Generating Station
East Knapton
Malton
North Yorkshire
YO17 8JF

www.third-energy.com

t: +44 (0)1944 758 746

f: +44 (0)1944 758780

e: info@third-energy.com

Dear Mr Smith,

MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT NOVEMBER 2016 – RESPONSE FROM THIRD ENERGY UK GAS LIMITED

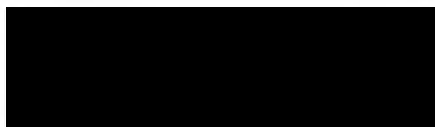
Third Energy UK Gas Limited ("Third Energy") is the Operator of gas fields within North Yorkshire and, at the time of submitting this letter to North Yorkshire County Council, holds interests in several Petroleum Exploration and Development Licences within the Minerals and Waste Joint Plan area. Under the petroleum licensing system, the licence holder is permitted to 'search, bore and get petroleum within the licence boundary, 'subject to the granting of planning permission', in accordance with the Town and Country Planning Act 1990.

The purpose of this letter is to formally document Third Energy's support to representations made by Zetland Group Limited, our planning advisors, and United Kingdom Onshore Oil and Gas, the industry body representing hydrocarbon exploration and production onshore UK. Representations submitted by Zetland Group and UKOOG, which I append to this letter, reflect those of Third Energy and, as such, this letter serves to avoid duplication. I do, however, kindly request that North Yorkshire County Council records Third Energy's name alongside these representations, together with a copy of this letter.

As an Operator within the Plan area, the emerging minerals and waste policies within the publication draft are of great importance to Third Energy, in particular, in the context of meeting its licence commitments. Having reviewed the publication draft, Third Energy has concerns, both at high level and on specific hydrocarbon policies. In parallel with these concerns, Third Energy is of the opinion that the overlap with the functions of other key regulatory regimes, as set out in the publication draft, raises doubt that the duty to co-operate has been fully complied with. The functions of other key regulators, as set out in the plan, are not as clearly defined as we understand them to be. Such lack of co-operation and understanding could lead to the Inspector recommending non-adoption of the plan.

Please accept this letter as Third Energy's representation to the Minerals and Waste Joint Plan Publication Draft. Should you require any further clarification then please do not hesitate to contact me.

Yours sincerely



John Dewar
Operations Director

Your ref:
Our Ref:ZG/MWJP/PS/001

21st December 2016

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

Dear Mr Smith,

MINERALS AND WASTE JOINT PLAN PUBLICATION DRAFT NOVEMBER 2016 – RESPONSE FROM ZETLAND GROUP LIMITED

In response to the latest round of consultation on the Minerals and Waste Joint Plan published jointly by City of York Council, North York Moors National Park and North Yorkshire County Council, please find below the consultation response from Zetland Group Limited.

This letter forms Zetland Group's submission, as agreed with the North Yorkshire County Council Plans and Technical Services Team.

Zetland Group Consultation Response

Paragraph 5.93

5.93 Since work started on the Joint Plan, there has been increasing public and commercial interest in issues associated with developing onshore shale gas resources. This is a highly relevant issue for the Plan area following the announcement by Government in late 2015 of new oil and gas exploration and development licences (PEDLs) in the eastern part of the area (see fig. 12), as well as the approval in 2016 of proposals for hydraulic fracturing for shale gas at an existing well site near Kirby Misperton, in Ryedale District. Nevertheless, substantial uncertainties remain about the scale and distribution of any future proposals that could come forward.

Not Effective -Paragraph 5.93 – The text should reflect hydrocarbon resources, as opposed to singling out shale gas resources.

Paragraph 5.95

5.95 The expected increase in commercial interest in gas in the Plan area in future years, including shale gas, together with the highly sensitive nature of the environment in large parts of the area covered by new and existing PEDLs, presents a significant challenge. An appropriate balance has to

be achieved between provision of a degree of support and flexibility to enable development to take place in appropriate locations, and the need to provide a high standard of protection to local communities and the environment. This section of the Joint Plan sets out a comprehensive range of policies that aim to achieve this balance.

Not Positively Prepared - Paragraph 5.95 – the use of words ‘presents a significant challenge’ – this is not positively presented and could be considered to pre-judge sensitivities without understanding the specifics of the development. Any development type could present a significant challenge, there is no justification to single out hydrocarbon development. The purpose of the Plan is to provide a clear, justified and positive policy framework against which proposals can be formulated and tested. As drafted, the negative sentiments of this paragraph are in conflict with paragraph 14 of the NPPF presumption in favour of sustainable development.

Paragraph 5.98

5.98 Conventional hydrocarbons are oil or gas which has accumulated in a ‘reservoir’ of porous rock such as sandstone or limestone and which can be extracted by conventional drilling techniques. Conventional gas was first discovered in the North York Moors in the 1940s. In the 1970s, gas was extracted from a wellhead in the National Park and processed at a site in Pickering, although this operation was only short lived as a result of water ingress. In the 1980s successful exploration wells were drilled in the Vale of Pickering and in 1995 the Knapton gas power generation plant was commissioned, with gas being sourced from a number of well sites within the Vale, at Kirkby Misperton, Marishes, Malton, and Pickering. Production continues and the Vale of Pickering contains one of the larger onshore gas fields in the UK. More recently, further exploratory drilling for conventional hydrocarbons development has taken place within the National Park, with a view to extracting gas for transport via pipeline to the Knapton facility.

Not effective - Paragraph 5.98 ‘can be extracted by conventional drilling techniques’. Incorrect use of the words ‘conventional drilling techniques’. Drilling techniques are the same whether conventional or unconventional. It is the properties of the rock which determine whether unconventional or conventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale (fluid volumes and pressures).

These techniques fall under the more general heading of “well stimulation”. Well stimulation refers to any intervention technique on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage area around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundreds of meters away from the well bore, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 plus years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

Paragraph 5.100

5.100 More recently, there has been interest in unconventional hydrocarbons as a form of energy supply. These are hydrocarbons which cannot be extracted by conventional techniques and include sources of hydrocarbons such as methane captured from coal mines, coal bed methane, underground coal gasification, as well as shale gas'

Not effective - Paragraph 5.100 – '*cannot be extracted by conventional techniques*'. It is the properties of the rock which determines whether the formation is unconventional or conventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale. (fluid volumes and pressures).

These techniques fall under the more general heading of "well stimulation". Well stimulation refers to any intervention technique on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage area around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundreds of meters away from the well bore, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 plus years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

Paragraph 5.105

5.105 Whilst permission for hydraulic fracturing of an existing gas well near Kirby Misperton was granted in 2016, there is still a high degree of uncertainty about the commercial viability of any resources in this area or the UK generally, and hence the potential scale or distribution of development activity that may come forward. This uncertainty is likely to prevail until further exploration activity has taken place.

Not Positively Prepared - Paragraph 5.105 – use of word 'uncertainty' – not positively presented does not comply with National Policy support for shale development. The reference to the existing gas well near Kirby Misperton is unnecessary and serves to confuse, the commercial viability of any resource can only be determined by further exploration.

Paragraph 5.107

5.107 There are three main phases of onshore hydrocarbon development identified in national planning guidance: exploration, appraisal and production, as summarised below. Development relating to each of these main phases falls within the scope of the Policies in the Joint Plan. However, the distinctions between the phases may not always be clear cut. For example, hydraulic fracturing for unconventional gas can be associated with each of the main phases.

- *Exploration - seeks to acquire geological data to establish whether hydrocarbons are present. It may involve 2-dimensional or 3-dimensional seismic surveys, exploratory drilling, well testing and completion and, in the case of shale gas, hydraulic fracturing. For conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically, site construction, drilling and site clearance will take between 12 to 25 weeks. For unconventional hydrocarbons, exploratory*

drilling may take considerably longer, especially if hydraulic fracturing is involved and, in the case of coalbed methane, removal of water from the coal seam.

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

- *Production - normally involves the drilling of a number of wells at one or more well pads. These may be at well pads used at the exploratory and/or appraisal phases of hydrocarbon development, or from one or more new well pads. Associated equipment and infrastructure, such as pipelines and processing facilities needed to clean or compress or store gas may also be required. Production can be up to around 20 years. The production stage is likely to require the periodic maintenance of wells, which may require use of drilling equipment.*

Not Effective - Paragraph 5.107 Reference to drilling for unconventional hydrocarbons taking considerably longer – this is not correct. Hydraulic Fracturing is a separate process to drilling. It is unnecessary to single out unconventional hydrocarbons and shows a lack of understanding of the industry. As stated previously it's the properties of the rocks that determine if the formation is conventional or unconventional. The techniques used differ only in scale (high volume versus low volume).

Paragraph 5.112

5.112 Particular concerns have been expressed about other potential impacts of the hydraulic fracturing techniques used in extraction of shale gas and some other forms of hydrocarbons development. These include matters such as pollution of ground and surface water, use of water resources and management of waste water, air pollution and the potential for ground movements (i.e. earth tremors) to be triggered. 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, the potential for various effects on health and well-being is a key concern to local communities. The focus of the planning system is on whether the development itself is an acceptable use of the land. Other regulatory regimes (see below) are relevant to the detailed control of matters such as sub-surface environmental pollution, induced seismicity, borehole design and construction and health and safety. In accordance with Government advice, the Minerals Planning Authorities will assume that these other regimes will operate effectively. However, where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process.

Not Justified - Paragraph 5.112 – Recognises the community concern about impact on public health and that 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. The paragraph should be deleted.

Use of the words 'However, where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process.' This wording is not helpful, it is open ended and ambiguous. Clarification is required to provide potential applicants with guidance as to what, in practice, this means.

Paragraph 5.114

5.114 Each proposed development is assessed by the Environment Agency, which regulates discharges to the environment, issues water abstraction licences, and acts as a statutory consultee in the planning process. The Environment Agency has issued guidance which notes that an environmental permit will be required for matters such as the emission of waste gasses and the disposal of waste underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.

Not Effective - Paragraph 5.114 – The role of the EA – for consistency this paragraph could be expanded to cover those points raised in policy M18 1) i) with reference to arrangements for the management or disposal of any returned water and naturally occurring radioactive material – avoid overlap with the role of other regulators.

Paragraph 5.117

5.117 In 2012 DECC (now DBEIS) introduced measures to control seismic risks from fracking. Operators are now required to assess the location of any relevant faults before fracking operations can take place. Operators must submit to DBEIS a plan of operations, starting with small test fractures before main operations and install realtime monitoring based on a traffic light system. Operators must stop and investigate if they detect tremors above the normal range. Further guidance on the regulation of hydrocarbons proposals is set out in the DECC publication 'Onshore Oil and Gas Exploration in the UK: regulation and best practice (England) (December 2015). A diagram illustrating the 'traffic light' system is provided below.

Not Consistent with National Policy - 5.117 needs to be amended to reflect Oil and Gas Authority and its role within government.

Paragraph 5.118

5.118 Planning guidance and case law makes clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies. It states that they can determine applications having considered the advice of those bodies without having to wait for the other approval processes to be concluded.

Not Effective - Paragraph 5.118 – Other sections of the draft plan and policies do not accord with this paragraph, paragraph 5.112, and policy M18 for example. There is a need to avoid unnecessary regulatory overlap.

Paragraph 5.119

Definitions

5.119 To ensure that the local policy approach to hydrocarbon development is as clear as it can be, it is helpful to define some key words and concepts that will be used by the Mineral Planning Authorities when implementing the Joint Plan:

a) 'Hydrocarbon development' includes all development activity associated with exploring, appraising and/or producing hydrocarbons (oil and gas), including both surface and underground development.

b) 'Surface hydrocarbon development' and 'surface proposals' includes use and/or development of the land surface for the purposes of the exploring, appraising and/or producing hydrocarbons.

c) 'Sub-surface hydrocarbon development' and 'sub-surface proposals' includes development taking place below the ground surface for the purposes of exploring, appraising and/or producing hydrocarbons.

d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability, extracted using conventional drilling and production techniques.

e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in situ coal seams through underground coal gasification.

f) For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.

g) In planning terms it is important to distinguish between:

i) the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and:

ii) the use of more conventional, less complex drilling and production techniques to extract hydrocarbons

Not Effective - e) f) the definition of conventional and unconventional hydrocarbons needs to be reworked. There is a need for consistency with the Infrastructure Act definition of Hydraulic Fracturing. Hydraulic fracturing technique can be used in both conventional and un-conventional reservoirs, all references too conventional and unconventional should be removed as there is no differentiation other than scale.

Not Effective – g) ii) the use of 'less complex', we disagree with this statement – drilling is the same whether for conventional and unconventional resources and should hydraulic fracturing be required this is no less complex than some conventional stimulation techniques. Complexity differs irrespective of conventional or unconventional.

Policy M16

Policy M16: Key spatial principles for hydrocarbon development

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

a) • exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing;

• exploration for unconventional hydrocarbons, without hydraulic fracturing: Proposals for these forms of hydrocarbon development will be permitted in Publication Draft Plan Minerals and Waste Joint Plan 84 locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.

b) • Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;

• Exploration for unconventional hydrocarbons, involving hydraulic fracturing;

• Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):

i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.

iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.

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

d) All surface hydrocarbon development:

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

ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

e) Conversion of well pads and wells for further or alternative forms of hydrocarbon development: Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant.

Not Effective - The policy could be simplified to provide clarity as to the applicable principles to each hydrocarbon development type.

b) i) Areas which protect the Historic Character and Setting of York – there does not appear to be any clarification within the Plan as to whether this policy applies to specific identifiable areas (ie that could be mapped and backed up with evidence of the significance/vulnerability of such area in terms of heritage interest), or whether this is a general undefined approach. The lack of certainty and direction that this element of policy provides is unhelpful. The policy goes beyond the provisions of the Infrastructure Act, in that new designations are introduced. Consideration of these additional designations is unnecessary as effective operation of the planning system provides for consideration of potential impacts where relevant.

D) i) 3.5km buffer zone - concern about the use of the buffer zone. Paragraph 5.128 states 'that this distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes. Reference to 35m high structure but no reference to the temporary nature – it is contended that this is not sufficient to justify a buffer zone of this magnitude. Within protected landscapes there are permanent structures of comparable or greater height that have been assimilated within and adjacent to protected landscapes.

D) ii) Reference to Heritage coasts – such areas are not formal landscape designations, and in terms of the Plan area generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to heritage coasts is unjustified.

e) the section '*Conversion of well pads and wells for further or alternative forms of hydrocarbon development*' and '*or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons,*' requires deletion, the wording is unnecessary.

Paragraph 5.122

5.122 While the Infrastructure Act 2015 and secondary legislation address hydraulic fracturing which occurs underground, the Government has also consulted on further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from being carried out from new or existing wells drilled at the surface in certain specified areas, although they are not yet in force. As proposed, the restrictions would apply to surface development for unconventional hydrocarbons involving high volume hydraulic fracturing but not to conventional hydrocarbons development, or development for unconventional hydrocarbons which do not require high volume hydraulic fracturing. The areas proposed for protection through this means are National Parks, AONBs, World Heritage Sites, Groundwater Source Protection Zone 1, SSSIs, Natura 2000 sites (SPAs and SACs) and Ramsar sites. Although these areas all benefit from strong national planning policy protection in their

own right, the proposed restrictions would not, in themselves, constitute planning policy as they are proposed to be implemented through the oil and gas licensing regime.

Not Effective - Paragraph 5.122 – We would question the need for this paragraph to be included. Inserting reference to proposals that have only been the subject of consultation is pre-emptive and runs the risk of the plan being out of date or misleading. Any changes in context during the course of the plan making process henceforth could be addressed through modifications as and when appropriate.

Paragraph 5.123

5.123 The net effect of the existing restrictions would be to prevent subsurface development involving high-volume hydraulic fracturing at a depth of less than 1,000m below the surface anywhere in the Plan area, and at a depth of less than 1,200m below the surface in some highly protected areas (as indicated in para. 5.121). However, a range of other important types of designation would not be subject to similar legislative protection. Furthermore, whilst the proposed surface restrictions would provide protection to a range of important designations, albeit not as a matter of planning policy, there are other types of sensitive areas that would not receive equivalent protection.

Not Effective - Paragraph 5.123 – It is unnecessary to include this paragraph as it refers to a consultation which is not yet in force and would in any case once in force be implemented by another regulator.

Paragraph 5.124

5.124 An additional consideration is that the new Regulations and proposed surface protections would only apply to high volume hydraulic fracturing whereas in terms of land use and the potential for impacts on the environment, local amenity and other relevant matters, impacts could occur at lower levels of activity. It is therefore not considered appropriate to distinguish in the Policy between high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid. Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.

Not Effective - Paragraph 5.124 – reference needs to be made to the Infrastructure Act definition of Hydraulic Fracturing. The paragraph is drafted such that it does not differentiate the scale of the development and the impacts therewith. Each application should be considered on its own merits and not dictated by other legislation.

Paragraph 5.125

5.125 In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy. This would help provide a clear, robust and consistent

local approach by ensuring that their protection is incorporated within the statutory development plan. Such an approach acknowledges the very important contribution made by these designations to the overall character of the Plan area, the quality of its environment and its attractiveness to both residents and visitors. The development management policies in Chapter 9 of the Joint Plan, including Policies D04, D05, D06, D07, D08 and D09, also provide specific policy protection for these and other assets, and will need to be taken into account as relevant in the determination of planning applications. This includes the need to take account of any Impact Risk Zones identified by Natural England for SACs, SPAs, Ramsar sites and SSSSIs, via the requirements of Policy D07 Biodiversity and geodiversity and impacts on the historic environment through the requirements of Policy D08 where relevant forms of surface or underground hydrocarbon development are proposed. Policy D11 also sets out requirements relating to the sustainable design, construction and operation of development, including minimisation of greenhouse gas emissions, consumption of water and generation of waste amongst other matters, in order to further reduce potential adverse impacts.

Not Effective - Paragraph 5.125 – The wording – ‘limited protection’. We disagree with this wording – the established regulatory system is effective and offers a high level of protection. Existing environmental designations have sufficient protection to ensure no adverse impact from future hydrocarbon development. The level of development will be restricted by these designations. The paragraph is negatively written.

Paragraph 5.126

5.126 Mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act 1990 (“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land). Where horizontal drilling beneath a National Park is proposed from a location outside the Park, a ‘straddling’ application to both mineral planning authorities will be required. As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and should be steered away from these highly protected areas. Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.

Not Effective - Paragraph 5.126 – We question the basis for the claim that any straddling application would as a matter of course meet the definition of major development.

Paragraph 5.127

5.127 A key factor leading to designation of an area as a National Park or Area of Outstanding Natural Beauty is the quality of its landscape. These areas benefit from a very high degree of protection in national policy, which states that major development within them should be refused unless there are exceptional circumstances and the development would be in the public interest. National Parks and AONBs are very important in contributing to the overall environmental quality, distinctive character and rural economy of the Plan area, yet substantial areas of PEDLs are located in them. In some cases, development outside a National Park or AONB could have an impact on its setting, and conflict with the statutory purposes of its designation. A particular consideration is

whether the scale, nature and location of a proposed development would detract from the special qualities of the designated area. Tall elements of surface hydrocarbons development, such as drill rigs associated with exploration and appraisal, or production wells, may typically be 35- 40m in height. Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently. However, where they would be located in close proximity to National Parks or AONBs, they have the potential to cause significant adverse impact on the setting of these important areas. This could include impact on important views to or from the National Park or AONB, or on the dark night skies typically associated with such areas as a result of the need for site lighting during 24-hour operations at some stages of development. Further justification for the protection of the setting of National Parks and AONBs is provided in paras. 9.26 and 9.27.

Not Effective - Paragraph 5.127 – Short term duration needs more emphasis – matter of weeks.

Paragraph 5.128

5.128 In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, 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. This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor. Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.

Not Effective - Paragraph 5.128 – Based on typical planning practice – this is not sufficient justification for the buffer zone. Any application that would be likely to have an adverse impact on the landscape of the National Park or AONB will be subject to consultation with the MPA and following the consideration of the application on its own merits a LVIA will be submitted. A Landscape and Visual Impact Assessment may not be required in all cases.

Paragraph 5.129

5.129 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.

Not Effective - Paragraph 5.129 – We have experienced difficulty in accessing a plan to show areas identified as affecting the historic character and setting of York. No justification is provided for this additional restriction; we consider that the existing regulation/ policies provide for sufficient protection.

Paragraph 5.130

5.130 Areas of Heritage Coast have been defined in the Plan area. In these nationally defined non-statutory areas, local planning authorities are required to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast'. Such areas are therefore afforded a relatively high level of significance in national policy terms and it is appropriate to reflect this in the spatial approach.

Not Effective - Paragraph 5.130 – see comment on policy M16 above - D) ii) Reference to Heritage coasts – such areas are not formal landscape designations, and in terms of the Plan area generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to heritage coasts is unjustified.

Policy M17

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

1) Accessibility and transport

i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local 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

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 nonmotorised users where relevant; and

c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

2) Cumulative impact

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development.

ii) Well pad density and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:

a) The proximity of a proposed new well pad site to other existing, planned or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;

b) The duration over which hydrocarbon development activity has taken place in the locality and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;

c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

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 of lower quality in preference to higher quality.

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.

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.

ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

Not Effective - Policy M17: Other spatial and locational criteria applying to hydrocarbon development.

- 1) C) iii) 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. Disagree with this requirement. Unnecessary constraint. If a development requires importation of water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.
- 2) I) 'planned' should be permitted or consented. Planned is too imprecise, permitted provides a degree of certainty that the development could take place.

2)b) Reference to the duration over which hydrocarbon development has taken place in the locality is irrelevant. The MPA will have approved development on the basis that impacts are not significantly adverse, and should test other proposals accordingly.

2c - an overall scheme of production development within the PEDL may not be known. Delete unconventional.

Paragraph 5.132

5.132 Where produced gas needs to be transported off-site to remote processing facilities or other infrastructure, pipelines are the most appropriate method in order to minimise the need for vehicle movements and their associated impacts. As pipeline construction can itself give rise to adverse impacts, it is important that the need for new infrastructure is minimised and sharing of infrastructure is supported under part 2) iv) of this Policy. Where new pipelines are required, routes which seek to minimise any impacts on the environment or local amenity should be selected, recognising that there are a range of factors which can impact on this, including land ownership and economic factors as well as environmental constraints. Impacts from vehicle movements can be reduced by ensuring that development such as hydraulic fracturing, involving large volumes of water, is located where water can be supplied by means such as pipeline or directly from a suitable local source, without the need for road transport. This can be further supported by encouraging re-use or recycling of water where practicable and this is addressed in Policy M18.

Not Effective - Paragraph 5.132 – The Transport Assessment will assess transport Impact – this paragraph is not relevant.

Paragraph 5.133

5.133 The nature of hydrocarbon operations, particularly for unconventional hydrocarbons such as shale gas, means that development may be proposed incrementally within a given area, potentially over substantial periods of time. This is done to access new areas of gas or stimulate the flow of gas in a given location, therefore helping to ensure maximum recovery of the resource and an appropriate return on investment on items such as processing infrastructure. As a result there may be commercial pressure to construct progressively more well pads and/or drill more wells on an existing pad, or re-fracture existing wells.

Not Effective – Paragraph 5.133 – the phases of hydrocarbon development are clearly set out in National Planning Guidance. Each application and subsequent applications for later phases will, as with any application, be considered on their own merits. – Undue repetition – delete.

Paragraph 5.134

5.134 At this early stage in commercial interest in shale gas in the area, there is considerable uncertainty about the potential scale and distribution of development that could come forward. Indications are that a typical well pad would have a surface area of some 2ha and that the density of well pads per PEDL area would depend on factors including surface constraints and geological factors. It would be influenced by the outcome of further initial exploration activity in the area. Each well pad could be expected to contain several individual well heads, from each of which a number of horizontally drilled wells would be drilled to access the shale gas resource, leading to the possibility of a substantial number of individual wells being drilled per pad. Such a scenario has the potential to lead to cumulative impacts as more development is proposed within an area, and to the potential for an incremental increase in impacts on the environment or local communities, including from traffic movements.

Not Effective – Paragraph 5.134 – as above. Reference to uncertainty. There is no certainty with any development type. Planning system exists to manage development that may come forward – Therefore there does not need to be certainty.

Paragraph 5.135

5.135 If further exploration leads to commercial interest in the production of shale gas in the Plan area, it is vital that a reasonable balance is found between developing the resource and protecting local communities and the environment. This is particularly so bearing in mind that PEDL areas are subject to a range of environmental constraints; are places where people live, work or visit and that they make an important existing contribution to the overall character, economic well-being and perception of the area.

Not Effective - Paragraph 5.135 – As above comment for paragraph 5.134

Paragraph 5.136

5.136 Consequently, it will be very important to ensure that cumulative impacts that could arise through a proliferation of development are assessed and taken into account in considering proposals for hydrocarbon development. Whilst the current state of the evidence does not make it practicable to impose, at this stage in the development of the industry, a specific policy limit on the number of well pads or individual wells that may be acceptable in any particular area, or to specify a minimum separation distance that should be maintained between well pads, the policy sets out a range of criteria which will be used when assessing proposals which could give rise to cumulative impact.

Not Effective - Paragraph 5.136 – As above comment for paragraph 5.134

Paragraph 5.137

5.137 To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the Policy¹⁷. 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. As PEDL boundaries are based purely on the OS grid and do not reflect other considerations, the location of existing or planned development in adjacent PEDL areas will also be considered in assessing cumulative impact under this Policy.

Not Effective – Paragraph 5.137 – It is not appropriate to set pad density limits. The paragraph is over complicated and unnecessary – hydrocarbon developments are often temporary, low impact developments – some areas may well have capacity to accommodate numerically more than others. At production phase hydrocarbon development can be unobtrusive as evidenced by the existing gas production sites within the Vale of Pickering. Applications should be determined on a case by case basis, an assessment of density will be captured by an assessment of cumulative impacts. It should be noted that licence ‘blocks’ are typically 10km by 10km, but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

Paragraph 5.138

5.138 Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

Not Effective – Paragraph 5.138 – The overall scheme of production development within the PEDL may not be known. There may be occasions where applications are submitted concurrently but similarly individual planning applications may be submitted in isolation. Each application should be considered on its own merits.

Paragraph 5.140

5.140 Accommodating any processing facilities and other supporting infrastructure, such as gas treatment, compressor or storage facilities, which may be needed to serve hydrocarbons development may be a challenge, given the predominantly rural nature of the Plan area and the scale and character of the development that could be involved. There are likely to be benefits therefore in locating new hydrocarbon development where it can use existing infrastructure, such as processing and distribution facilities, effectively, thus reducing the need for new development across the Plan area. This could help to reduce overall adverse impacts, including cumulative impacts. Consideration should therefore be given when locating development, and at the design stage, to the potential for the development to use suitable existing infrastructure, including infrastructure developed to serve activities carried out by other operators in adjacent PEDL areas, and developers should seek to deliver this where practicable.

Not Effective – Paragraph 5.140 – ‘may be a challenge’ is phrased in a negative manner as hydrocarbon development is no different to any other development type and applications should be determined in accordance with national and local planning policy, taking into consideration the presumption in favour of sustainable development.

Paragraph 5.143

5.143 Whilst oil and gas development has the potential to bring local economic benefits to the area, such as through employment and positive impact on the local service economy, there is also the potential for adverse impact on elements of the existing economy. Tourism and recreation are an important part of the wider economy in Ryedale, Scarborough and Hambleton Districts, in the North York Moors National Park and in the City of York. The quality of the natural environment, the opportunities for outdoor recreation and the cultural and heritage assets in the area all play an important part in attracting visitors. Furthermore, many local businesses in the area, including within the agricultural and manufacturing sectors, benefit from the current perception that they operate in a high-quality rural environment.

Not Effective - Paragraph 5.143 – Reference to the perception of a high quality environment is an intangible statement with no evidence upon which to support this. Inconsistency with the reference to development type, throughout the plan hydrocarbon development is used, where as in this instance oil and gas development is used.

Paragraph 5.146

5.146 Unlike other forms of minerals development currently taking place or expected in the Plan area, some phases of hydrocarbons development, such as the drilling of a well, require 24-hour operations. Such operations have acute potential to impact on local communities adversely, for example due to noise and light intrusion. This potential exists over much of the area that is currently subject to PEDLs, which is rural in nature, often with relatively low background noise levels, and relatively dark night skies. It is therefore important that locations for development are selected which will ensure adequate separation distances from residential property and other sensitive receptors. This would also help to ensure adequate protection from other potential impacts, such as emissions to air or water. The adequacy of separation distances to properties and other receptors will need to be determined by the Mineral Planning Authority on a case by case basis but in all cases a rigorous assessment of potential impacts is required and a high standard of mitigation provided where necessary. In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances. A 500m distance is considered to represent a reasonable distance taking into account the potential for a range of impacts including noise, vibration, light pollution, visual impact and other emissions, as well as the potential for some forms of hydrocarbon development to generate disturbance during night time periods, when there is potential for a greater degree of perceived impact. For the purpose of interpreting this approach, the term 'sensitive receptor' includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.

Not Effective – Paragraph 5.146 – The 500m distance from residential properties or other sensitive receptors has no justification and does not reflect the experience of recent proposals. Each application needs to be considered on its own merits, with supporting technical information providing the basis for the MPA's decision.

Paragraph 5.148

5.148 A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and can be a significant concern to local communities. Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Proposals should therefore be supported by information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development. Operators will be expected to apply the DBEIS traffic light system (see Fig.15) during their operations.

Not Effective - Paragraph 5.148 – Regulatory overlap with DBEIS. This does not fall under the remit of the land use planning regime.

Paragraph 5.149

5.149 The potential for emissions to water or air is also a key issue, particularly for proposals involving hydraulic fracturing. Although these are primarily matters controlled by other regulators (see below), they may have implications for the use and development of land, and local communities may be concerned about the potential for adverse impacts on health, which is also a relevant consideration in planning. Where proposals are put forward for development involving hydraulic fracturing, an air quality monitoring plan should be included. This should set out the measures to be taken to monitor air quality in the vicinity of the site, including the parameters to be monitored (to include parameters which relate to vehicle movements), the locations for monitoring and arrangements for reporting of results. A Health Impact Assessment should also be provided as part of an Environmental Impact Assessment, utilising any relevant data arising from baseline monitoring, including air quality monitoring and from other sources. This assessment should identify any likely significant health impacts, any mitigation and also identify proposals for further monitoring.

Not Effective – Paragraph 5.149 – Delete reference to ‘particularly for proposals involving hydraulic fracturing’ as emissions to water and air are not as a matter of principle limited to those proposals involving hydraulic fracturing. Emissions to Water and air are appropriate to the remit of the Environment Agency and therefore there is some regulatory overlap.

Paragraph 5.151

5.151 Hydrocarbon development is subject to a range of other regulatory regimes which provide control over certain aspects of the operations. These are administered by organisations such as the Environment Agency, the Health and Safety Executive and the DBEIS. National planning guidance is clear that planning authorities should not seek to duplicate these controls, and should assume that other regulatory regimes will operate effectively. The mineral planning authorities will therefore seek to work effectively with other regulatory bodies to ensure that a robust approach is taken to protect the environment and local amenity, recognising that issues relevant to the use and development of land are matters for the planning system.

Not Effective – Paragraph 5.151 – This paragraph needs to be amended to reflect Oil and Gas Authority and its role within government. Contradiction with paragraphs 5.148 and 5.149

Policy M18

Policy M18: Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes

through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

2) Decommissioning and restoration

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and*
- ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.*
- iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.*

Not Effective – policy M18 1)i)and ii) Overlap with regulatory responsibility of the Environment Agency.

2)i) Decommissioning of the well only occurs at the point at which the well is no longer considered viable. A well may be suspended pending further development in which case decommissioning would be inappropriate.

We also question whether the MPA has complied with the Duty to co-operate, as within the Duty To Co-operate Statement, there is evidence of consultation with the Environment Agency however, the matter of regulatory overlap does not appear to have been specifically addressed within the plan. Paragraph 002 of the Planning Practice Guidance which sets out guidance on Duty to Co-operate states:

'The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.'

The regulatory overlap between Policy M18 and the Environmental Permitting regime has a negative impact on the effectiveness of policy M18, and conflicts with the provision of the planning practice guidance.

Paragraph 5.153

5.153 A significant issue with hydrocarbon development, particularly development involving hydraulic fracturing, is the need to manage the various forms of waste water that may be returned to the surface via a borehole. This can include water originally held within the rock (known as formation water) and, where hydraulic fracturing is involved, a proportion of the fracture fluid which returns to the surface via the borehole, known as flowback fluid. At production stage produced water arising as condensate in the gas can also occur. Such waste can arise in substantial volumes and may contain Naturally Occurring Radioactive Materials (NORM) and other contaminants. It may be practicable to prepare waste water on site for re-use, through cleaning it, or subject it to other reprocessing so that it can be recycled. Relevant processes can include filtration, disinfection, oxidation, sterilisation, sedimentation and electrocoagulation. It may also be practicable to treat some waste at the site prior to any requirement for off-site disposal.

Not Effective – Paragraph 5.153 – The use of the word ‘significant’ is negative and is not supported by evidence. The written justification does not accurately reflect the management of waste water. Produced water is not considered to be a waste, and the wording does not correspond to the practicalities of hydrocarbon development.

Paragraph 5.154

5.154 Provided a high standard of environmental protection is maintained to prevent spillage that could result in contamination of surface or groundwater, on-site preparation for re-use, recycling or treatment is likely to represent the most sustainable option, minimising the need to transport waste and promoting increased re-use or recycling in line with waste policy objectives in the Joint Plan. Where this is not practicable or appropriate, then off-site treatment or disposal will be required. The need for appropriate management of waste water is an important consideration for these forms of development, given the potentially large volumes that could arise. Proposals which would generate waste water should therefore be supported by a waste water management plan, identifying the measures proposed, including any offsite arrangements, to ensure the safe and sustainable management and transport of the waste in order to minimise risks to local communities or the environment. Further information on the protection of ground and surface waters, including the requirements of the Water Framework Directive, is provided in Chapter 9 in the section on the Water Environment.

Not effective – Paragraph 5.154 – If a development requires the removal of waste water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

Paragraph 5.155

5.155 Evidence suggests that there are a small number of existing facilities in and around the Yorkshire and Humber area which may be able to receive such waste, and these are likely to represent the nearest appropriate installations for management of this form of waste. However, it is

possible that if hydraulic fracturing activity develops on a significant scale, either inside or outside the Plan area, there will be a need for further development of suitable waste management infrastructure. At this stage it is not practicable to assess in any detail the likely scale or location of the capacity that could be required. However, the existing waste policies in Chapter 6 of the Joint Plan, particularly relevant elements of Policies W10 and W11, provide a basis for considering any applications for the development of local capacity if required.

Not Effective – Paragraph 5.155 – overlap with the responsibilities of the Environment Agency.

Paragraph 5.156

5.156 Reinjection of water down existing wells, or new wells drilled specifically for this purpose, is sometimes proposed as a disposal method and is most likely to be appropriate for water which does not contain returned flowback fluid, given that such fluid poses a pollution risk. Whilst the Environment Agency has indicated that reinjection of flowback fluid is not necessarily prohibited, it currently takes the view that a precautionary approach should be applied and that this method of disposal does not represent the Best Available Technique. This part of Policy M18 will therefore need to be implemented taking into account the position of other relevant regulators, particularly the Environment Agency, at the time any planning application is being considered. Whilst in some circumstances reinjection of water may be an appropriate means of helping to manage waste without the need for off-site transport, it will be particularly important to ensure that it would only take place where a high standard of protection can be provided to ground and surface water resources. 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. Proposals for this form of development should therefore be supported with detailed information on the underlying geology of the site and an assessment of the potential for induced seismicity, together with any proposed mitigation.

Not Effective – Paragraph 5.156 – It is not the duty of the MPA to determine what is Best Available Technique. The role of the MPA is to determine the appropriateness of any planning application based on material planning considerations.

Paragraph 5.158

5.158 Unlike development of conventional gas resources, or indeed a range of other forms of minerals development, which are well-established industries, development involving hydraulic fracturing for shale gas, or development for some other forms of unconventional gas, would involve new and relatively unfamiliar processes in the Plan area and in the UK generally. As a result there is no well-established track record of the successful progression of development from the operational stage through to the final decommissioning and restoration of the site. The national Planning Practice Guidance states that a financial guarantee provided by the operator to cover restoration and aftercare costs can be justified where a novel approach or technique is to be used.

Not Effective – Paragraph 5.158 – We would contend that the processes are well established and proven as opposed to new and unfamiliar. There are examples of successful processes, including hydraulic fracturing, having been undertaken in the UK.

Paragraph 5.159

5.159 At the time of preparing this Joint Plan, unconventional hydrocarbon development, particularly for shale gas and other technologies such as Underground Coal Gasification, is unproven on a commercial scale in the UK. The relevant mineral planning authority may therefore, depending on the scale and nature of the development proposed and sensitivity of the location, require provision of an adequate financial guarantee. This is to ensure that there is appropriate financial provision in place, at the outset, to safeguard the satisfactory restoration and aftercare of the land in accordance with planning requirements. Whether this policy should be continued throughout the plan period will be considered at the first review of the Joint Plan.

Not Effective – Paragraph 5.159 – Paragraph 48 of the planning practice guidance sets out the exceptional circumstances where a financial guarantee will be justified. We would contend that as a matter of course that there are no ‘novel’ techniques being utilised in the hydrocarbon development industry.

Please accept this letter as Zetland Group’s representation to the Minerals and Waste Joint Plan Publication Draft. Should you require any further clarification then please do not hesitate to contact me.

Yours sincerely



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Dear Sir/Madam

Minerals and Waste Joint Plan - Publication (November 2016 - December 2016) Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012

With regards to the above consultation, notification of which was received on the 9th November following representations submitted during previous rounds of consultation.

This letter forms UKOOG's submission, as agreed with Mr Smith - Plans and Technical Services Team Leader.

UKOOG is the representative body for the UK onshore oil and gas industry, including exploration and production. As an industry, we have important concerns about the bearing and definitions for hydrocarbons in the latest draft plan. It is for this reason that we are sending this letter, some of our members will make parallel representations.

This response is in three parts:

1. High-level concerns;
2. Changes made to the preferred options draft; and,
3. Comments on the current draft plan.

UKOOG welcomes the development of the joint minerals and waste plan, covering the period up to 31 December 2030, as this will set a transparent development policy context for Onshore Oil and Gas in three important areas. In providing this response, UKOOG would affirm the importance of the Draft Joint Minerals and Waste Plan taking full regard of guidance provided by the NPPF and specifically Clause 182. The final plan should be based on sound strategy, justified, effective and consistent with national policy. We reproduce relevant extracts from the NPPF and NPPG as Annex 1.

We also append relevant dialogue from the Balcombe Judicial Review, which is included as Annex 2 and addresses the remit of the planning regime in the context of other regulatory bodies.

1. High Level Concerns

UKOOG considers that the North Yorkshire authorities have misunderstood some basic facts and moved into regulatory areas that are not the role of the authorities in preparation of Chapter 5 – Minerals – of the publication draft plan. UKOOG would welcome the opportunity to discuss the issues raised in this submission to ensure that the final adopted plan is both fit for purpose and binding. Our key concerns are as follows:

- The report seeks to redefine hydraulic fracturing. The recognised definition is provided in the 2015 Infrastructure Act. The report seeks to define this by volume of liquid used and the stage of the

fracturing process. It is not for the final report to redefine this process and this element would render the document unsound. The new definition would, by default, cover all onshore oil and gas production even if the volumes are tiny but involves a similar process – no matter what the scale. We do not consider that this was the intent of the authors but the effect would be to severely limit many unrelated and existing processes within the plan area.

- The Infrastructure Act 2015 and the associated secondary legislation clearly defines the protected areas. The publication draft report seeks to extend and alter the existing definition as enshrined in legislation. It is our contention that for the final adopted plan to be valid and to be a workable document the definition of the protected areas should reflect that which is already valid and legally binding.
- The document overlaps into other regulatory areas. Planning guidance makes the regulatory position very clear for each process and regulator. Each in turn informs the other but the publication draft report seeks to override this, when it talks about regulatory gaps that are not reflected in government guidance or appeal decisions. The draft report delves into sub-surface issues which are not part of its remit, with the NPPF/NPPG clearly limiting the role of mineral authorities to surface issues.
- The publication document fails to recognise the temporary and limited visual impact of the process on the surrounding landscape and that the longer period of production is very unobtrusive.
- The publication draft report deals with conventional and unconventional as techniques rather than geological constraints. The techniques are the same; it is the geology that dictates the process.

2. Key Changes Since the Last Published Consultation Report

UKOOG do not understand the need or the evolution of some key changes from the previous draft plan. As such our key concerns in relation to specific changes are:

2.1 As the plan is for the period 2017-2030, it has attempted to anticipate what would be an appropriate local planning regime for full commercial shale gas development across the plan area where current, and potentially future, PEDLs have been issued. This is flawed as:

- The industry is only at the very start of the exploration phase and it is unknown if and how the shale gas industry will develop. It would be more appropriate to focus the plan on appropriate controls for the exploration phase - there is provision to revisit the plan when necessary
- The Authorities have not engaged directly with the PEDL holders in the plan area as to the potential options for commercial development. The result is some assumptions without insight
- There is a tension running throughout the Policies and Justifications on the desire to limit the number of well sites (and wells) and at the same time limit the amount of development on any one site. The plan has not formed an opinion as to which would be the preferred development model
- The Policies as written have a major impact on the ongoing development of conventional hydrocarbons that are hard to justify considering the acknowledged (in the plan) low level of impact of the existing industry

2.2 The plan sets out restrictions on the industry outside NPP Guidance and other regulations / laws. The suggested controls go beyond that for other minerals and waste in several areas.

2.3 There is an attempt to extend the Plan's control over areas where others regulate. Two things to note are:

- Addition of the final sentence to paragraph 5.118 (over Preferred Options version) which seems to contradict 5.112
- extending planning control to include the subsurface, which is not the remit of the Town & Country Planning Act. Substantially different policies for hydrocarbon development than in the preferred options consultation draft:
- M17 & M18 have changed title and purpose – different policies for Exploration & Appraisal and Production and Processing have been superseded by Spatial & Locational Criteria and Other Specific Criteria. M16 has a slight amendment to its title
- The three policies specifically concerned with hydrocarbon development have expanded and contain a level of detail not attempted in the policies specific to other minerals and waste industries.

2.4 The Introduction to the hydrocarbon section has been changed:

- In the 'Other' regulatory regimes section, the clear statement (POC 5.101) about the responsibilities of DECC, through the OGA, and in relation to the both the HSE and EA, has been dropped
- Paragraph POC 5.106 has become two paragraphs 5.111 & 5.112 with a differentiation between a "range of issues likely to be relevant.... for hydrocarbon development" and "Particular concerns have been expressed about other potential impacts of the hydraulic fracturing techniques...." Whilst traffic has been relegated from a "particular consideration for shale gas development..." to one of the range of issues in 5.111 it has been given its own section in Policy M17.
- Introducing a new section entitled **Definitions** the purpose of which is explained in 5.119. There are two concerns with this section:
 - A re-definition of Hydraulic Fracturing in the Plan that is contrary to the 2015 Infrastructure Act: "hydraulic fracturing includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used"
 - Use of incorrect or irrelevant terminology in the definitions e.g. *conventional drilling, unconventional techniques, more conventional less complex drilling*

2.5 The policy justifications contain flaws; mainly in terms of technical aspects of our industry but also in assumptions about shale gas development.

- Some of these have arisen in attempting to incorporate comments from the Preferred Options Consultation e.g. a comment that "sealing a well" was not the correct technical term whereas "decommissioning" was, had led to a policy requirement M18 2) i) that suspended wells should be decommissioned.

2.6 Policy S02: Chapter 8: Safeguarding minerals resources

Despite the representations from the industry, the 2km buffer zone safeguarding potash and polyhalite reserves – over other sub-surface mineral resources have not been changed.

2.7 Vision and Priorities of the Plan

This section still does not include any specific references to the support and development of the onshore hydrocarbon industry. This does not reflect government policy. Instead, the development of the onshore oil and gas industry is presented as a “Challenge” to manage.

3. UKOOGs specific comments are as follows:

Section - 5.119 States:

d) ‘Conventional hydrocarbons’ include oil and gas found within geological ‘reservoirs’ with relatively high porosity/permeability, extracted using conventional drilling and production techniques.

e) ‘Unconventional hydrocarbons’ include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in situ coal seams through underground coal gasification.

f) For the purposes of the plan ‘hydraulic fracturing’ includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.

G) In planning terms, it is important to distinguish between:

i) the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and:

ii) the use of more conventional, less complex drilling and production techniques to extract hydrocarbons.

UKOOG Response:

Section 5.119 defines the terms ‘Conventional’ and ‘Unconventional’ as extraction techniques which is inaccurate. The terms Conventional and Unconventional are definitions that relate to the Geology in which hydrocarbons are present. Unconventional resources are hydrocarbon bearing rocks that have low permeability and porosity and often require enhanced recovery techniques to enable extraction. Techniques may also be used in higher porosity ‘conventional’ formations to increase hydrocarbon flow. The terms relate to the geology, not the techniques.

Section 5.119 also seeks to redefine the term ‘hydraulic fracturing’ outside of the definitions already provided by Section 50 of the Infrastructure Act 2015, as enacted:

‘Associated hydraulic fracturing’ means hydraulic fracturing of shale or strata encased in shale which—

(a) is carried out in connection with the use of the relevant well to search or bore for or get petroleum, and

(b) involves, or is expected to involve, the injection of—

(i) more than 1,000 cubic metres of fluid at each stage, or expected stage, of the hydraulic fracturing, or

(ii) more than 10,000 cubic metres of fluid in total’.

See: <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

Also in the Oil and Gas Authorities guidance on Extended well tests and Hydraulic Fracture planning.
https://www.ogauthority.co.uk/media/1720/onshore_ewt_and_hfp_feb2016.pdf

Policy M16: Key spatial principles for hydrocarbon development

Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing:

- Exploration for unconventional hydrocarbons, involving hydraulic fracturing;
- Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):

i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.

iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy

d) All surface hydrocarbon development:

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

ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

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

UKOOG Response:

The proposed Policy M16 is inappropriate because it is not compliant with the controls established by the Infrastructure Act 2015 and associated secondary legislation, where nationally significant sites of landscape or high environmental value are already afforded protection. This policy seeks to introduce new designations which are already addressed through the EIA process, where a proposal would be tested in consultation with bodies such as Natural England and Historic England, where any avoidance or mitigation position would be locally identified.

It further seeks to apply additional restrictions with respect to lateral drilling, over which it has no jurisdiction, as the sub-surface is not regulated by the Mineral Planning Authority. Sub-policy (d) introduces a '3.5km buffer zone', for which there is no national policy mechanism. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. The buffer zone also takes no regard of the temporary nature of any drilling and/or hydraulic fracturing activity.

The final paragraph of M16 also seeks to apply this policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant[ed] the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations'.¹

Section 5.124 states:

An additional consideration is that the new Regulations and proposed surface protections would only apply to high volume hydraulic fracturing whereas in terms of land use and the potential for impacts on the environment, local amenity and other relevant matters, impacts could occur at lower levels of activity. It is therefore not considered appropriate to distinguish in the Policy between high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid. Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.

UKOOG Response:

Again this position seek to extend the definition of 'hydraulic fracturing' outside of the definitions already provided by Section 50 of the Infrastructure Act 2015, as enacted see above and; <http://www.legislation.gov.uk/ukpga/2015/7/section/50/enacted>

Also in the Oil and Gas Authorities guidance on Extended Well Tests and Hydraulic Fracture planning. https://www.ogauthority.co.uk/media/1720/onshore_ewt_and_hfp_feb2016.pdf

Section 5.125 states:

In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy.

¹ <https://www.ogauthority.co.uk/news-publications/announcements/2015/new-onshore-oil-and-gas-licences-offered/>

UKOOG Response:

Section 5.125 takes no account of the comprehensive institutional arrangements already in place through the Environment Agency, Health and Safety Executive, Oil and Gas Authority, Natural England, Public Health England, BEIS, DCLG, and other bodies and also no regard to the existence of ERA or the EIA process. The regulatory arrangements are summarised in the Governments regularity road map for onshore oil and gas.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503067/Onshore_UK_oil_and_gas_exploration_England_Dec15.pdf

Section 5.126 states:

...As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and should be steered away from these highly-protected areas.

UKOOG Response:

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Section 5.128 states:

In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, 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. This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor. Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.

UKOOG Response:

All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is un-justified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

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

- 1) iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas

transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

UKOOG Response:

Policy M17 '1) iii)' This provision applies unnecessary restrictions in that it does not provide for a developer to identify, through consultation, engagement and the EIA process, the locally preferred solution that has the least environmental or social impact.

Policy M17

- 2) 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.

UKOOG Response:

Policy M17 '2) i)' This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is un-justified to single out one sector and apply boundary restrictions in an arbitrary manner.

Section 5.137 states:

To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the Policy 17. 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. As PEDL boundaries are based purely on the OS grid and do not reflect other considerations, the location of existing or planned development in adjacent PEDL areas will also be considered in assessing cumulative impact under this Policy.

UKOOG response:

Assumptions on pad density should not be used to derive policy until such times as exploration has been undertaken. There can be no limit set until more is known about the geology. The 'Plan' can be revised once the potential resource is better understood in the light of exploration. It should be noted that licence 'blocks' are typically 10km by 10km, but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

Section 5.138 states:

Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set

out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

UKOOG response:

The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms. This plan can only be developed once exploration has been completed. An operator may wish to present a strategic planning application for the development of a number of wells or pads, but they may also wish to make individual applications as and when it is appropriate for them to do so.

Section 5.146 states:

.....In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances.

5.148 A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and can be a significant concern to local communities. Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Proposals should therefore be supported by information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development. Operators will be expected to apply the DBEIS traffic light system (see Fig.15) during their operations.

UKOOG response:

This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is un-justified to single out one sector and apply boundary restrictions in an arbitrary manner. Regulation of issues concerning seismicity and other sub-surface issues are not within the remit of Mineral Planning Authorities and are specifically the responsibility of other regulatory bodies.

Policy M18: Other specific criteria applying to hydrocarbon development

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate

arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

UKOOG response:

The management of waste and reinjection of fluids is regulated by the Environment Agency. Comprehensive guidelines exist, which can be seen as follows:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/545924/LIT_10495.pdf

This is not an aspect regulated by the MPA.

Policy M18: Other specific criteria applying to hydrocarbon development

2) Decommissioning and restoration

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and

UKOOG response:

The suspension of production from a well is common oil field operational practice and must be undertaken in line with regulatory requirements from the HSE, EA and OGA licencing. A suspended well may be brought back into production, or decommissioned, at a later date in line with consenting and permitting of that borehole site.

Decommissioning of a well only occurs at the point at which the well is no longer considered viable.

Policy M18: Other specific criteria applying to hydrocarbon development

2) Decommissioning and restoration

iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.

UKOOG response:

In line with the NPPF, the provision of a financial guarantee is only justified if the technique is novel – no techniques are used that can be termed novel.

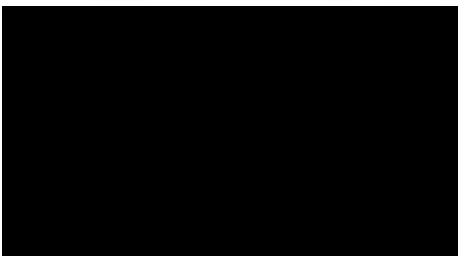
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6000/2115548.pdf

paragraph 50 of the NPPF technical guidance states: Exceptional cases where it will be reasonable for a minerals planning authority to seek a financial guarantee to cover restoration (including aftercare) costs, through a voluntary agreement/planning obligation at the time a planning permission is given include:

- *for very long-term new projects where progressive reclamation is not practicable, such as a super-quarry or some types of industrial or metalliferous mineral sites, where incremental payments into a secure fund may be made as the site develops;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

In summary UKOOG are committed to future growth in the region and the need to work collaboratively with the authorities to achieve this. We do however consider there to be some fundamental flaws in the current publication draft and trust that the matters raised in this letter can be fully addressed before the final version is submitted. To that extent, we would like to take up the offer of early dialogue meetings in January 2017 so that we can meet in person and try to resolve these matters for the final lead document.

Yours sincerely,



Ken Cronin
UKOOG CEO

Enclosed:

1. **Annex 1 - Extracts from the NPPF and NPPG**
2. **Extracts from the Balcombe Judicial Review - Addressing the remit of the planning regime in the context of other regulatory bodies.**

Annex 1. - Extracts from the NPPF and NPPG

NPPG: The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. If a local planning authority cannot demonstrate that it has complied with the duty then the Local Plan will not be able to proceed further in examination.

Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. It is separate from but related to the Local Plan test of soundness.

If the Inspector finds that the duty has been complied with the examination will also test whether the Local Plan is sound. The test of soundness, set out in full in the National Planning Policy Framework (paragraph 182), assesses whether the Local Plan is:

- positively prepared;
- justified;
- effective; and
- consistent with national policy.

In assessing whether the Local Plan is effective the Inspector will assess whether it is deliverable within the timescale set by the Local Plan and if it demonstrates effective joint working to meet cross boundary strategic priorities. If a Local Plan is found unsound at the examination the Inspector will recommend that it is not adopted (although an Inspector must recommend modifications that would make a Local Plan sound if asked to do so by the local planning authority).

NPPF: 147. Minerals planning authorities should also:

- when planning for on-shore oil and gas development, including unconventional hydrocarbons, clearly distinguish between the three phases of development (exploration, appraisal and production) and address constraints on production and processing within areas that are licensed for oil and gas exploration or production;

Minerals

163. Minerals planning authorities should work with other relevant organisations to use the best available information to:

- develop and maintain an understanding of the extent and location of mineral resource in their areas; and
- assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary materials.

Annex 2 - Extracts from the Balcombe Judicial Review - Addressing the remit of the planning regime in the context of other regulatory bodies.

19. The Claimant, represented by Mr Wolfe QC argues that a) the Planning Committee was wrongly advised that it should leave matters such as pollution control, air emissions and well integrity to the EA, HSE and other statutory bodies; b) the Committee was misled with regard to the views of PHE on air emissions monitoring, and of HSE on well integrity; c) the Committee was wrongly advised to treat as immaterial evidence of past breaches of planning condition by CBL; d) the Committee was wrongly advised that the number of objections received (as opposed to their content) was immaterial; e) the Committee was wrongly advised that the issue of the costs generated by protests at the activities of CBL was immaterial

D Relationship of planning control regime with other statutory regimes, and effect on the determination of planning applications

25. Planning control is but one of the statutory regimes which can affect the carrying out of a development, or its use. At paragraph 4 above I have set out the various statutory regimes in play here. They do not all operate in the same way. Thus, while a planning permission cannot be revoked or modified by the minerals or local planning authority (as the case may be) without giving rise to a liability to compensation (see *s 97-100 TCPA 1990*) (and such revocations or modifications are therefore extremely rare) a permit from the EA can be modified by the EA to reflect changes in circumstance or knowledge without a right to compensation – see Regulation 20 of the *Environmental Permitting (England and Wales) Regulations 2010*. (A planning permission may only be changed without there being an entitlement to compensation where the owner proposes the change, and then only so far as its conditions are concerned - see *s 96A TCPA 1990* as amended).

26. Plainly, while the effect of an activity on the environment is a material consideration, so too is the existence of a statutory code or codes which address(es) the effect(s) being considered. Thus, the generation of airborne emissions or the potential for contamination of groundwaters are matters falling squarely within the purview of the EA permit regime: similarly, well integrity falls within the purview of DECC and of the HSE, and so on. Some fall within the remit of more than one statutory body.

27. It is therefore sensible that where one has a statutory code to address some technical issue, one should not use another statutory regime as an alternative way of addressing the issue in question. In paragraph 122, within Chapter 11 of the National Planning Policy Framework, it is stated that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

30. In the policy specific to Minerals Planning, which is of application here, under the heading “Assessing environmental impacts from minerals extraction” this appears at paragraph 12; “What is the relationship between planning and other regulatory regimes? The planning and other regulatory regimes are separate but complementary. The planning system controls the development and use of land in the public interest and, as stated in paragraphs 120 and 122 of the National Planning Policy Framework, this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or

general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.”

31. What are the environmental issues of minerals working that should be addressed by mineral planning authorities? The principal issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include: • noise associated with the operation • dust; • air quality; • lighting; • visual impact on the local and wider landscape; • landscape character; • archaeological and heritage features • traffic; • risk of contamination to land; • soil resources; • geological structure; • impact on best and most versatile agricultural land; • blast vibration; • flood risk • land stability/subsidence; • internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; • impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); • nationally protected geological and geo-morphological sites and features; • site restoration and aftercare; • surface and, in some cases, ground water issues; • water abstraction.

What issues are for other regulatory regimes to address? Since minerals extraction is an on-going use of land, the majority of the development activities related to the mineral operation will be for the mineral planning authority to address. However, separate licensing, permits or permissions relating to minerals extraction may be required. These include: • permits relating to surface water, groundwater and mining waste, which the Environment Agency is responsible for issuing; • European Protected Species Licences, issued by Natural England (where appropriate), and; • Hydrocarbon extraction will involve other regulations.”

132. My task has been to consider whether West Sussex County Council acted lawfully in the way in which it dealt with the planning application. It was for it, and not for this Court, to determine the merits. It did so after a very full discussion and a thorough exploration of all the issues raised. It was entitled to consider that it could leave matters within the purview of the EA, the HSE and other statutory bodies and their regimes for those bodies to address. It had ample material to justify such an approach.

133. This application was for a lawful activity, which (and this has never been challenged in these proceedings) was a development which national and development plan policy supported, and which would be the subject of statutory control as well as planning conditions. The approach adopted by WSCC towards the relationship of planning control with other regulatory codes and regimes followed national policy guidance as repeatedly endorsed by the courts.

mwjointplan

From: Eilidh McCallum <eilidh.mccallum@nottsc.gov.uk>
Sent: 06 December 2016 13:07
To: mwjointplan
Subject: Consultation on Minerals and Waste Joint Local Plan – Publication

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your email of 9 November 2016 regarding the above consultation.

The County Council has previously responded on duty to cooperate matters and welcome this ongoing consultation. In terms of waste planning, the County Council supports the approach of seeking to achieve net self-sufficiency whilst recognising the need for waste movements for certain waste types.

The County Council has no other comment to make at this time.

Regards

Eilidh McCallum
Planning Officer
Planning Policy Team
Tel: 0115 9774148

www.nottinghamshire.gov.uk

Nottinghamshire County Council
Policy, Planning and Corporate Services
County Hall, West Bridgford
Nottingham, NG2 7QP

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There are plenty of events and activities for all the family to enjoy this Christmas at our Country Parks, including our annual light event Sparkling Sherwood, a truly magical way to start winter. www.nottinghamshire.gov.uk/christmas

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title: Miss	Initial(s):
Caroline		
Surname: Jeffery		
Organisation (if applicable): Norfolk County Council		
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	Norfolk	
Post Code: NR1 2SG		
Telephone: 01603 222193		
Email: caroline.jeffery@norfolk.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 enteredDate acknowledged.....

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Norfolk 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.	M12	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"/> Yes	No	<input type="checkbox"/>
2.(2) Sound	Yes	<input checked="" type="checkbox"/> Yes	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"/> Yes	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.

Norfolk County Council, in its capacity as the Mineral Planning Authority for Norfolk, welcomes the revised wording contained in Policy M12, and considers that this appropriately addresses its concerns raised during the Preferred Options consultation. Norfolk County Council considers that, in regard to planning for silica sand, the North Yorkshire Joint Minerals and Waste Plan is sound and legally compliant, and that the requirements within the Duty to Cooperate have been met. Norfolk County Council does not have any comments to make on any other aspect of the Plan.

mwjointplan

From: Drake, Richard <richard.drake@norfolk.gov.uk>
Sent: 13 December 2016 13:06
To: mwjointplan
Subject: Norfolk County Council representation to the North Yorkshire Joint Minerals and Waste Plan
Attachments: Publication_response_form_part_B1-Norfolk County Council.docx;
Publication_response_form_part_A1-Norfolk County Council.docx

Good Afternoon

Please find attached the representation by Norfolk County Council in its capacity as the Mineral Planning Authority to the pre-submission publication of the North Yorkshire Joint Minerals and Waste Plan.

If you have any queries please let me know.

Best regards

Richard

Richard Drake

Senior Planner

Minerals and Waste Policy (Planning Services)

Environment and Planning

Community and Environmental Services

01603 222349

E-mail: richard.drake@norfolk.gov.uk

Norfolk County Council

General enquiries: 0344 800 8020 or information@norfolk.gov.uk

www.norfolk.gov.uk

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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):S
Surname: JEFFRIES		
Organisation (if applicable): SAVILLS (UK) LIMITED		
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Email:sjeffries@savills.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.

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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 :	Savills (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="MJP05"/>	Policy No.	<input type="text" value="M02, M07"/>	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 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 draft plan recognises at Section 5.15 (Policy M02) and Section 5.36 (Policy M07) that inadequate provisions of sand and gravel and concreting sand and gravel has been made and additional resources are likely to be required during the plan period.

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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: 21/12/2016
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**MINERALS & WASTE JOINT PLAN (PUBLICATION STAGE)
CONSULTATION RESPONSE – PETER LOCKWOOD**

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ADDRESS	[REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

Dear Sirs

I am a long-term resident at this address (nearly forty years) and have been active in enjoying, promoting, maintaining and protecting this countryside through my leisure activities, my work as a ranger with the Forestry Commission and my voluntary work with North York Moors National Park. We brought up our family here and my wife was born in the village. I have a stake in this place.

I have previously submitted written comments on the MWJP with respect to unconventional gas extraction. I understood at first that this final round of consultation was restricted to procedural compliance rather than substantive matters but have realised that this policy is not legally binding and in any case I believe there is just cause to question the soundness of the proposed plan. My comments for your further consideration are therefore these:

1 Insufficient Consultation

The MWJP (especially sections M16-18) has changed since the Preferred Options consultation, incorporating new policy in the light of brand new PEDL licences that seems to be favourably accommodating to the shale gas industry

2 Climate Change

Sections M16-18 run counter to Para 94 of the National Planning Policy Framework which states that local planning authorities 'should adopt pro-active strategies to mitigate and adapt to climate change'. The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests is not clearly defined or supported, especially in the face of the government's weakening of Carbon Capture & Storage strategies; these might at some notional future stage offset emissions but not yet. In any application in the meantime, the shale gas industry must be required to prove that it will lead to a pro-active reduction in climate change effects.

3 Local Impacts on Landscape

It is welcome that the MWJP includes protection for designated areas against surface exploitation and a measure of protection for outlying areas in a 3.5km buffer zone. But the plan is unsound in that M16 ignores the statutory Ryedale Plan Policy SP13 which unequivocally states that developments (including in the Vale of Pickering and the Yorkshire Wolds) should protect and enhance the distinctive elements of landscape character; the impact of so many fracking wells as the draft MWJP allows would clearly contravene this policy and gravely jeopardise the '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). So the MWJP should not conflict with the Ryedale Plan which was approved and adopted by NYCC and should indeed reinforce it by including the Vale of Pickering and the Yorkshire Wolds as protected areas alongside NYMNP, Hambleton AONB & SSSIs.

As for the buffer zone, the MWJP is unsound in not spelling out what criteria fracking developers would have to meet. I would hope these criteria would be stringent and presume against development and include more than just spoiling the view. I live in the National Park and within three minutes' walk from my back door overlook the Vale of Pickering, I walk and cycle regularly in the area and know that fracking development on the scale to be permitted in this draft MWJP would definitely impact on the views I cherish, but there is so much else at stake to be protected (health, tranquillity, night sky, biodiversity, agriculture, tourism etc). The National Planning Policy Framework puts great weight on conservation in its designated protected areas and any fracking in the proposed buffer zone is still bound to impact negatively inwards (as well as on its own landscape, wildlife and community qualities as valued by the Ryedale Plan) so in order to be legally compliant with the NPPF, the MWJP should be more robust in clarifying under what strict and far-ranging criteria fracking within the 3.5km buffer zone would be supported. In my view it should simply prohibit fracking in these buffer zones completely.

4 Traffic Impacts

HGV and other traffic movements would increase massively with fracking development (construction vehicles, lorries bringing water and fracking materials to site, removing contaminated waste). Our rural road network is plainly ill-suited to this. I can find little in the MWJP that guarantees the safety of other road users (including me on my bike), protects residents (and stock and wildlife) from air and noise pollution (especially 'sensitive receptors' for whom a setback distance of 500m is inadequate in the light of current evidence of how fracking impacts on public health), or even mitigates against damage to the road infrastructure. I don't think tourists would appreciate the roads being clogged up either.

5 Water & Air Contamination

I think the MWJP is unsound in not being pro-active in incorporating the precautionary principle to protect water supply and air quality, as mentioned in Paras 94 & 99 of the NPPF. One of the main things that worries me is the highly fissured and faulted nature of the geology in this area which increases the risk of fugitive emissions of gas and leaks of contaminated liquids when fracking takes place. The British Geological Survey highlights these risks and is not confident of current methods to assess and regulate levels of pollution. In order to be legally sound the MWJP should be re-worded so that fracking companies must prove beyond scientific doubt that there would be no impact on water supply and air quality.

6 Cumulative Impact

Mindful of such prospects of proliferation and totally inappropriate industrialisation that runaway fracking development would pose, the draft MWJP suggests that an acceptable cumulative impact can be met by a set maximum density of well pads. This level is inadequate to achieve that objective; nor does it give a separation distance (this should be at least 3 miles) that would avoid well pads in any one licensed area being congregated. Again the precautionary principle should be applied at the time of fracking companies

submitting their EIAs, and as the NPPF states it is not just scientific evidence that counts but 'public attitudes and values'.

I have read elsewhere and find compatible with my personal views as expressed above the following recommendations for changes in the MWJP:

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 (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not only** be permitted **[INSERT] unless** where it can be demonstrated that ~~significant~~ **[INSERT] no** harm to the designated asset will ~~not~~ occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will [INSERT] not only be permitted where [INSERT] unless they would be outside [INSERT] and respect the setting of 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, [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 highways impacts)

*...i) Hydrocarbon development will **[INSERT] not be permitted in locations with [INSERT] without suitable direct or indirect access to classified A or B 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 in locations where [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

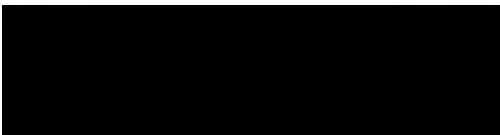
*i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to 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 **500[INSERT] 750m** of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will **only [INSERT] not be permitted in exceptional circumstances...***

*...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.***

M18 pt ii (regarding waste water and re-injection wells)

*Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will **[INSERT] not only be permitted in locations unless where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be proven beyond doubt demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.***

Yours faithfully



[REDACTED]

From: [REDACTED]
Sent: 19 December 2016 11:32
To: mwjointplan
Subject: Minerals & Waste Joint Plan Publication Stage Consultation
Attachments: MWJP publication stage comments.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sirs

Please find attached comments for your further consideration.

TITLE	[REDACTED]
INITIALS	[REDACTED]
SURNAME	[REDACTED]
ADDRESS	[REDACTED]
POSTCODE	[REDACTED]
TELEPHONE	[REDACTED]
EMAIL	[REDACTED]

Yours

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 17 December 2016 19:58
To: mwjointplan

Response to Minerals and Waste Joint Plan form [REDACTED]
[REDACTED]

Dear Sir

[REDACTED] I enjoy the tranquility, the wildlife, walks and woodland, a significant amount of it ancient. I have read the Minerals and Waste Joint Plan (MWJP), and conclude that its allowance of Hydraulic fracturing (HF) in this area contravenes the advice of the Committee on Climate Change (CCC) which finds that HF is not compatible with the UK's targets in CO2 reduction. I understand that local authorities must incorporate strategies which mitigate climate change. I submit that the MWJP does not. Emissions from HF wells are high, difficult to control, and include CO2 and methane, the latter being especially bad for climate change. In addition HF involves huge numbers of vehicle movements, and therefore fuel use and polluting emissions.

Ryedale's unique landscape, the National Park, the AONB, several SSSI's, will be adversely affected by HF and this goes against the Ryedale plan. Noise and air pollution will discourage birds and animals. I am particularly concerned about the risk of water pollution and contamination, to streams, boreholes and the aquifer. One spill could be catastrophic for people, farming and wildlife. We have very good information about the ground beneath us, but we cannot be absolutely sure how water percolates through strata.

Research from the US documents the increased incidence of health problems close to HF sites. The MWLP does not define minimum distances from wells to houses - I suggest one mile; from schools, old peoples homes, the National Park, the AONB, SSSI's - I suggest 5 miles.

North Yorkshire has a thriving tourist industry, augmented by the cycle Tours. Should the MWJP, by allowing HF, cause the decline of this very important part of the local economy.

Our regulations governing industrial activity are good but they are not specifically relevant to HF. Also from my research, energy companies do not have a good record on accidents, or abiding by regulations. It would be more helpful if the MWJP insisted on base line monitoring of air, water etc. to be agreed by any company seeking to start a new process in this special area. Energy companies are principally interested in profit. Investigation has shown that in order to achieve a profit, energy companies will have to do HF on an industrial scale over 10 to 20 years. That does not fit with the Ryedale Plan or the recommendations of leading scientists in the CCC.

Finally I would like you to consult a recent report by Professors Strachan and Russell, published on 14/12/2016. They conclude the HF fails on very one of 6 stress tests which they consider necessary before any industrial action in today's world. In the light of the mounting evidence of the detrimental effects of HF, I urge you reconsider and change the MWJP.

Yours sincerely
[REDACTED]

Norton Action Group

134a Welham Road
Norton, Malton
North Yorkshire
YO17 9DU
john@jmhoward.co.uk

Mr R Smith
Plans and Technical Services Team Leader
Planning Services
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AH

e-mail rob.smith@northyorks.gov.uk

1st December 2016

Dear Mr Smith

Minerals & Waste Joint Plan - Whitewall Quarry

We write to endorse the NYCC decision to discount further development at Whitewall Quarry for the following activities:

MJP12	Limestone extraction
MJP13	Recycling of inert waste
WJP09	Materials recycling facility

We would like to add the following additional points to the reasons for discounting the site given in the NYCC document *Minerals & Waste Plan, Discounted Sites Summary Document October 2016*.

1. Policy SP1 of the Ryedale Local Plan provides the general locations¹ where development should take place and specifies the development limits for the towns of Malton & Norton. Whitewall Quarry is outside the development limits and is not situated in an area designated for industrial development. Furthermore, the fields on either side of Welham Road have been allocated for future housing development which is incompatible with the traffic from a heavy industrial site.
2. The quarry and its ancillary activities do not meet the requirements of Policy SP6 of the Ryedale Local Plan which prescribes the criteria which must be met for significant industrial processes in open countryside locations. This is quoted below:
 - *They are required in that location and no other suitable sites are available in the locality.*
 - *They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts*
 - *They do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20*

¹ Norton Parish Plan date 04-2014

- *They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16.*
 - *The economic benefits to the District outweigh any adverse impacts.*
3. The recent imposition of a weight limit of 13 tonnes on the bridge at Kirkham Priory restricts vehicles joining the southbound carriageway of the A64 and is likely to increase Watts' traffic through the centres of Malton & Norton.
 4. The proposed imposition of a weight limit on County Bridge to protect the Air Quality Management Area in Malton will force heavy goods vehicles through the centre of Norton. This is contrary to Policy SP6 of the Ryedale Local Plan which states:

5.18 Norton, on the other hand, acts as a local centre with shops that meet more everyday needs and is principally located along the linear 'High Street' of Commercial Street. Norton is not performing as strongly in retail terms and there are indications that it risks falling into decline. Given its local centre role and its role as a gateway into Malton, it is essential that Commercial Street has an inviting appearance to attract and retain custom and recent public realm improvements have assisted this. The role of this Strategy in promoting growth in Malton and Norton will also help to support increased foot fall in Commercial Street.

The impact of heavy traffic on Norton town centre was a major consideration by the Planning Inspectorate in their recent refusal to grant a planning application for an asphalt plant in Whitewall Quarry.² In paragraph 37 the inspector states:

Moreover, even if the lorry routing arrangements were to operate successfully [to avoid Malton Air Quality Management Area], much of the additional HGV traffic would be routed via Welham Road and Commercial Street, the latter being the centre of Norton. Although the evidence demonstrates that such traffic could be physically accommodated, it would add to the traffic already traversing these streets and increase the incidence of HGVs there, so further denuding the quality of Norton's commercial centre. This would not contribute to the vitality, viability and attractiveness of Norton, or enhance public areas or reflect the aim of instigating traffic management measures to improve the pedestrian experience in the town. On the contrary, this would exacerbate the presence of HGVs, so undermining an aim of the Plan to create an inviting appearance in Commercial Street to attract and retain custom and to counteract those signs that the place risks falling into decline. As such, the routing arrangements proposed would undermine the aims of policy SP7.

5. There are plans to double the number of trains running from York to Scarborough. The railway gates at the end of Welham Road will be closed four times per hour. The time from gate closure to the traffic flowing freely again is of the order of 8 minutes, effectively disrupting traffic for about 30 minutes in every hour. We further understand that Virgin Trains are considering running a service from Scarborough to Kings Cross.
6. The Ryedale Local Plan focuses on Malton and Norton for the majority of new development in the district. The populations of Malton and Norton are increasing substantially with plans to build 1500 new homes in the period 2012 to 2027. At busy times traffic congestion is already severe in both town centres. It is not unknown for the journey time from the railway crossing to Malton town centre to take over 10 minutes, a distance of only 600 yards.
7. The current permission³ for the recycling of waste was granted on the premise that inert waste would be brought into the quarry in backloads and would not increase the numbers of vehicles travelling to and from the site.

"The current application⁴ also proposes the commencement of a recycling operation on an area of land adjacent to the existing quarry weighbridge. The intent is to import inert

² Appeal Decision APP/P2745/A/15/3002825

³ Planning Application C3/96/41A/PA

⁴ Committee Report to application MIN 3142 paragraph 2.3

waste material such as subsoil, topsoil and brick and rubble to be brought onto the site on a back-haul basis. The material would be stockpiled until volumes would warrant processing of the material using mobile screening equipment. The recycling operation would provide soil material for site restoration. Secondary aggregate would also be produced and be taken from site to reduce reliance on newly quarried material.”

8. The enclosed table of planning applications indicates that W Clifford Watts has a history of understating and omitting the number of lorry movements to and from the quarry. The traffic survey below was taken on Thursday 2 October 2014⁵ on Watts’ vehicles travelling down Welham Road. Traffic to and from the south is not included.

	NAG Survey	Applicant's Proposals
Total No. of HGV movements	118	77
No. of quarry vehicle movements	72	55
No. of ready-mix movements	40	14
No. of concrete products movements	4	2
No. of grab-hire vehicle movements	2	0

It is noted that the 2007 planning application⁶ for the continuation of limestone extraction forecast only an average of 30 quarry vehicle movements per day with 80% travelling south. That is only 6 movements per day travelling along Welham Road.

9. The proposed quarry extension carries extraction over the crest of the hill and will have an adverse visual impact on the area when viewed from the south.

Yours sincerely

John Howard
C Eng F I Mech E
On behalf of Norton Action Group

cc Minerals Joint Plan.
Kevin Hollinrake MP
Cllr Carl Les

Sent by e-mail on 1-Dec-16

⁵ Letter to Paul Roberts NYCC Highways Agency dated 6-Oct-14

⁶ Planning Application Form NY/2007/0247/FUL

**Accumulated HGV traffic movement information for 2007-2013,
Based on traffic forecasts in W Clifford Watts planning applications**

Planning application	MIN4047 (Delegated)	MIN0959	MIN0961	MIN0962	MIN0957	MIN3142 (Committee)	NY/2002/ 001/PDA (Delegated)	NY/2007/ 0247/FUL (Delegated)	NY/2008/ 0444/FUL (Committee)	NY/2009/ 0286/A21 (Delegated)	NY/2012/ 0040/A30 (Delegated)	NY/2012/ 0340/FUL (Committee)	NY/2013/ 0058/FUL (Delegated)
Year	1947	1974 refused*	1974 refused at appeal	1980 granted	1994 granted	2001 granted	2002 granted	2007 granted	2008 granted	2009 granted	2012 granted	2012 refused	2013 granted
Description	Existing quarry extension	Existing quarry extension	Existing quarry extension	Existing quarry extension	Existing quarry extension	Existing quarry extension	Concrete batching plant	Existing quarry extension	Precast concrete manufacture	Landscaping	Restoration landscaping	Asphalt plant	Concrete storage building
Working hours					M-F 0700-1700 Sat 0700-1200	M-F 0700-1700 Sat 0700-1200	M-F 0700-1700 Sat 0700-1200	M-F 0700-1700 Sat 0700-1200	M-F 0700-1700 Sat 0700-1300			M-F 0630-1730 Sat 0630-1230	M-F 0630-1700 Sat 0700-1200
Area covered					80% south of Norton, 20% Scarborough			80% south of Norton, 20% Scarborough				48% north, 22% Scarborough, 30% East	
Annual limestone output te		150,000 te			150,000 te	150,000 te max 220,000 te	Sales 130,000 te Extracted 150,000 te	150,000 te	150,000 te			150,000 to 190,000 te 20 te lorries	110,000 to 190,000 te av 150,000 te.
Forecast daily limestone lorry movements					30	30 20 te lorries	30 20te lorries	30 average 40 (max) 20-30 te lorries	30 20 te lorries			54.55	60 20 te lorries
Forecast daily ready-mix concrete lorry movements							20 75% materials imported (6)	Omitted from application	Omitted from application			14 Imported materials (8) omitted from application	22 75% materials imported (8)
Concrete products									2			8	8
Asphalt												20 96% materials imported	Omitted from application. (20)
Cumulative Vehicle Movements					30	30	50	30	32			104.55 Including omissions	110 including omissions

From: Gillian Charters <gillian.charters@virginmedia.com>
Sent: 20 December 2016 20:32
To: mwjointplan
Subject: Response to Joint Minerals and Waste Plan

As an active member of the Green Party I would like to add my comment to this plan as follows:

Green Party Response to North Yorkshire County Council, City of York, North Yorks Moors Joint Minerals and Waste Plan

Establish a climate change condition for any planning applications to extract hydrocarbons

In the Publication Draft of the Local Plan for Kirklees Council they have established and agreed a local policy that states that hydrocarbon applications should have to demonstrate a 'net zero impact on climate change'

Policy PLP42 <http://www.kirklees.gov.uk/beta/planning-policy/pdf/summary-of-changes-2016.pdf>

The justification for the policy is that it is consistent with Government stated commitments as a signatory to the COP21 Paris Climate Agreement and also with the 2008 Climate Change Act. There are also policies in the National Planning Policy Framework and National Planning Policy Guidance (NPPG) that support a move to a low carbon future. There are also examples given in NPPG where mitigation measures can be integrated into hydrocarbon applications. We request that such a policy is integrated in the Joint Minerals and Waste Plan.

In promoting this policy the Green Party retains our deep seated opposition to Fracking and other hydrocarbon extraction methods on various grounds including health, local and global environmental protection and agricultural impact. We do however recognise that National Government policy does not recognise these dangers despite the evidence and as such we recommend adopting this 'climate change condition' policy that could ensure positive outcomes for local communities faced with the prospect of fracking in their vicinity.

Kind regards
Gillian Charters

01423 545188 07808 863009
Thornbury House Forest Moor Road Knaresborough HG5 8JY
Please note new e mail address: gillian.charters@virginmedia.com

Quakers live adventurously!

Part A - Contact details

Your contact details

Name: Kit	Title: Mr	Initial(s):
Surname: Bennett		
Organisation (if applicable): Frack Free York		
Address:	106 Huntington Road	
	York	
Post Code: YO31 8RP'		
Telephone: 07906628208		
Email: kitbennett@fastmail.co.uk		

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

Agent contact details (if applicable)

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 :	Kit Bennett – Frack Free York
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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. D01

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

2.(1) Legally compliant

2.(2) Sound

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

Justified

Effective

Consistent with National Policy

No

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

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or 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 D01 incorporates the presumption in favour of sustainable development found in the National Planning Policy Framework (NPPF.) However the policy does not reflect the fact that the presumption in favour of sustainable development does not apply in all circumstances. Paragraph 119 of the NPPF states that, “ the presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined.”

Part of the process for all oil and gas licensing rounds is a Habitats Regulations Assessment. As the Habitats Regulations incorporate the Habitats Directive into UK law it is clear that hydrocarbon development does require an appropriate assessment under the Habitats Directive. For this reason policy D01 should state that the presumption in favour of sustainable development does not apply to hydrocarbon development. This would make the policy compliant with paragraph 119 of 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.

Policy D01 should state that the presumption in favour of sustainable development does not apply to applications for hydrocarbon development and that because of this, the other provisions of policy D01 will not be applied in the case of applications for hydrocarbon 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?

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:

Official Use Only Reference Number

I intend to participate in the oral part of the examination in order to present the arguments I have made in writing in this submission and to represent Frack Free York.

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: 20/12/2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
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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. W11

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

2.(1) Legally compliant

2.(2) Sound

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

Justified

No

Effective

Consistent with National Policy

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

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

With the advent of unconventional hydrocarbon development and fracking the Joint Plan Area now faces the prospect of a large, new hydrocarbon industry. Such an industry will generate very large quantities of waste water contaminated with hydrocarbons, heavy metals, radioactive materials and high levels of salt. The management and disposal of this waste water is one of the most important environmental issues facing the hydrocarbon industry. Evidence given to the planning enquiry on Cuadrilla's application to drill and frack at two sites in Lancashire showed that those new hydrocarbon wells in Lancashire will consume most of the UK's capacity for hydrocarbon waste water disposal. If a large unconventional hydrocarbon industry is also developed in the Joint Plan area, existing waste water disposal capacity in the UK will be insufficient for the total demand. In this context it is likely that the Joint Plan Area will be faced with applications to build new disposal facilities for waste water from the hydrocarbon industry, or to convert existing facilities for the disposal of this form of waste. While Policy W11 does include some consideration of this type of application, this focuses on the desirability of using existing waste disposal sites rather than a full consideration of the environmental consequences of such development. For this reason I view policy W11 as not being justified.

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.

As the waste water disposed of at such sites will be hazardous and such sites are likely to be a source of air pollution and water pollution, all applications for hydrocarbon waste water disposal at existing, or new sites, should be subject to an Environmental Impact Assessment (EIA). The precautionary principle should also be applied to such development. These two steps are the most reasonable alternative, as otherwise environmentally harmful development could be permitted without a full understanding of the effects until it is too late.

(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?

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 intend to participate in the oral part of the examination in order to present the arguments I have made in writing in this submission and to represent Frack Free York.

Official Use Only Reference Number

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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: 20/12/2016
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
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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. M16

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

2.(1) Legally compliant

2.(2) Sound

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

Justified

Effective

Consistent with National Policy

No

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

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

My objections to policy M16 must be understood in the context of the proposed development of a new unconventional hydrocarbons industry in the Joint Plan Area. This new industry, if expanded to a full production scale would mean an unprecedented scale and extent of industrial activity in the Joint Plan Area. In other regions of the world, unconventional hydrocarbons have required thousands of new oil and gas wells to develop commercially and indications from the industry are consistent with a similar pattern of development taking place in the Joint Plan Area in the foreseeable future. In March 2016 John Dewar of Third Energy told the House of Commons Environment Committee that his company could require up to 19 sites with up to 50 wells per site for Ryedale alone. In an Invitation to Tender for a seismic survey contractor INEOS gave a license well density example of up to 30 well pads in a 10km by 10km license block with up to 396 horizontal wells in the the same area. Each well pad would be a source of noise, light pollution, air pollution and new road traffic. Each oil or gas well would present a risk of groundwater contamination.

According to paragraph 118 of the National Planning Policy Framework (NPPF), "proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted." Policy M16 provides protection against unconventional hydrocarbon development and hydrocarbon development involving fracking within Sites Of Special Scientific Interest (SSSIs), but it does not provide protection against such development outside SSSIs, which would harm the SSSIs as required by paragraph 118 of the NPPF. The policy does refer to a link with policy D07. I do not think the protection of SSSIs in policy D07 is sufficient and I will explain this in my response to that policy. I also think specific protection of the area surrounding SSSIs and European protected sites is needed in policy M16 given the unique threat that the development of

unconventional hydrocarbons would present to wildlife.

Paragraph 143 of the NPPF requires local authorities to, "set environmental criteria, in line with the policies in this framework against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health including from ... impacts on the flow and quantity of surface and groundwater and migration of contamination from the site." The threat that unconventional hydrocarbon development presents to groundwater is well established, with the United States Environmental Protection Agency now acknowledging this hazard in their latest report on this issue. (<https://www.epa.gov/hfstudy>) While UK regulations may differ from American regulations, this does not by itself provide adequate reassurance, as the HSE will still be reliant on the operators for reports of underground activity and conditions. The Joint Minerals and Waste Plan must therefore deal with this issue. Policy M16 does include protection for, "protected groundwater source areas," from unconventional hydrocarbon development. While the term, "protected groundwater source areas" is used in the Petroleum Act 1998, I understand that no definition has been provided in that act and note that no definition of the term is provided in the policy. It is therefore not clear how, or to what extent groundwater is protected as required by paragraph 143 of the NPPF. The policy also fails to include a reference to the precautionary principle which must be applied under the terms of the EU Water Framework Directive.

Paragraph 100 of the NPPF states that, "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk." Hydrocarbon development is clearly inappropriate development in this context as it requires transporting, handling and storing hazardous materials, which could be released into the environment if a flood occurred. Policy M16 contains no protection of flood risk areas from hydrocarbon development and will have to be amended in order to comply with paragraph 100 of the NPPF.

(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.

Official Use Only Reference Number

Policy M16 should include a zone surrounding SSSIs and European protected sites (Special Areas of Conservation, Special Protection Areas and Ramsar Sites), where hydrocarbon development is prohibited. The Habitats Regulations Assessment carried out during the 14th Onshore Oil and Gas Licensing Round last year introduced the concept of 1km buffer zones around all European protected sites, and 10km buffer zones around those which are habitats for highly mobile wildlife such as bats, birds or otters. However the assessment states that such buffer zones are not license conditions and that it is left to the discretion of minerals planning authorities to impose them. These buffer zones must be imposed in policy M16 and extended to SSSIs as well as European protected sites, in order to prevent development outside SSSIs that would have a harmful affect on them and to thereby be in compliance with paragraph 118 of the NPPF.

Policy M16 should replace the term, "protected groundwater source areas," with the term, "groundwater source protection zones 1,2 and 3," as the latter term has a clear definition, whereas the former does not. The policy should also state that hydrocarbon development will not be permitted at any location where it could result in contamination of groundwater, or surface water that is used for human consumption, or for agriculture. The policy should also state that the precautionary principle will be applied as required by the EU Water Framework Directive, to all applications for hydrocarbon development. These changes are needed to make the policy compliant with paragraph 143 of the NPPF which requires protection of surface and groundwater. Given the scale and intensity of planned unconventional hydrocarbon development the known risk it presents of contamination, and the uncertainty over below ground conditions, only this rigorous approach can protect surface and groundwater.

In order to be compliant with paragraph 100 of the NPPF, policy M16 should state that hydrocarbon development will not be permitted in Flood Zone 2 or 3

(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
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Signature:

[REDACTED]

Date: 20/12/2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
------------------------	-------------------------------

Please mark with an 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. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

2.(2) Sound

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

Justified

No

Effective

Consistent with National Policy

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

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or 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 lays out a number of conditions for hydrocarbons development, but does not make clear how these conditions will be applied. The policy includes five statements that can be read as allowing development if the condition referred to is met. These five statements are listed below.

“Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads...”

“Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact...”

“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...”

“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...”

“Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health.”

Including statements such as those listed above leaves the policy open to a great deal of ambiguity and a weak approach to the application of the conditions it includes. Together these five statements could be read as meaning that if a proposed hydrocarbon development complies with one, or more of the five conditions, it will be permitted, even if it does not comply with the others, or with conditions

required by other policies in the Joint Minerals and Waste Plan. For this reason the policy is not the most appropriate strategy when considered against reasonable alternatives and is therefore not justified.

Policy M17 includes a buffer zone around residential buildings. "Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health...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." This buffer zone as a welcome feature of the policy, as it provides residents with some protection from the harms of hydrocarbon development. However the caveat that hydrocarbon development would be permitted in exceptional circumstances leaves the door open to the unacceptable impacts on local communities and public health that the policy is designed to avert. The buffer zone also does not extend far enough. It is important to understand that the air quality impacts of unconventional oil and gas development can be region wide and that in the United States they have led to remote, sparsely populated areas becoming more polluted than Los Angeles

(<http://concernedhealthny.org/compendium/>). From discussion at City of York Council's Local Plan Working Group meeting it became apparent that the 500m buffer zone is based in part on experience with wind turbine development. However hydrocarbon development results in more severe noise impacts than wind turbine development and causes air pollution and ongoing road traffic impacts in a way that wind turbine development simply does not.

In this context it is reasonable to expect a buffer zone of 1 mile, or 1.6km if metric units are to be used. This is exactly what many residents of the Joint Plan Area demanded in a petition this year. For the reasons explained above a removal of the caveat allowing hydrocarbon development within the buffer zone in exceptional circumstances and an extension of the buffer zone to 1.6km would be the most reasonable alternative and therefore necessary for the policy to be justified.

(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.

Official Use Only Reference Number

The five sections of the policy listed in section 3 above should be reworded as shown below, so as to remove ambiguity and make it clear that all relevant conditions must be complied with.

“Hydrocarbon development will not be permitted in locations without suitable direct or indirect access to classified A or B roads...”

“Hydrocarbon development will not be permitted in locations where it would give rise to unacceptable cumulative impact...”

“In order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons in locations where beneficial use cannot be made of existing or planned supporting infrastructure, or which will require additional, new, supporting infrastructure, must include a detailed explanation of what additional infrastructure will be needed and include consideration of this infrastructure in their accompanying Environmental Impact Assessment ”

“Hydrocarbon development will not be permitted in locations where a high standard of protection cannot be provided to environmental, recreational, cultural, heritage or business assets important to the local economy...”

“Hydrocarbon development will not be permitted in locations where it would give rise to unacceptable impact on local communities or public health.”

The buffer zone around residential buildings and other sensitive receptors should be extended to 1.6km and the caveat that such development will be allowed in exceptional circumstances should be removed.

(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

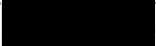
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Signature:



Date: 20/12/2016

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
------------------------	-------------------------------

Please mark with an 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. Do you consider the Minerals and Waste Joint Plan is :

2.(1) Legally compliant

2.(2) Sound

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

Justified

Effective

Consistent with National Policy

No

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

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or 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 Core Planning Principles in paragraph 17 of the National Planning Policy Framework (NPPF) include, “contribute to conserving and enhancing the natural environment and reducing pollution...,” and, “take account and support local strategies to improve health, social and cultural wellbeing...” Paragraph 110 of the NPPF states, “ In preparing plans to meet development needs the aim should be to minimise pollution and other adverse effects on the local environment...” Paragraph 123 of the NPPF states that, “planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development...” According to paragraph 124 of the NPPF, “planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of AQMAs and the cumulative impacts on air quality from individual sites in local areas.”

Taken together, the elements of the NPPF quoted above provide a strong commitment to protecting the public from the adverse effects of noise and air pollution. The Joint Plan Area is now faced with the prospect of a new unconventional hydrocarbons industry that would include the drilling and fracking of hundreds, or even thousands of oil and gas wells and the construction of a large supporting infrastructure. As each oil or gas well would be a source of noise and air pollution, as would many elements of the supporting infrastructure, great efforts must be made to keep to the commitments on noise and air pollution included in the NPPF.

The compendium of Scientific, Medical and Media, Findings Demonstrating Risks and Harms of Fracking (Fourth Edition) published by Concerned Health Professionals of New York and Physicians for Social Responsibility (<http://concernedhealthny.org/compendium/>) references an extensive scientific literature demonstrating the link between unconventional hydrocarbon development and air pollution. This evidence includes cases of such development leading to remote areas becoming more polluted than Los Angeles, dangerous levels of pollutants being found even outside required set back

distances and American maximum pollution limits being broken.

Given these issues, a buffer zone of only 500m around residential buildings and other sensitive receptors and a caveat allowing hydrocarbon development within the buffer zone in exceptional circumstances are likely to lead to breaches in the commitments to protection from pollution included in the NPPF.

(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 buffer zone around residential buildings and other sensitive receptors should be extended to 1.6km and the caveat that such development will be allowed in exceptional circumstances should be removed. This stricter separation will reduce the exposure of residents to noise and air pollution and therefore make the policy compliant with articles 17, 110, 123 and 124 of the NPPF .

Official Use Only Reference Number

(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

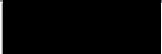
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Signature:



Date: 20/12/2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
------------------------	-------------------------------

Please mark with an 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. M18
--	----------------

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

2.(1) Legally compliant

2.(2) Sound 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 *Justified* No
Effective *Consistent with National Policy*

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

3. Please give details below of why you consider the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or 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 lays out a number of conditions for hydrocarbons development, but does not make clear how these conditions will be applied. The policy includes two statements that can be read as allowing development if the condition referred to is met. These two statements are listed below.

“Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water...”

“Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:...”

Including statements such as those listed above leaves the policy open to a great deal of ambiguity and a weak approach to the application of the conditions it includes. Together these two statements could be read as meaning that if a proposed hydrocarbon development complies with one, or more of the conditions, it will be permitted, even if it does not comply with both, or with conditions required by other policies in the Joint Minerals and Waste Plan. For this reason the policy is not the most appropriate strategy when considered against reasonable alternatives and is therefore not justified.

Policy M18 does not include a requirement for applications for unconventional hydrocarbon development to be supported by an Environmental Impact Assessment (EIA), nor does any other policy in the Joint Minerals and Waste Plan. This omission is not justified as the unconventional hydrocarbon industry is new to this country and will result in severe impacts on air quality, noise, landscape, road traffic, water quality and climate if developed. The Compendium of Scientific, Medical and Media, Findings Demonstrating Risks and Harms of Fracking (Fourth Edition) published by Concerned Health Professionals of New York and Physicians for Social Responsibility

(<http://concernedhealthny.org/compendium/>) concludes that, "All together, findings to date from scientific, medical, and journalistic investigations combine to demonstrate that fracking poses significant threats to air, water, health, public safety, climate stability, seismic stability, community cohesion, and long-term economic vitality. Emerging data from a rapidly expanding body of evidence continue to reveal a plethora of recurring problems and harms that cannot be averted or cannot be sufficiently averted through regulatory frameworks. There is no evidence that fracking can operate without threatening public health directly or without imperilling climate stability upon which public health depends." Given these circumstances, the least that can be reasonably asked is for all unconventional hydrocarbon development to undergo an EIA, so that the impacts of the development can be better understood before the application is decided.

(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.

Official Use Only Reference Number

The two statements listed above should be reworded as shown below, so as to remove ambiguity and make it clear that all relevant conditions must be complied with..

“Proposals for hydrocarbon development will not be permitted unless it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water..”

“Proposals for hydrocarbon development will only be permitted where, subject to other regulatory requirements, it can be demonstrated that:...”

Policy M18 should also include a requirement that all applications for unconventional hydrocarbon development are supported by an EIA. The alternatives of not requiring an EIA, or only requiring an EIA for some unconventional hydrocarbon development sites are not reasonable given the significant environmental impacts of the unconventional hydrocarbon industry as described in section 3 of this form.

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

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Signature:



Date: 20/12/2016

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Kit Bennett – Frack Free York
------------------------	-------------------------------

Please mark with an 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. M18

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

2.(1) Legally compliant

2.(2) Sound

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

Justified

Effective

Consistent with National Policy

No

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

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

One of the core planning principles included in paragraph 17 of the National Planning Policy Framework (NPPF) is to, "support the transition to a low carbon future in a changing climate..." According to paragraph 94 of the NPPF, "local planning authorities should adopt proactive strategies to mitigate and adapt to climate change." It should be noted that the generally accepted understanding of the term climate change mitigation is the reduction of the impacts of climate change by reducing the emission of greenhouse gases. The two paragraphs of the NPPF quoted above make clear that climate change must be taken into consideration in planning policy.

With the advent of fracking and unconventional hydrocarbon development, the Joint Plan Area is now faced with the prospect of a significant expansion of the hydrocarbon industry. The hydrocarbon industry is inextricably linked with the problem of climate change as the consumption of their product is the main cause of climate change. In addition fuels used by on site plant and vehicles travelling to and from the site contribute towards climate change, as do fugitive emissions of methane that may result from the development. These fugitive emissions of methane may be so severe as to invalidate claims that unconventional hydrocarbons are less harmful to the climate than coal. This is the conclusion that Caulton et al. have come to in their studies of unconventional hydrocarbon development ([pnas](http://pnas.org)). Kevin Anderson, an advisor to the UK government on climate science has also argued that the development of a UK shale gas industry is not compatible with the UK's international commitments on climate change and is only compatible with the Climate Change Act if very partisan assumptions are made on greenhouse gas emissions from other industries

(<http://kevinanderson.info/blog/why-a-uk-shale-gas-industry-is-incompatible-with-the-2c-framing-of-dangerous-climate-change/>.)

In light of the known issue of hydrocarbon development leading to climate change, policy M18 must include a requirement for all applications for hydrocarbon development to be rigorously assessed on

climate change, so that the policy is compliant with paragraphs 17 and 94 of the NPPF and with the UK's national and international commitments on climate change. This assessment of the climate change impacts of a development must include all forms of greenhouse gas emissions related to the development and result in a rejection of all hydrocarbon development that compromises the UK's commitments on climate change.

When I raised the issue of how climate change is handled in the Joint Minerals and Waste Plan, I was referred to policy D11. However policy D11 only contains a narrow consideration of energy efficient siting and operations and does not include a requirement for a thorough assessment of the effects of development on climate change, or consideration of the particular effects that hydrocarbon development has on climate change.

(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.

Official Use Only Reference Number

Policy M18 should include the following wording, " proposals for hydrocarbon development will not be permitted where they may individually, or in combination with other existing, proposed, or permitted developments, lead to a failure to meet the UK's nationally, or internationally agreed greenhouse gas emissions targets, or could otherwise cause or contribute to dangerous climate change. During the assessment of proposals for hydrocarbon development impact on climate change, the combined effect of plant used on site, vehicles travelling to and from site, the consumption of fossil fuels produced on site and fugitive emissions will be considered."

The wording above will make the policy compliant with paragraphs 17 and 94 of 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?

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 intend to participate in the oral part of the examination in order to present the arguments I have made in writing in this submission and to represent Frack Free York.

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: 20/12/2016

mwjointplan

From: Kit Bennett <kitbennett@fastmail.co.uk>
Sent: 20 December 2016 21:45
To: mwjointplan
Subject: Minerals and Waste Joint Plan Consultation
Attachments: Publication_response_form_part_A1_KB.doc; Publication_response_form_part_B1_KB_D01.doc; Publication_response_form_part_B1_KB_W11.doc; Publication_response_form_part_B1_KB_M16.doc; Publication_response_form_part_B1_KB_M17_J.doc; Publication_response_form_part_B1_KB_M17_C.doc; Publication_response_form_part_B1_KB_M18_J.doc; Publication_response_form_part_B1_KB_M18_C.doc

Dear Sir/Madam,

Please see the attached forms, which I am sending to you as my response to the consultation on the Minerals and Waste Joint Plan. Please reply to this email to acknowledge receipt of my submission. Please note that I have asked to take part in the oral examination. You can use this email address to contact me regarding the arrangements for the oral examination.

Yours faithfully,

Kit Bennett
106 Huntington Road
York
YO31 8RP
kitbennett@fastmail.co.uk

--
<http://scanmail.trustwave.com/?c=2863&d=-KbZ2IhRkI9N3PSHXoBXpxCGsjol-ZLja2YddV21CA&u=http%3a%2f%2fwww%2efastmail%2ecom> - Same, same, but different...

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	████
INITIALS	█
SURNAME	██████
ORGANISATION (if applicable)	
ADDRESS	██████████ ██████████ ██████
POSTCODE	██████
TELEPHONE	██████████
EMAIL	████████████████████

No, I do not want to attend the Oral Examination of the MWJP

Dear Sir/ Madam, I wish to object to policies M16, M17 and M18 relating to unconventional oil and gas developments. My objections and their detailed rationale are on pages 1-5 of this letter, and the Policy Amendments I am endorsing follow on page 6.

First a strong note re the scope of the Consultation: The Mineral Planning Authority has arbitrarily chosen to limit the scope of consultation at this stage to focus on legal compliance and tests of soundness as in the NPPF. This decision is not supported by law, see Town and Country Planning (Local Planning) England Regulations (2012), which do not limit the scope of consultation at Regulation 19 (Publication) stage.

It is clear that a) the content of Policy M16 has changed considerably since the Preferred Options consultation in 2013, and b) far more North Yorkshire licence areas have been allocated to prospective extraction companies, and c) the weight of peer reviewed evidence has increased dramatically in the last few years and is now heavily against unconventional gas extraction on all counts (for a brief up to date expert summary please see <http://newsnet.scot/archive/call-fraxit-five-stress-tests-fracking-industry-fails/>), and not least d) we are now in an official world consensus that climate change is an existential threat and must be a world priority. In the light of these factors I feel strongly that the scope of the consultation on these vital regional policies must include an all round assessment of how compliant, sound, robust and proportionate the final Plan must be in the following respects:

1. Climate change

The plan fails to comply with statutory requirements, specifically that policies as a whole – must contribute to the mitigation of and adaptation to climate change given the Section 19(1A) duty set out in the Planning and Compulsory Purchase Act 2004. Climate change mitigation must be addressed within the mineral extraction policies, specifically Policy M16, with special consideration to the climate change impacts of burning fossil fuels and methane leakage.

- Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that “*Local planning authorities should adopt*

proactive strategies to mitigate and adapt to climate change.”.

- The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would NOT be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. As it stands the draft Plan does not clearly define how it will ensure that an unconventional gas industry in North Yorkshire will meet these three tests.
- It is no longer enough to assume that shale gas will lead to carbon savings, 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.”*
- It is nationally unclear how shale gas emissions can be offset to meet this requirement, without Carbon Capture and Storage (CCS), with drastically reduced subsidies for renewable energy, and shelving of plans to make all new homes zero carbon by 2016.
- 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.

2. Local impacts on environment and health

There is now undoubtedly sufficient scientific and case study evidence available in the public domain to justify/compel local authorities to design their hydrocarbon policies MUCH MORE EFFECTIVELY to protect their localities against the diverse impacts that an unconventional gas industry will bring (inc. landscape and visual; health and wellbeing; water; biodiversity and highways impacts). This can and must be done to render the Plan proportionate in the face of current evidence and consistent with national policy and planning guidance. Currently policies M16-M18 do address some concerns, but do not provide robust protection overall. The following are key points where the plan is not effective/unsound:

Ryedale Local Plan/landscape and visual impacts:

- In particular, the current draft Plan is unsound in that it does not take into account the Ryedale Local Plan, which has statutory force and complies with the NPPF.
- 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).
- The regional Plan must be developed so that it is complementary to this Local plan, not in conflict with it.
- **The Vale of Pickering and the Yorkshire Wolds should therefore be included as ‘protected areas’ in Policy M17**

Proposed 3.5 km buffer zones round National Parks and AONBs/landscape and environment:

- The proposed 3.5km buffer zone around National Parks and AONBs is welcome and essential. However, ANY fracking development within 3.5 km of these areas will undoubtedly impact on the landscape and views, tranquillity, biodiversity, geodiversity, rare species and heritage of the protected areas.
- **To be adequately effective and in full compliance with the NPPF, the Plan should not allow for any prevarication within the buffer zones as per current policy M16 Point 5.128, but should simply prohibit fracking inside these buffer zones**

Proposed 500m buffer zone/air quality and noise:

- The 500m buffer zone proposed at Policy M17 is welcome, but is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. There is no clear evidence that this distance is adequate, but rather a range of evidence from the US **supports an increase to at least 750m**, see especially [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))
- Some US case studies show significant harmful health impacts up to 1km from each well pad.
- With regards to noise, a well pad with 40 or 50 wells, as has been proposed/anticipated by Ineos and Third Energy, will probably involve continuous 24/7 drilling for 6.5 years. If we have 10 of these to a 10by10km area of land, the noise from drilling alone will not be temporary impact.
- Paragraph 144 of the NPPF states that when considering new minerals development, local authorities should: *“establish appropriate noise limits for extraction in proximity to noise sensitive properties”*.
- With regard to air quality, evidence from the University of Colorado, among others, shows a number of toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. 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>
- These toxic hydrocarbons are not chemicals that are injected into the ground as part of the fracking process, but are released from the subsurface itself by drilling and fracking (and therefore cannot be controlled by the producer, or regulated in advance by the Environment Agency)
- Both Policy Planning Guidance and the NPPF (see para 109) emphasise that effective measures must be taken to protect ‘sensitive receptors’ (inc homes, schools, hospitals, places of work etc) from air pollution.
- **At M17, to make a buffer zone at least adequately effective in terms of current research, NO fracking development can be allowed within a 750-1000km buffer zone from all human habitats.**
- **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.**

3. Insufficiently known environmental impacts, esp re water – the Precautionary Principle

There is a long standing controversy re the potential impact of unconventional gas schemes, individually and cumulatively, on the environment and especially on water. The Minerals Authority must know that in the last few days the US Environment Protection Agency has accepted advice from its scientific advisory board that unconventional gas drilling and extraction can impact water at any stage of the production process.

The Minerals Authority must adopt a precautionary approach to such as yet not fully understood environment impacts, and this must be effectively built into the Plan.

All applications should be subject to a rigorous Environmental Impact Assessment and ensure that permission will not be granted unless scientific certainty can be shown that ALL potential impacts can be overcome.

With regard to water impacts:

- The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).
- 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.”*
- Paragraph 94 of the NPPF states that local planning authorities should *“adopt proactive strategies to mitigate and adapt to climate change, taking full account of....water supply”*. Paragraph 99 later states that *“local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply.”*
- **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.**

With regard to cumulative impacts in general:

- The NPPF states Planning Authorities should: *“...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality”*
- Planning practice guidance also states: *“The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development.”*
- 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 Plan is a significant failing in terms of soundness.
- **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 Plan 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.
- **To abide by legal guidelines, a precautionary approach, often summed up as ‘the precautionary principle’ should be applied to the issue of cumulative impact.**
- Planning practice guidance 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 Plan must require an Environmental Impact Assessment to assess the potential cumulative effects from any 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.** .

With regard to 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.
- Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, *“More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year.”* <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>
- 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 Plan therefore has a statutory duty to take a strong precautionary approach regarding the re-injection of 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.**

I therefore endorse and submit the following 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 (b) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will **[INSERT] not** ~~only~~ be permitted **[INSERT] unless** where it can be demonstrated that significant **[INSERT] no** harm to the designated asset will ~~not~~ occur.

Policy M16 pt (c) (regarding inclusion of Yorkshire Wolds and Vale of Pickering landscape areas)

i) Surface proposals for these forms of hydrocarbon development will **[INSERT] not** ~~only~~ be permitted where **[INSERT] unless** they would be outside **[INSERT] and respect the setting of** 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, **[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 highways impacts)

...i) Hydrocarbon development will **[INSERT] not** be permitted in locations ~~with~~ **[INSERT] without** suitable direct or indirect access to classified A or B 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 ~~in locations where~~ **[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 500[**INSERT**] **750m** of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will ~~only~~ [**INSERT**] **not** be permitted ~~in exceptional circumstances...~~

...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.**

M18 pt ii (regarding waste water and re-injection wells)

Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will [**INSERT**] ~~only~~ **not** be permitted in locations ~~unless where~~ **unless** a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be **proven beyond doubt** ~~demonstrated~~ that any risk from induced seismicity can be mitigated to an acceptable level.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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 :

Please mark with an 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.

I am highly concerned about the impact that unconventional oil and gas exploration will have on the health and well being of local people. It has been very well evidenced that these processes are very likely to pose serious risks to the air and water supply of local residents.

The current hydrocarbon policies covering this fail to provide overall robust protection from these threats. Furthermore there is adequate scientific evidence available that could increase the effectiveness of the policies for local resident impacts, which would bring them in line with national planning guidance and policy.

Policies M16, M17, and M18 fail to take into account national policies on climate change, fails to consider landscape designations (e.g the value placed on the Vale of Pickering and Yorkshire Wolds Areas should be included within the 'protected areas' as stated in policy M17, and also the suggested buffer zone of 500m suggested in M17 is likely not to be enough to limit the impacts on air quality and noise for local residents.

Key amendments should use the precautionary principle (M16). Proposals should only be considered if can prove with evidence they can be delivered in a safe and sustainable way.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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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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 :

Please mark with an 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.

This submission is in support of the legal compliance and soundness of the Local Plan with specific regard to the references of discounted statuses relating to Whitewall Quarry, for the extraction of Jurassic Limestone (MJP12); the recycling of inert waste (MJP13) and materials recycling facility to sort/treat waste and including composting (WJP09); and also to any continuation of the production of concrete batching and panelling currently ongoing in the quarry in addition to MJP12 and MJP13.

On 15 January 2016 at the Consultation stage, I forwarded by email the following information relating to the above, and ask that this please be submitted to the Planning Inspector in full:

MWJP Consultation - - 14 January 2016
 Appendix A - Topography Plan of Mallon and Norton
 Appendix B - Hydrogeology Report - Ashton Bennett
 Appendix C - Index and Flooding Photographs
 Appendix D - Map of Racehorse Training Yards and Centralised Gallops, Norton
 Appendix E - NAG [Norton Action Group] Traffic Survey of 2 Oct 2014
 Appendix F - Highways Authority Traffic Data - Commercial Street, Norton - 13 Nov 2014
 Appendix G - Extract from Calculation of Design Traffic - provided by Highway Authority - November 2014

With regard to HGV traffic, I would like to draw attention to the Jacobs traffic estimates relating to 46 LGV and 50 HGV two-way trips a day currently, which as you can see is conservative compared to NAG's actual figures recorded and which also account for the concrete batching operations vehicles. These figures indicate annual extraction of 175,000 tonnes, whereas the reality is up to 250,000 tonnes (which is the permission sought).

Late this autumn 2016, during the duration of this final pre-publication MWJP Consultation phase, coincidentally, Highways traffic monitoring equipment was installed for some weeks at the north end of Welham Road, Norton. During this time it was also coincidental that there was a marked decrease in operations at Whitewall Quarry, which coincidentally increased again when the traffic monitoring equipment was removed in Welham Road. During this "traffic monitoring" time, noise levels from the quarry coincidentally decreased as well, only to escalate again when operations got back to "normal" levels again. Any traffic monitoring data during that time, should be treated with some caution. The actual tonnage of limestone "out" is between 150,000 tonnes to 250,000 tonnes a year (conservative average might be 175,000 tonnes); and HGV vehicle loads out must reflect that tonnage as it all goes by road, and the vast majority north up Welham Road.

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 would be happy to participate at the oral examination to assist in any way to further explain or expand on any of the points made.

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

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

Please see covering letter.

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

[REDACTED]

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 [REDACTED]

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
[REDACTED]

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: Shanks, Jim <Jim.Shanks@northyorkshire.pnn.police.uk>
Sent: 14 November 2016 09:29
To: mwjointplan
Cc: Palmer, Andrew
Subject: Consultation - Minerals & Waste Joint Plan

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir or Madam,

We have recently received notification of your consultation regarding the above joint plan. On behalf of the North Yorkshire Police we have no comments to make in respect of this. However, in the event of any new sites being developed or proposed in connection with mineral extraction or waste disposal, we would welcome the opportunity for early consultation in respect of designing out crime.

Your sincerely

Mr Jim Shanks
Staff No 6107
Designing Out Crime Officer
North Yorkshire Police
Police Office
Fulford Road
York
YO10 4BY

Direct Dial: 01609 643270
Mobile: 07342087677

OR dial 101, press option 2 and ask for me by my full name or staff number. If using my staff number please state each number individually.

www.northyorkshire.police.uk

Internet email is not to be treated as a secure means of communication.

North Yorkshire Police monitors all internet email activity and content.

This communication is intended for the addressee(s) only.

Please notify the sender if received in error. Unauthorised use or

disclosure of the content may be unlawful. Opinions

expressed in this document may not be official policy.

Thank you for your co-operation.

mwjointplan

From: [REDACTED]
Sent: 02 December 2016 16:20
To: mwjointplan
Subject: [REDACTED] 2016-12-02

Follow Up Flag: Follow up
Flag Status: Flagged

Dear relevant department,
Minerals & Waste Consultation Response

1. I agree with the Objectives & Policies shown in the consultation documents.
2. I feel it is important that environmental issues are addressed.
3. I especially agree with Policy M16 relating to oil & gas extraction. I strongly recommend that the controversial 'fracking' process for oil & gas that the previous government rushed through before the last election is refused in our region, as it has potential to have a devastating effect on countryside, the environment and wildlife, as well as wasting & contaminating our precious water resources.

Regards,

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable): Frack Free Ryedale (FFR)		
Address:	c/o Agent	
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title: Mrs	Initial(s):
Katie		
Surname:	Atkinson	
Organisation (if applicable): KVA Planning Consultancy		
Address:	8 Acres Close	
	Helmsley	
Post Code:YO62 5DS		
Telephone: 07734 953236		
Email:katie@kvaplanning.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.

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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.....

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	The Publication Draft	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 checked="" type="checkbox"/>
2.(2) Sound	Yes	<input 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).

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="checkbox"/>	Consistent with National Policy	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.

In general terms, the content of the MWJP has changed considerably between the Preferred Options (Dec 2015) and Publication stage in relation to M16-M18 and the supporting text justifications.

Given that the MPA is asking for comments at the pre-submission stage (publication) solely in relation to legal compliance and soundness, FFR believe sufficient consultation with statutory bodies or the public has not been undertaken on these significant changes to warrant legal compliance to be achieved.

Whilst it is standard practise to limit consultation to aspects of legality and soundness at the publication stage, Regulation 19 (Publication) of the Town and County Planning (Local Planning) England Regulations (2012) does not actually limit the scope of consultation, therefore, given the amount of contextual changes included within this version of the document, it is not considered to be appropriate for the MPA to limit the scope of this consultation. A second preferred options stage should have been issued with the intention of moving towards publication stage by the summer of 2017. FFR believe that the consultation should therefore be widened to allow representations to be made against new material contained therein.

Furthermore, it is considered that the MWJP does not conform with Section 19 (1A) of the Planning and Compulsory Purchase Act (2004) which states that "policies as a whole should contribute to the mitigation and adaptation to climate change". This is transposed in to paragraph 94 of the NPPF which states that "Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change."

It should not be assumed that shale gas could lead to carbon savings, given that the third test set out in the Committee for Climate Change (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 the UK carbon budgets are met". It is therefore considered that the plan is unsound to state (M16) that the plan could have any positive impact on the climate budget as this key condition of the CCC report is a long way from being met.

(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)

A revised consultation exercise should be undertaken to allow comment to be made on the content of the plan given the substantial differences between the Preferred Options version and this Publication version. A pre-publication consultation should be scheduled following the appraisal and any associated modifications to this are made for approximately summer 2017.

The Plan should be re-worded based on accurate data in relation to the mitigation of climate change.

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:

Should the MPA decide not to undertake a second consultation exercise on the content of this plan, this should be discussed in greater detail at the EiP

The EiP should also consider the plans impacts on climate change and carbon emissions.

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: 8/12/16

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 :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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="5.96"/>	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.

Given the stage that unconventional gas extraction in the UK is at, it is essential that the plan is updated at the earliest possible opportunity and any review considers the results of any exploration in the area throughout the lifetime of this plan.

For the sake of monitoring exercises and the management of the industry, this section will need to be reviewed and updated accordingly to appropriately control developments.

(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 word 'may' should be replaced with 'will'.

(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: 8/12/16
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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 :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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="5.106"/>	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.

It should be made clear to the reader of the MWJP in paragraph 5.106 that whilst the Written Ministerial Statement (WMS) was produced in 2015 indicating a national need to explore and develop shale gas, that national policy has not, in fact, been updated to reflect this position (despite 2 consultations on the NPPF) since the publication of the WMS. Therefore, all relevant policies in the NPPF and Development Plan should not be outweighed in the planning balance by the reported 'need' as set out in the WMS.

will be made public. My consent is hereby confirmed.

Signature: [REDACTED]

Date: 8/12/16

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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

Paragraph No./ Site Allocation Reference No.	5.107 final bullet point	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).

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 exploratory paragraph states that for unconventional hydrocarbon operations, the site construction, drilling and site clearance stages may take considerably longer than the 12-25 weeks stated for conventional hydrocarbon activity. Drilling of each well will take place for 24hours over a period of weeks – industry currently claim that drilling will take 60-70 days per well. Well pads could contain up to 40-50 wells on them which could mean that a 40-well pad site would take approximately 6.5 years of continuous noisy activity – this cannot be considered short term. It should also be noted that lateral drilling is not taken into account in the time estimates, therefore, it is possible that additional time may be required for drilling activity.

Noise levels in rural parts of North Yorkshire are very low, particularly at night, it is essential therefore that the MPA understand the requirements of the PPG Noise and the NPPF which requires noise to be reduced to a minimum at paragraph 123.

The production paragraph within this bullet point does not mention the potential need to 'refrack' existing wells.

Ineos clearly stated at the Fracking Question Time (29th October 2016) that they would seek to refrack wells every 3-5 years. This should be included within this paragraph for clarity. Without this omission, all phases of operation will not have been clearly defined as required to do so by the NPPF and it is not mentioned in other policy documents given the fact the industry and techniques are so new to the UK.

(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.

Suggest an extra sentence is included within the paragraph stating that existing wells may be refracked several times by operators as part of the production phases for purposes of clarity.

(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: 8/12/16
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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 :	Frack Free Ryedale
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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="5.110"/>	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"/>
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 checked="" type="text" value="x"/>

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.

Whilst it is commended that UKOOG have established a Charter for community engagement for its members – this is outwith the planning system and is not legally binding, therefore the MPA cannot insist applicants deliver this nor would they be able to require it from non-members. It is therefore not justified or consistent with national policy as it is not a national policy requirement.

FFR suggest that the MPA develop their own robust SCI which would deal with this issue setting out details of the requirements for all stages for all potential applicants.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
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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.

Paragraph D point 1 indicates that a 3.5km buffer zone will be applied to National Parks and the AONB whilst this is strongly welcomed, FFR believe that the MPA should define what it means by 'unacceptable harm'. The degree of harm to be attributed to a development can be subjective and in order to prevent inappropriate development in inappropriate locations and enable the MPA to properly control development this should be defined.

Equally, FFR believe whilst it is essential to protect the nationally designated areas, locally designated areas, in particular, areas of high landscape value which district authorities have designated and are which their DM policies should also be listed within this policy at paragraph B point 1. For example Ryedale has recently adopted its Local Plan having been through an independent examination and been found sound. Policy SP13 of the Ryedale Plan deals specifically with landscapes. The Yorkshire Wolds and the Vale of Pickering are recognised as having a distinctive landscape character and are designated areas of 'High Landscape Value' in the Ryedale Plan. The evidence base supporting this designation was found sound by the Inspector at the recent Examination and includes:

- The Landscapes of Northern Ryedale (an assessment of the Vale of Pickering and the Fringe of the North York Moors National Park with management guidelines for the future), Gillespies (August 1999);
- Vale of Pickering: Statement of Significance, English Heritage;
- Natural England's National Character Area Profile: 26. Vale of Pickering; and
- North Yorkshire and York Landscape and Characterisation Project by Chris Blandford Associates (May 2011).

The NPPF states at paragraph 17 that planning should: "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it". Whilst it is recognised that minerals are a finite resource and can only be worked where sourced, due to the number and extent of PEDL licenses awarded to date across North Yorkshire, it must be recognised that there are some locations outwith the National Park and AONB that will not be suitable for development in line with District Authority policies and supported by their evidence bases – many of which have been through recent examinations and are considered therefore robust and up to date.

In a similar way, it is noted that areas which protect the historic character and setting of York are now included in the MWJP as protected areas. The same consideration should be given to policies and local designations in the Ryedale

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:

These are important matters which if the MPA does not act upon will require discussion at EiP

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: 8/12/16
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
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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="5.121"/>	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 checked="" type="text" value="x"/>
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 type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

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 word 'generally' should be removed from the end of this paragraph as otherwise this indicates that sometimes development which harms the National Park or AONB will be permitted, even when it is not in conformity with National and Local Policy or the requirements of the MDT.

(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.

In order to make this consistent with National and Local Policy the word generally should be removed.

(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: 8/12/16
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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 :	Frack Free Ryedale
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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="5.127"/>	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 checked="" type="text" value="x"/>
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 type="text"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

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.

Reference is made within this paragraph of the need for drilling rigs (typically of 35-40m in height) to be on site for relatively short periods of time or intermittently.

It should be noted that industry state that on a typical site containing 40 boreholes (according to Frances Egan of Cuadrilla addressing the House of Lords select committee in November 2016) drilling operations would be required of 50 days per borehole. This equates to 5.47yrs. Whilst multiple boreholes may not be applied for straight away, it is evident from industry that the intention, once shale in viable amounts is discovered, that incremental development including applications for increased number of wells and re-fracking activities will be developed. It has been indicated that each PEDL area could consist of up to 10 well pads.

Once initial drilling is completed a workover rig (which when extended is a similar height) will be required at least monthly during the production stage (according to Cuadrilla at their appeal hearings earlier in 2016) therefore it is likely a rig of some description – drilling or workover, will be present on site for the lifespan of the operation. This is not considered short term and cumulatively will have significant impacts upon national designations, the 'ordinary' undesignated but equally valued landscape and amenity of residents. Equally the Noise PPG sets out that short term operations are such that only extend to 8 weeks. It was evidenced at the Lancashire Inquiries in early 2016 that the drilling operation would extend beyond 8 weeks.

(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 :	Frack Free Ryedale
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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.	Various supporting paragraphs to M17	Policy No.	M17	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).

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 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.

In line with the requirements of the NPPF and the PPG, Policy M17 should require developers to prepare transport plans for their proposed development and consider the cumulative impact of multiple operations in the area.

It is considered that point ii) of the first paragraph will be potentially difficult for the developer to deliver (although they should certainly attempt negotiation with the County HA etc.) regarding improvements to be made to certain road networks, for example, the A64. Duelling of this main road has not as yet been delivered, despite Government promising to look at it for years. It has to be recognised that North Yorkshire is rural in nature and that some of its A roads would not constitute 'A roads' in other parts of the country. The amount of traffic generated by the industry, should it take off in the way the Government want it to and industry hopes, will not be suitable for many of the roads found in the area. - It is unclear, therefore whether this is considered 'effective' in the soundness test. (the same point is also made regarding the adequacy of road networks in paragraph 2 point ii - c)

Given the amount of designated (either nationally or locally) land and heritage assets in need of protection in North Yorkshire it is considered that point iii) or paragraph 1 is not deliverable as it will not necessarily be possible or practical to route pipelines without impacting on the environment or amenity of populations. All proposals for produced gas including hydraulic fracturing activities should be located without the need to transport water in via road or pipeline otherwise it will be contrary to national policy guidance protecting these areas.

Paragraph 2 point ii) indicates that well pad density will be limited to ensure cumulative detrimental impact does not occur, however, does not specify how. Possible indication is given in the supportive text justification in paragraph 5.137, however, FFR believe this should be set from the outset to ensure industry have a clearly defined threshold to work to - It is considered that there should be reference to the need to potentially review this limit and adjusted accordingly through a plan review should it be considered that the cumulative impact of developments causes too much impact within the PEDL areas otherwise this will not be considered effective.

The final paragraph of Para 2, Point ii (and supported by the text justification found in paragraph 5.138) states that results from exploration and appraisal phases will be used to ensure that production sites are located in the least environmentally sensitive areas of the resource within a PEDL area. It is, however, unclear how this will happen given that most production sites will be on the same site as the exploration site using the same boreholes and may require further borehole drilling etc. surely extra facilities will be located on the same site potentially leading to further cumulative impact from a particular site which would not be in conformity with national policy requirements.

necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and /or traffic routing arrangements away from sensitive areas and receptors; and..."

Paragraph 1 point iii) should be reworded to state: "where hydraulic fracturing is proposed, proposals should be located adjacent to an existing water supply thus minimising the need for bulk transportation."

Paragraph 2 point ii and paragraph 5.137 give an indication to limiting capacity for well pads in each designated PEDL area. FFR believe the MPA should be explicit in how it intends to do this to ensure industry has a threshold to work towards with the strict caveat that smaller area will be pro-rata and that designations of both national and local interest may further constrain capacity in certain areas (further representation is made on this point separately).

Paragraph 2 point iii should be reworded to state that "in order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons will be supported *only* where it is proven that this type of extraction is appropriate at this location with regard to proximity to residential properties, designations and important views, where beneficial use can be made of..."

Paragraph 3 should be reworded to state: "Hydrocarbon development will not be permitted unless it can be demonstrated that a very high standard of protection can be provided to environmental, recreational, cultural, heritage or business asserts important to the local economy including, where relevant, important visitor attractions. The timing of development activity likely to generate high levels of noise or other disturbance..."

FFR believes that paragraph 4 point i) should be reworded to state "... Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 1 mile of residential buildings and other sensitive receptors are unlikely to be consistent with this requirement and will not be permitted."

Paragraph 4 point iii) and the text justification at paragraph 5.149 should be expanded to set out that the MPA expects baseline noise, water and air quality to be recorded in order to accurately undertake a Health Impact Assessment prior to any extraction works. The Policy should be reworded to state: "proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment 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 that these levels can be maintained, then development will not be supported."

The MPA also need to clarify how they intend to enforce adequate HRA submissions to allow determinations to be made.

(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:

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
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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"/>
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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"/>
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"/>
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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.

Whilst the principle of sharing infrastructure (in particular underground pipelines) to minimise adverse impacts is welcomed, it should be made clear that there are many parts of North Yorkshire, including Ryedale, which are protected by local as well as national designations, including landscape designations. The routing of pipelines in or adjacent to these locations underground may cause too much disturbance during the construction phase for this to be considered appropriate and must be taken into account at the appropriate planning stage. Development in these locations should be considered as not in conformity with the Ryedale Local Plan, specifically Policy SP13 which seeks to protect specific landscapes. This Plan has recently been adopted and found sound by an Independent Examiner, therefore, it follows that the MWJP should take it into account when preparing the publication document.

The MPA should also provide clarity as to how it intends to encourage the 'sharing of infrastructure' in practise.

(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.

This paragraph should be updated to include reference to locally recognised landscape designations.

Suggest that clarity is provided regarding how the MPA will encourage the sharing of infrastructure between different operators.

(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: 8/12/16
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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 :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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="5.134"/>	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.

It is acknowledged that each well pad could have a surface area 2Ha and each well pad could contain 40-50 well heads. This will, therefore, lead to cumulative impacts as more development is proposed within an area.

The potential for impacts on the environment, local communities and highway networks etc is going to be great. Especially if one considers that that is per well pad and not per PEDL area. If there are potentially 10 well pads per PEDL, this could mean that there are up to 500 well heads in some form of operation at any given point in time. Industry has repeatedly stated the need to re-frack every 3-5 years, and the MWJP states that the life of a site could be up to 20 years. It will not be appropriate to use more than one drill per site to speed the process up due to the noise requirements set out in National Policy.

It is therefore essential that the MPA acknowledge that cumulative impacts will occur and plan accordingly.

(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)

The wording of this paragraph should be amended to read "such a scenario will lead to cumulative impacts as more development is proposed within an area..."

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: 8/12/16
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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 :	Frack Free Ryedale
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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.	5.136 – 5.137	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 type="checkbox"/>	No	<input checked="" 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.

These paragraphs set out that cumulative impact will be assessed at the application determination stage and that it is currently not possible to impose a threshold on the number of well pads per PEDL area or individual wells that may be acceptable or to specify a minimum separation distance between well pads. An indication is given to potential well pad density in a PEDL area but separation distances are not mentioned.

FFR do not believe this is the case. Paragraph 143 of the NPPF states that when preparing Local Plans, the Planning Authority should set out environmental criteria against which policies can be assessed to ensure that permitted operations: "do not have unacceptable adverse impacts on the natural and historic environment or human health including from noise, dust, visual intrusion, traffic tip and quarry slope stability, differential settlement of quarry back fill mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality" - it is therefore essential that the MPA consider cumulative impacts from all of these aspects both individually and at multiple sites at this stage of plan preparation. At present, the plan does not offer sufficient comfort on this matter. It does not say how it will address a separation distance to prevent the 'bunching up' of developments which would impact detrimentally on communities.

Kevin Hollinrake MP said there should be a 6-mile separation distance between each site following his fact-finding mission to the USA, however, FFR believe this would be incompatible with the plans indication of 10 well-pads per PEDL block.

Furthermore, paragraph 5.137 states that "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." – FFR are strongly of the opinion that this should be amended to 'will be appropriate' otherwise cumulative impacts will not be reduced or avoided.

(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 :	Frack Free Ryedale
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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="5.140"/>	Policy No.	<input type="text"/>	Policies Map	<input type="text" value="1"/>
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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"/>
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"/>
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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.

Whilst recognising the need to re-use certain existing infrastructure and locations is a key planning principle, it must be recognised that this is not always appropriate and each case should be judge on its own merits.

If existing infrastructure exists in a location which is suitable for hydrocarbon evelopment i.e. close to a suitable water source, 1 mile away from residential properties, institutions and local communities, 3.5km away from National Parks, and AONBs, is sited away from any nationally recongised sites for nature conservaion importance and falls outwith any local designations, then re-using existing infrastructure may be appropriately supported. The paragraph should be amended to reflect this, otherwise all development proposals at existing locations would be approved relatively easily and in eares which would potentially not be suitable should it have been a greenfield site.

(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)

Paragraph 5.140 should be amended to state: ".... And developers should seek to deliver this where practicable, whilst recognising that not all existing facilities will be suitable for hydrocarbon development."

This caveat will allow proper assessment of each site rather than an assumption that all existing sites are appropriate for change of use to hydrocarbon development.

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:

This is a key issue which should be discussed at EiP

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: 8/12/16

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 :	Frack Free Ryedale
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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.	5.145	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 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.

This paragraph sets out that some of the adverse impacts of hydrocarbon development can be of relatively short term duration or intermittent in nature.

FFR wish to remind the MPA that in order for this industry to become commercially viable the industry will 'need' and have been encouraged to, via the Infrastructure Act, maximise economic recovery by the drilling of numerous (between 40-50) wellheads per well pad. Ineos indicated to the Fracking Question Time event on 29th October 2016), that they would also refrack every 3-5 years. The MWJP also states at paragraph 5.107 that the life time of a site may be up to 20 years.

The Minerals PPG states that short-term and temporary operations are up to 8-weeks in relation to noise disturbance. Anything over and above that can therefore not be considered short term. Whilst one well may be capable of being drilled within this time frame, the amount of drilling activity on site (for up to 50 wells) will not be achieved in this time.

It is likely that there will be a drilling operation on each site for more than 8 weeks at a time should commercial quantities of gas be achieved and full production ensue, therefor reference to 'short-term' is not appropriate for all stages of the operation from exploration to production and this could be misleading to members of the public.

(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 :	Frack Free Ryedale
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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"/>
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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"/>
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).

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

Paragraph 5.146 considers impacts on local communities, particularly the most vulnerable of which.

Whilst the Minerals PPG sets out that separation distances should be determined on a case by case basis and the MPA have not elected to do so in paragraph 5.136 in relation to separation distances between well pads, the MPA has suggested a minimum separation distance of 500m between the proposed development and occupied property or other sensitive receptors.

This figure seems arbitrary and not supported by evidence in the MWJP.

Kevin Hollinrake MP suggested a minimum separation distance of 1 mile from any school following his visit to the USA to witness the industry in full production which FFR has similarly always promoted.

However, experience of residents in the USA show that a setback distance from fracking sites of 500m is not sufficient and research in Colorado has resulted in a proposal for setback distances being extended to 750m from any place where people live.
([http://ballotpedia.org/Colorado_mandatory_setback_from_oil_and_gas_development_amendment_\(2016\)](http://ballotpedia.org/Colorado_mandatory_setback_from_oil_and_gas_development_amendment_(2016)))

In Australia where the related industry of coal seam gas extraction is also in the full production stages, the New South Wales Government has imposed a 'no-go' area of 1.2miles (2km) to prevent development taking place around residential areas, stud farms and important vineyards, citing the quality of agricultural land and product is too valuable to be impacted either directly or by association.(<http://www.platts.com/latest-news/natural-gas/tokyo/australias-nsw-government-announces-new-coalseam-27872904>)

Because of evidence collated from around the world where this type of industry already exists, FFR therefore recommend that a minimum set back distance of greater than 500m should be set for the most vulnerable sensitive receptors and believe that 1 mile is appropriate. It is also believed that this should be included within Policy M17.

Furthermore, it is suggested that the MPA set out and clearly define what they mean by 'exceptional circumstances'. Without doing this, industry will claim exceptional circumstances everytime they submit an application on a site most convenient for their needs and under 500m(or 1 mile if increased) from a residential property.

(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 :	Frack Free Ryedale
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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="5.147"/>	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 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 5.147 related to noise limits at sensitive receptors.

It is paramount that the MPA understands that the threshold set by by the PPG is not a 'suggested limit' as set out in this paragraph but in terms of Night time noise limits is an absolute cap which an operator absolutely must not exceed and should in fact aim 'to reduce to a minimum' below this threshold, before the operator can prove unreasonable burden would ensue. This is not for the MPA or the Environmental Health team to decide, but for the operator to determine and provide evidence of to them.

Without this vital understanding of this guidance and appropriate wording in the MWJP it s probable that noise sensitive receptors will be impacted more than they should be if interpreted correctly.

This is transposed into paragraph 123 of the NPPF which states that noise should be "reduced to a minimum".

(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)

It is recommended that the wording of this policy is amended to state: "in considering appropriate noise limits at sensitive receptors, operators will as a minimum be expected to meet the required limits set out in the NPPF and the national planning practice guidance, with the objective of ensuring a high standard of protection for local amenity...".

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:

Accurate noise limits are of significant concern to FFR and should be discussed at EIP.

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: 8/12/16

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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

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.

Point ii of paragraph 1 of this policy states that reinjection of returned water via an existing borehole or drilling a new borehole for this purpose will only be permitted in locations where a high standard of protection can be provided to ground and surface waters.

The EU Water Framework Directive sets out that the precautionary principle should be considered in planning through the use of EIA. The British Geological Survey also do not believe that the current methods to monitor groundwater pollution are adequate due to the depth fracking takes place and the volume of water required stating: "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 risks from surface activities."

It is therefore, apparent to FFR that the MWJP should adopt the precautionary principle which would ensure that unless it can be proved that there will be no groundwater contamination from a fracking wellsite, an application should not be approved. Therefore to be sound, the policy should be reworded so that industry has to demonstrate beyond doubt that there would not be an impact on the water supply prior to any approval of planning permission.

Point iii of paragraph 2 refers to the fact that the MPA may require the provision of a financial guarantee in order to ensure the site is restored and left in a suitable condition following completion of the development. FFR are concerned by the word 'may' in this sentence. The MPA need to set out exactly when they will require a bond, how this will be assessed and how it will be enforced given the MPA's legal team said that they could not request a financial bond at the KM8 committee meeting.

This does not deal with any long term legacy effects which may occur and to which communities and the environment may be impacted by.

(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 :	Frack Free Ryedale
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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="5.154"/>	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"/>
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 checked="" type="text" value="x"/>

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.

Paragraph 5.154 seeks to encourage on site treatment of water and reuse where possible.

It does, however, acknowledge that this is not always possible and states that in such circumstances, a waste water management plan should be submitted setting out how waste water will be treated etc.

FFR would also recommend that a specific transport assessment and traffic management plan be submitted in line with national policy requirements (paragraph 32 of the NPPF), in these circumstances which provides sufficient detail as to where this water will be transported to and how often (it is recognised that this may only be one facet of a detailed transport assessment and traffic management plan). It is essential to establish whether a site is appropriate for this type of development, by ascertaining the results of these assessments prior to determination of an application, as the results of the assessments may render the location unviable and can be a ground of refusal.

(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 :	Frack Free Ryedale
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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="5.156"/>	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"/>
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 type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>

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.

Paragraph 5.156 is incorrect in its assumption that all seismic activity resulting from re-injection of waste water from fracking is small scale. This may have been in the case at Preese Hall, however, has not been the case in the USA, e.g. Oklahoma which recently experienced a tremor of 5.7 on the Richter Scale (and was felt from Texas to Illinois), this resulted in 37 waste water re-injection wells being shut down.

Should re-injection be permitted in North Yorkshire, the MWJP has a duty to invoke the precautionary principle and ensure that re-injection is not permitted until it can be proved beyond doubt that this process can be conducted safely. The precautionary principle is reflected in the UK Sustainable Development Strategy which in turn informed the NPPF stating: "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."

(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 :	Frack Free Ryedale
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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="5.157"/>	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"/>
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 type="text" value="x"/>	<i>Consistent with National Policy</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>
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.

5.157 contradicts with the PPG which sets out that short term activities in relation to noise are developments up to 8 weeks, whilst this paragraph states (i.e. several weeks or months). This is misleading

(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 :	Frack Free Ryedale
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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 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.

Paragraph 5.157 sets out that as the extraction of unconventional shale gas is commercially unproven within the UK, the requirement of an adequate financial guarantee to ensure satisfactory restoration and aftercare of the land in accordance with planning requirements may be requested. This is in line with the PPG.

FFR believe that it would be prudent of the MPA to state in the MWJP that they will require a financial guarantee from the outset given that this industry is novel and there has been no successful progression of development through the operational stages as yet.

This should be reviewed and monitored at the first plan review

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
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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	<input type="text"/>	No	<input 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	<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 Government has removed all support for carbon capture and storage (CCS) and drastically reduced subsidies for renewable energy. Policy M19 is therefore not consistent with National Policy and unless the initiative (CCS) became fully operational this should not be used in planning applications especially as a method to mitigate future CO2 emissions in a notional future scenario.

FFR, therefore, object to the inclusion of this policy. There is potential for leaks/fugitive emissions to occur and impact on the surrounding air quality for the local environment and communities. It is also unclear at this stage what the likely success of CCS would be in terms of economic or technological terms. There may be very exceptional circumstances where FFR may not be opposed to CCS, however, this would need to be 'truly exceptional' and it is unlikely those specific circumstances would occur in Ryedale.

(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)

This policy should be removed from the MWJP to be consistent with national policy.

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: 8/12/16

Official Use Only Reference Number

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Frack Free Ryedale
------------------------	--------------------

Please mark with an x as appropriate

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

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 states that mineral developments which would have an unacceptable impact on a SSSI or a network of SSSI's will only be permitted " where the benefits of the development would clearly outweigh the impact or loss". This suggests that the MWJP will allow considerable impact or loss of a protected area where they believe the production of gas is more beneficial.

Given that SSSI's are nationally protected areas, often containing rare and protected species this is an unsound approach and should be removed. Paragraph 14 of the NPPF states that for plan making local planning authorities should positively seek opportunities to meet the development needs of their area, meeting objectively assessed needs with sufficient flexibility to adapt to rapid change unless specific policies in the Framework indicate development should be restricted. – The footnote to this paragraph clearly sets out that SSSI's are given the same consideration as land designated as Green Belt, National Parks and SONBs (inter alia).

Section 40 of the NERC Act (2006) places a duty on every public authority to " have regard, so far as consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

It is therefore considered that this policy should be reworded to reflect the importance of preserving nationally designated SSSI's to be consistent with national policy.

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



8 Acres Close
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Minerals and Waste Joint Plan
Planning Services
North Yorkshire County Council
County Hall
Racecourse Lane
Northallerton
North Yorkshire
DL7 8AH

15th December 2016

Dear Sir

Minerals and Waste Joint Plan – Publication Consultation

KVA Planning Consultancy has been commissioned by Frack Free Ryedale (FFR) to represent them in responding to the above document, prepared jointly by North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority.

Having had the opportunity to consider all the relevant documents, including the Sustainability Appraisal, please find attached the consultation response forms completed on behalf of FFR. I trust that the information provided in this letter and on the consultation response form is sufficient to register the comments. Please note that attached should be Form A and 23 Form B's.

FFR welcome the opportunity to comment further on this document, however, wish it to be understood that whilst they are totally opposed to unconventional gas extraction, they have undertaken this exercise to aid the planning system as they understood that Government wishes Minerals Planning Authorities to include provision for hydrocarbon extraction within their Development Plans.

FFR have limited their comments to those of particular interest to their organisation, i.e. the extraction of hydrocarbons both conventional and unconventional (fracking). Whilst it is recognised that the Joint Minerals Team have strengthened some of their policies in relation to protection for National Parks, AONBs and the setting of the city of York, FFR believe many of the amendments in this publication version of the emerging plan have not been consulted on before, therefore, a further preferred options document should have been published rather than this publication version.

The Council have chosen to limit the consultation to deal with legal compliance, the duty to cooperate and issue of soundness rather than the scope and content of the material contained within it. FFR, therefore, believe that given the substantial amendments made to the hydrocarbons section of the plan and the fact the public and statutory bodies have not had the proper opportunity



to comment on these, the plan is not legally compliant with the planning regulations set out in Regulation 19 (Publication) of the Town and Country Planning (Local Planning) England Regulations 2012 – which does not refer to the need to constrain the scope of the consultation.

FFR recognise the need to investigate alternative energy sources given the need to reduce carbon dioxide and greenhouse gasses to meet climate change targets, however, do not believe that extracting a fossil fuel (particularly such an unpredictable one) is the most suitable option, given the extreme impacts the industry provides. These concerns are reflected in many other places in the world with appropriate bans or moratoria against extraction of this type. The evidence is starting to show that this has potential harmful effects, the economics show it is a debt laden industry, and it is not compatible with our accepted climate change targets with existing technology.

FFR would welcome the opportunity to comment further on this document prior to submission.

Yours faithfully

Katie Atkinson BA (Hons), Dip TP, MA, MRTPI

KVA Planning Consultancy
On behalf of Frack Free Ryedale



From: Katie Atkinson <katie@kvaplanning.co.uk>
Sent: 15 December 2016 13:51
To: mwjointplan
Cc: 'David Davis'
Subject: FFR response to publication draft
Attachments: JMWP publication response letter FFR 15.12.16 .pdf; Dec 2016 MWJP Publication - Response Form Part A.pdf; Dec 2016 Publication_response_form_part_B1 FFR .pdf; Dec 2016 Publication_response_form_part_B2 FFR (2).pdf; Dec 2016 Publication_response_form_part_B3 FFR (2).pdf; Dec 2016 Publication_response_form_part_B4 FFR (2).pdf; Dec 2016 Publication_response_form_part_B5 FFR (2).pdf; Dec 2016 Publication_response_form_part_B6 FFR (2).pdf; Dec 2016 Publication_response_form_part_B7 FFR (2).pdf; Dec 2016 Publication_response_form_part_B8 FFR (2).pdf; Dec 2016 Publication_response_form_part_B9 FFR (2).pdf; Dec 2016 Publication_response_form_part_B10 FFR .pdf; Dec 2016 Publication_response_form_part_B11 FFR .pdf; Dec 2016 Publication_response_form_part_B12 FFR .pdf; Dec 2016 Publication_response_form_part_B13 FFR .pdf; Dec 2016 Publication_response_form_part_B14 FFR .pdf; Dec 2016 Publication_response_form_part_B15 FFR .pdf; Dec 2016 Publication_response_form_part_B16 FFR .pdf; Dec 2016 Publication_response_form_part_B17 FFR .pdf; Dec 2016 Publication_response_form_part_B18 FFR .pdf; Dec 2016 Publication_response_form_part_B19 FFR .pdf; Dec 2016 Publication_response_form_part_B20 FFR .pdf; Dec 2016 Publication_response_form_part_B21 FFR .pdf; Dec 2016 Publication_response_form_part_B22 FFR .pdf; Dec 2016 Publication_response_form_part_B23 FFR .pdf

Dear Sir

Please find attached a response from Frack Free Ryedale in response to the publication draft MWJP.

Please can you confirm receipt of this response.

Kind Regards

Katie Atkinson MRTPI
Director

www.kvaplanning.co.uk
07734 953236

This email may contain confidential information and/or copyright material. This email is intended for the use of the addressee only. Any unauthorised use may be unlawful. If you receive this email by mistake, please advise the sender immediately by using the reply facility in your email software.

Thank you for your cooperation.

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	Mrs
INITIALS	S
SURNAME	Gough
ORGANISATION (if applicable)	Frack Free Kirby Misperton
ADDRESS	The Clock House Little Barugh Malton North Yorkshire
POSTCODE	YO17 6UY
TELEPHONE	01653 669442
EMAIL	sue.l.gough@btinternet.com

Yes, I would like to attend the Oral Examination of the MWJP.

I am Chair of Frack Free Kirby Misperton and a resident of Ryedale, North Yorkshire and wish to make the following points in response to the Minerals and Waste Joint Plan (MWJP) consultation. Frack Free Kirby Misperton is very concerned about the impact of this plan on the local area, which is very rural, the economy of which is dependent upon agriculture and tourism for its revenue. Rural North Yorkshire is totally unsuitable for the extensive industrialisation that will be caused by fracking; the roads are narrow (and poorly maintained), extremely unsuitable for convoys of HGV traffic and multiple industrial sites, which undoubtedly would be the result of fracking activities would blight both local agriculture and tourism.

It is clear to members of Frack Free Kirby Misperton, by the wording and parameters included in the MWJP, that much of the new policy has been developed in conjunction with the shale gas industry (also known as 'fracking'). 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. There is no legal requirement to limit the scope of this consultation to just legality and soundness. Sadly, it is NYCC who have made this decision and we contend that this is undemocratic.

The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

Members of Frack Free Kirby Misperton and residents from villages close to the well site, KM8, are extremely concerned about the potential for air, land and water pollution and the impact of noise on the local environment. 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.

The huge increase in HGV traffic that will inevitably occur (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), will adversely affect the air quality along the designated routes, particularly if they pass 'sensitive receptors' such as schools, hospitals and old people's homes. 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.

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”.

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, restrictions imposed.**

The noise that will be generated by extensive drilling and fracking will be particularly intrusive in rural parts of North Yorkshire where the background noise levels are very low, particularly at night, hence the impact of noise from drilling and fracking will be very noticeable. This will be significantly detrimental to local tourism as one of the attractions of North Yorkshire is its peace and tranquillity. 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 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 legally unsound and should be removed, in our opinion.

It is the belief of Frack Free Kirby Misperton that 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.

North Yorkshire enjoys dark skies. Should fracking be allowed to take place, this would be severely impacted. Local residents in villages close to well sites would have their health and well-being badly affected by the lights that accompany fracking operations during hours of darkness. In the opinion of Frack Free Kirby Misperton, this is unacceptable.

A further concern that Frack Free Kirby Misperton has is the impact of industry on the local wildlife. The area has a rich biodiversity and is home to protected species including barn owls, hares, bats and newts. Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby. 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. Consequently, the MWJP should be amended so that **an Environmental Impact Assessment should always be required** to assess the potential cumulative effects from an additional fracking development or any other industrial proposal and ensure that in determining planning applications, final decisions are based on a scientific certainty that all potential issues can be overcome.

Local residents and wildlife will undoubtedly be impacted by the air pollution that will be generated by fracking. There is now clear evidence emanating from the USA of the air quality impacts from fracking, which identified the presence of a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. A number of the chemicals that are routinely released during fracking, such as benzene, are known carcinogens. 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). In addition, fumes from the drilling process can also cause fine diesel soot particulates, which can penetrate lungs and cause severe health risks. The recommendation is therefore that the **setback distance should be a minimum of 750m** to ensure that the negative health impacts of fracking, including air quality, are reduced and from places which house vulnerable people, such as schools, residential homes and hospitals, this should be increased to **1 km**.

The impacts on water supplies of fracking are well known, and there are multiple instances of water being contaminated by the fracking process, either from spills on the ground or contamination beneath the surface. In Pennsylvania, USA, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking. 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."* The MWJP should be reworded so that **fracking companies must have to demonstrate beyond scientific doubt that there would be no impact on the water supply.**

Frack Free Kirby Misperton is concerned that the industrial process of Fracking has not been given due consideration within the MWJP. For the sake of the health and well-being of local residents and for the protection of land, air and water quality and local wildlife populations, we would urge that this is redressed.

Thank you for taking the time to read our response.

Sue Gough
Chair, Frack Free Kirby Misperton

[REDACTED]

From: sue.l.gough@btinternet.com
Sent: 18 December 2016 20:42
To: mwjointplan
Subject: Waste and Minerals Joint Plan Consultation Submission
Attachments: MINERAL AND WASTE JOINT PLAN response.docx

Dear NYCC,

Please find attached the response to the Waste and Minerals Joint Plan Consultation Submission compiled by me on behalf of Frack Free Kirby Misperton.

Yours faithfully,

Sue Gough

Chair, Frack Free Kirby Misperton
The Clock House,
Little Barugh
Malton
North Yorkshire
YO17 6UY

Tel: 01653 669442



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Bill	Mr	W R
Surname: Smith		
Organisation (if applicable): Stephenson & Son		
Address:	York Auction Centre	
	Murton	
	York	
Post Code: YO19 5GF		
Telephone: 01904 489 731		
Email: wrs@stephenson.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.

For official use only:
 Respondent Number

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

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Stephenson & Son
------------------------	------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate? MJP52

Paragraph No./ Site Allocation Reference No.	MJP52	Policy No.	M13	Policies Map	MJP52
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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 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.

My client is satisfied that the plan is sound and that the site details are correct. My client supports the plan as drafted.

Details were requested as to the access to the site and a response has been submitted confirming a right of access.

Extraction of clay as a proposed extension to former quarry (pg 137)

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.

None.

(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: [Redacted] Date: 8/12/16

Official Use Only Reference Number



Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

Agent contact details (if applicable)

Name:	Title:	Initial(s):
Bill	Mr	W R
Surname: Smith		
Organisation (if applicable): Stephenson & Son		
Address:	York Auction Centre	
	Murton	
	York	
Post Code: YO19 5GF		
Telephone: 01904 489 731		
Email: wrs@stephenson.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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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.....
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Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	Stephenson & Son
------------------------	------------------

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate? WJP05

Paragraph No./ Site Allocation Reference No.	WJP05	Policy No.	503	Policies Map	WJP05
--	-------	------------	-----	--------------	-------

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.

My client is satisfied that the plan is sound and that the site details are correct. My client supports the plan as drafted.

Details were requested as to the access to the site and a response has been submitted confirming a right of access.

Landfill and recycling of inert waste from construction industry (pg144)

(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.

None

(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: 8/12/16

Official Use Only Reference Number

mwjointplan

From: WRS Secretary <wrssec@stephenson.co.uk>
Sent: 12 December 2016 14:45
To: mwjointplan
Subject: Re: Minerals and Waste Joint Plan
Attachments: re MJP52.pdf; re WJP05.pdf

Dear Miss Pillar

Re: Minerals and Waste Joint Plan

I enclose herewith two 'Publication Stage – Response Forms', on behalf of our client [REDACTED], in respect of the WJP05 and MJP52 part of the Minerals and Waste Joint Plan. I have also sent a hard copy.

I trust that you have all that you require, but if you have any queries please contact me.

Yours sincerely

Bill Smith BSc FRICS FAAV
RICS REGISTERED VALUER

Stephenson & Son, York Auction Centre, Murton, York YO19 5GF

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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): P.
Surname: ANDREWS		
Organisation (if applicable): /		
Address:	2 THE BEECHES	
	ST HADTON	
	MALTON	
Post Code: YO17 6RS		
Telephone: 01653-669023		
Email: paul.p.andrews@live.co.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 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

Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation :

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. S.493-5159 Policy No. M/G+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 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.

Please see attached statement with 3 exhibits.

Please note the above cover all my representations in regards to hydrocarbon extraction.

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.

see the paragraphs in bold at the end of the attached statement.

(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 a district councillor for Maltby, the Mayor of Maltby + the Chair of Habton Parish Council

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 XI 2016

Official Use Only Reference Number [Grid]

**North Yorkshire County Council, York City Council, North Yorkshire
Moors**

Minerals and Waste Joint Plan

**Representations of Councillor Paul Andrews in regard to the section
entitled “Hydrocarbons (oil and gas)” set out in pages 75 - 99**

The draft plan is unsound for the following reasons:

The Legal and Policy Basis of the Plan is flawed for the following reasons:

- The Policies relied on have not been taken through due process, particularly in regard to public consultation, and should therefore be given very little weight; and
- The Plan does not take into account, as a material planning consideration, policy SP13 of the Adopted Ryedale Plan in the context of the duty to co-operate set out in paras 178 – 181 of the NPPF, particularly bearing in mind Policy SP13 of the Ryedale Plan and other material policies and the geographical context of the Vale of Pickering and the Yorkshire Wolds areas shown in the Key Diagram of the Ryedale Plan as Landscape of Local Value and Areas of High Landscape Value, and the River Derwent SSSI which flows through the Vale of Pickering.

As regards due process:

It would appear from para 5.106 that the plan is written so as to meet the requirements of the following:

- A government announcement in Autumn 2012 announcing a new strategy for gas;
- Online planning guidance published in 2014 entitled “planning for hydrocarbon extraction” which contains a passage expressing a pressing need to establish whether or not there are sufficient recoverable quantities of unconventional hydrocarbons.....to facilitate economically viable full scale production”;
- A ministerial written statement issued in 2015 indicating a national need to explore and develop shale gas in a safe, sustainable, and timely way

The statements of 2012 and 2015 are not serious planning documents. They contain political rhetoric, factual errors and disputed statements. An example of this is contained in the attached email, setting out the 2015 statement by Amber Rudd and, in red, the matters subject to dispute and the reasons for disagreement (EXHIBIT 1).

There is a process which should have been followed in regard to any major change or development of planning policy, but this has not been followed. This process usually includes (as happened in the case of the NPPF) following up ministerial statements with the issue of proper departmental circulars and planning guidance in draft, public consultation and formal adoption. The Brexit case establishes that at law national government cannot rule by decree or edict, but that their decisions must go through due process. No circulars have been issued following the government announcements which the draft

plan relies on and there has been no public consultation. Due process has not therefore been followed. It is therefore clear that either these ministerial statements should not be relied on at all, or they should be given very little weight.

The planning guidance published in 2014 is guidance and was not published in draft for public consultation. Such guidance cannot set national planning policies. It can only provide guidance on existing national policies. As regards unconventional gas and oil extraction, it states that there is “a pressing need to establish whether or not there are sufficient recoverable quantities of unconventional hydrocarbons.....to facilitate economically viable full scale production”; It provides no evidence for the alleged “pressing need”, and sets out extensive instructions on how councils and statutory bodies should deal with applications for “exploratory wells”. It does not address how councils should deal with applications for the full scale production of unconventional gas and oil.

As appears from above, there are no national policies on hydraulic fracturing which should be given more than very little weight. In any event, the guidance did little more than purport to establish the need to explore and see if there are sufficient recoverable quantities of unconventional hydrocarbons to make production worthwhile. This document does not make any conclusion in regard to the large scale production of shale gas.

The joint plan gives undue weight to the two statements in the House of Commons referred to above and is therefore legally unsound and could be legally challenged on this ground alone, if it remains in its current form. Rule by government decree is alien to our democratic traditions built upon the Rule of Law and is deceitful and unacceptable.

The Plan fails to comply with the NPPF in that it fails to take into account the material policies and considerations of the adopted Ryedale Plan

My second reason for contending that the draft plan is unsound is that, in any event it is inconsistent with government policy as set out in the NPPF. The Vale Of Pickering and the Yorkshire Wolds are shown as Landscape of Local Value and areas of High Landscape Value in the Key Diagram of the Ryedale Plan. As such they are governed and protected by the policies of the Ryedale Plan, especially Policy SP 13. The Joint Waste and Minerals Plan cannot exist in isolation from all other plans, as it is required to take into consideration (in terms of the duty to cooperate) the adopted policies of district plans for which it covers. (para, 156 157 & 178 - 181 NPPF)ra 178 of the NPPF requires public bodies to co-operate on planning issues which cross administrative boundaries, particularly those which relate to the Strategic Priorities set out in Para 156. Para 156 includes “climate change, mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

As regards the duty to co-operate, County are not able to resort to previous statements of the District Council in response to consultation requests by the County Mineral Authority unless the District Council has gone through due process so as to be fully authorised.

The District Council has resolved not to support the development of unconventional hydrocarbon development in Ryedale until the full implications of the effects of the process involved are more readily understood and there would be no unacceptable impacts, cumulative or otherwise. To date Ryedale has not expressed satisfaction on any of these matters.

It is appreciated that Ryedale's said resolution is not a statement of planning policy and is not a material consideration which can be taken into account in the determination of any planning application. However it is a material consideration which does have to be taken into account in the consideration of the preparation and consultation processes in regard to the joint waste and minerals plan. As far as I can see there is no reasoned explanation of how this resolution has been taken into account in any of the responses provided to County by Ryedale. In effect it has been ignored, and therefore due process has not been followed. A mere statement of the resolution without more cannot be taken as due process.

Further the nature and impact of unconventional gas extraction is addressed in the next section which follows entitled "The Impact of Fracking on the landscape and environment". It should be self-evident that there is no way that a developer can maximise the unconventional extraction of gas without being in conflict with Policy SP13 of the Ryedale Plan and other policies.

Further, please refer to the attached letter dated 7th July 2015 from Amber Rudd MP, Greg Clark MP, Liz Truss MP to George Osborne MP, which is labelled "Official – Sensitive", but nevertheless sets out government plans for the rolling out of the fracking industry. (EXHIBIT 2). This document was leaked and was evidently not intended to be made public as it blatantly demonstrates their deliberate planned deception in the sinister words which appear at the bottom of the third para on Page 3 which states: "However, we need to think carefully about whether to slow this approach until a number of exploration sites are underway in order to avoid delaying current and prospective exploration applications or undermining public support for exploration sites".(my underlining)

The same paragraph contains the following statement: "We are therefore minded to bring commercial shale production within the "Nationally Significant Infrastructure Regime", and to be ready to move from early 2016 for large scale applications". (my underlining)

The implications of this statement, when taken together with the policies in the draft joint plan, should be clearly understood. All those areas not excluded by Policy M16 of the Joint Plan will be available for fracking. It will be in the interest of PEDL licence holders to carry out exploratory drilling. Once the commercial viability of an entire area has been established through exploratory drilling, it will be possible for the PEDL licence holder to make a "large scale application" which could cover more than one PEDL licence area. Such an application would then be referred to the "Nationally Significant Infrastructure Regime" in London for determination. There will be very little that either County or Ryedale will be able to do about this.

So, how would this fit in with Policy SP13 and other relevant policies of the Ryedale Plan? The Vale of Pickering through which runs the River Derwent SSSI could end up with 10 production plants every three miles in every direction (if spaced evenly apart) (Para 5.137) – or they could be in clusters (there is nothing to prevent clustering in the joint plan), each production plant with an estimated area of two hectares (para. 5.134), each with at least one drill rig approximately 35m tall (para.5.128), and each with a life of between 20 -25 years. It is understood (but not accepted) that the drilling and operation of the production sites will be regulated by other statutory bodies which are controlled from London, and that therefore County say the possible environmental impacts are not material to the joint plan. However, the impact on the amenities of fracking, even if safe and well-regulated, is material to the

joint plan. Whether well regulated or not, there will be continuous drilling at different levels with laterals extending in every direction like the spokes of a wheel. This means noise and at night the sites and the rigs will be lit up like Christmas trees. Where there are no pipes, each bore will have to be flared 100%. The Vale of Pickering, in particular, is surrounded by the Howardian Hills AONB, and the North York Moors National Park. No matter how much landscaping is carried out, it will be impossible to screen out so much industrial development from views from higher ground within the AONB and National Park. To demonstrate this, I attach a copy of a photograph taken from the top of the road in the AONB above Amotherby. The large tower in the distance is a Flamingoland ride. Although this tower is not as high as a 35m drill rig, one can get an idea of how the Vale of Pickering might look from above if production sites are built all over the Vale, spaced apart at intervals of 3 miles in every direction or in clusters. (EXHIBIT 3)

It is difficult to see how development on such an industrial scale can possibly be in conformity with the policies of the Ryedale Plan set out below, as it is bound to have an adverse impact on the amenities tourism, equestrian businesses and agriculture of the Vale of Pickering and Yorkshire Wolds which the policies of the Ryedale Plan protect. It follows that the Ryedale Plan will be severely undermined if the Vale of Pickering and the Yorkshire Wolds are not excluded from the areas where fracking is allowed. It follows that Ryedale have no authority to accept the section of the joint plan in regard to hydrocarbons unless they go out to consultation on an amendment of the Ryedale Plan. If Ryedale fails to do so, it has no authority to act otherwise than to object to the joint plan on grounds of unsoundness. If Ryedale accepts that the joint plan is sound, Ryedale is acting unlawfully. It is therefore up to the three parties to the joint plan and Ryedale officers to co-operate and find a way of making the joint plan sound without prejudicing or undermining the policies of the Ryedale Plan. Otherwise, at law, there has been no compliance with the duty to co-operate under the NPPF.

In other words, at law, the effect of the duty to co-operate is to ensure that, where there are two plans in regard to the same area, they must be in line with each other. The joint plan is not in line with the relevant policies of the Ryedale Plan. So it is unsound. To make it sound, either the Ryedale Plan must be amended by going through the appropriate, formal, due processes to bring it into line with the joint plan, or the Vale of Pickering and the Yorkshire Wolds must be excluded from the joint plan.

It is suggested that County take legal advice before determining this issue.

It is accepted that the Ryedale Plan is not a minerals plan. However, by their very nature the words, spirit and intention of any local plan are material planning matters which have to be taken into account when drawing a minerals plan. These are material planning matters, and it is disappointing to find that there is no direct reference to the Ryedale Plan in this section of the draft plan at all, or any explanation on how the Ryedale Plan might link in or be affected by the draft plan if it is adopted.

The Ryedale Plan

The following policies of the Ryedale Plan and of the documents which formed the evidence base for the Ryedale Plan are relevant as follows:

Para. 7.12 states: "Ryedale has five distinctive landscape character areas, which are:.....Centrally and to the East – the Vale of Pickering, a flat relatively open landscape which is the relic of a large glacial lake. Together with the rising land of the Fringe of the Moors and the Wolds, this area contains internationally important and exceptionally rare archaeological remains dating from the Mesolithic period, providing a continuous record of human settlement to the present day"

Policy SP13 states: "The quality, character and value of Ryedale's diverse landscapes will be protected and enhanced by encouraging new development and land management practices which reinforce the distinctive elements of landscape character within the District's broad landscape character areas of :Vale of Pickering.....(and) protecting the special qualities, scenic and natural beauty of the Howardian Hills AONB, the setting of the AONB and the setting of the North York Moors National Park."

NB The Vale of Pickering is part of the setting for both the National Park and the AONB.

"Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:"

The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
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....."

Outside of the AONB and National Park "the Council will carefully consider the impact of development proposals on the following broad areas of landscape which are valued locally....."

The Vale of Pickering

The Vale of Pickering.....are of significant historic landscape value and loss or degradation of the elements that are integral to their historic landscape character make these landscapes particularly sensitive to change."

Para 5.30 states: "Tourism is an integral and valuable part of the District's economy with visitors contributing £390M to the local economy each year and generating a value equivalent to 8,500 jobs. Approximately 15 million visitors are attracted to Ryedale annually (Yorkshire Economic Impact model). This is a significant contribution and it is essential that the District's tourism industry can continue to develop.....it is important that a balance is struck and that new tourist accommodation, attractions and locations and facilities are located in places where the scale , nature of activity and visual intrusion can be accommodated, for example, in terms of the character and sensitivities of the locality, wider landscape and road network"

Para 5.32 states: " Whilst Ryedale experiences approximately 1.9 million day trips each year, over half a million trips each year are made by people who stay in the District for a short break or holiday. The provision of a wide range and choice of tourist accommodation in a

choice of locations is an important way in which staying visitors can be attracted to Ryedale throughout the year”

Para 5.33 states: “This strategy supports the provision of a range of tourist accommodation across the district.....”

Policy SP8 states: “Tourism in Ryedale will contribute to a sustainable and diverse economy. The Council will seek to encourage sustainable tourism which minimises its environmental impact on the district. This will be achieved by supporting: the provision of a range and choice of quality tourist accommodation, the business plans and operational requirements of existing tourist and visitor attractions and event arenas where appropriate, encouraging all year round tourism subject to occupancy conditions set out in policy SP21, cultural and creative businesses in Ryedale inspired by Ryedale’s unique environment.....And by maximising the opportunities to further develop tourism, outdoor education and recreation using the District’s natural, cultural and historic assets as an economic driver, including the potential provided by: the archaeological landscapes of the Vale of Pickering and the Yorkshire Wolds..... Malton and Norton’s longstanding association with horse racing, local food production, farm and rural diversification and biodiversity and the development of nature tourism”

Policy SP8 also prescribes the types of accommodation which will be supported in service villages and other settlements. These include tourist caravan and camping sites and static caravan and chalet self-catering accommodation of an appropriate scale and in appropriate location on the edge of settlements.

Policy 5.34 of the adopted Ryedale Plan states: “Land-based economic activity is integral to the District’s economy, cultural heritage and identity. Farming, forestry and the equine industry, in particular horse racing, have all been longstanding and traditional components of economic activity. Many of these activities have helped to ensure that Ryedale’s valued landscapes are carefully and sensitively managed.....”

NB. At present farms can sell their produce as “local produce” to local shops and many people will prefer to buy local produce which is in season to centrally purchased produce sold in supermarkets. The risk of contamination to crops and meat obtained from fracking areas is well-known, and this will probably make “locally grown” produce less attractive than food marketed centrally.

Policy 5.14 of the Ryedale Plan (which deals with employment land) states: “There may be a demand for major industrial processes in the open countryside due to their need to be sited close to the natural materials or assets that the operation is related to. These processes can include food production, raw materials for renewable energy generation and mineral extraction and can be significant employment generators. New major uses in the open countryside can be sensitive in terms of landscape impact, visual impact and the amenity of neighbouring occupants. It is essential that these proposals, where they are required, take into account these potential impacts. Where possible, the most suitable site for this use should be considered which results in the lowest overall impact and the greatest economic benefit.”

Planning Documents which inform both the emerging County Minerals Plan and the adopted Ryedale Plan

In determining the weight to be attached to the provisions of the emerging plan regard must be had to the evidence base.

It is understood that the following documents (which informed the Ryedale Plan) are also included in the evidence base which informs the draft minerals plan:

- The Landscapes of Northern Ryedale (an assessment of the Vale of Pickering and the Fringe of the North York Moors National Park with management guidelines for the future) prepared by Gillespies August 1999;
- Vale of Pickering: Statement of Significance prepared by English Heritage (date not stated but after 2011)
- National Character Area Profile: 26. Vale of Pickering prepared by Natural England
- North Yorkshire and York Landscape and Characterisation Project prepared by Chris Blandford Associates dated May 2011.

All of the above documents have been included in the evidence base of the Ryedale Plan, which was adopted in 2013 following examination in public. So, although the Ryedale Plan is not concerned with mineral matters, considerable weight should be given to the above documents, by virtue of their acceptance as part of the evidence base of the Ryedale Plan.

According to English Heritage, essential to an understanding of significance are the following matters:

- The topography, shape and form of the Vale of Pickering – the integrity of its physical form allows an understanding and visualisation of its geological sequence and development;
- The distinctive topography is essential in understanding how people interact with the landscape, with parish and estate morphology linked to transects through the multiple environments and habitats, from wetland to dryland, to valley edges;
- The remarkable and complete sequence of human activity identified within the Vale of Pickering from the late Palaeolithic period, to human presence in the landscape in all subsequent periods up to the present day;
- The distinct human, natural and cultural interface that makes the Vale of Pickering “special” is a quality that chimes well with the UNESCO description of a “cultural landscape – as distinct geographical area” representing the combined work of nature and of man.

- One of the key sites is Star Car, which has remains from the Mesolithic period which have been fortuitously preserved as a result of the high water table, and which will be destroyed if the water table is lowered. This may also apply to many other archaeological sites.

Landscape of Northern Ryedale recommends that development would be generally detrimental to the character of the area.

The area profile of the Vale of Pickering identifies five opportunities for the Vale:

- SEO 1: Enhance the network of wetland habitats in the Vale to provide public benefits in improved flood mitigation and water quality and to reduce habitat fragmentation and increase the resilience of habitats and species to environmental change;
- SEO 2: Protect and enhance the historic landscape and geodiversity of the Vale, promoting greater understanding of this to inform current and future decisions on how the landscape is used;
- SEO3: manage the agricultural landscape to enhance the sustainable future of farming, strengthen landscape character, protect soils and water, and enhance biodiversity through improved connectivity of semi-natural habitats, creating ecological networks that are resilient to environmental change;
- SEO 4: Ensure that developments are successfully integrated into the landscape, making a contribution to biodiversity and habitat networks, and that they do not compromise the sense of tranquillity and openness of the rural landscape, or delivery of other important ecosystem services, including mitigating and adapting to climate change;
- Protect and enhance the natural and cultural environment of the Vale of Pickering and the understanding and enjoyment of the area.

It is very difficult to understand how development which will industrialise the countryside can possibly be consistent with the policies of the adopted Ryedale plan, particularly in so far as the Vale of Pickering and the Yorkshire Wolds are concerned. The fact that the boreholes are underground does not diminish the visual impact on amenity of the surface workings, flaring etc, the associated movement of HGV's etc., the noise nuisance from drilling and the associated light pollution etc. The impact of industrialisation on the Council's policies in regard to the encouragement of tourism would be catastrophic.

The Impact of unconventional gas extraction on the landscape and the environment

I understand each PDL licence will require franchisees to maximise gas extraction throughout the gas field. This would seem to require a franchisee to frack at intervals close enough to ensure the extraction of the maximum amount of gas from all the gas bearing rock. Clearly, if the range includes the depth of the bore, and the franchisee can expect to extract gas at 1 km from the vertical bore, there would have to be a fracking pad at intervals of at least every two

km., whereas if the range is to be measured from the bottom of the vertical bore, the range will be 2.5 km, and there will have to be a grid of fracking pads at intervals of about 5km (just under 3 miles).

So the range of each bore needs to be established in the planning application, so as to establish the impact on the landscape and on the amenities of local residents, and there is an issue of cumulative impact. This is acknowledged in the draft waste and minerals plan (Policy M17(2)). However, para 5.137 of the draft plan accepts a density of 10 production sites within an area of "100km²". It is not clear whether this means "a hundred square kilometres" or "a hundred kilometres squared". However, it is understood that the area described is a hundred square kilometres, which equates to about 38 square miles. This means one production site every 3 miles in every direction (if equally spaced out).

It is also noted that there is no requirement for the developers to space the 10 production sites at equal distances. All of them could be crowded into a small area. So, for example, if there is a PDL licence which includes part of the York Green Belt, there is nothing in the plan to stop the developer squeezing all ten of his production sites into the area which is not Green Belt, thus concentrating the area of industrialisation.

It will be seen that this policy hardly limits the development – it simply provides the developers with everything they want to maximise extraction without any restriction which would ameliorate the impact on the community, agriculture, equestrian businesses or tourism.

A photograph is attached (EXHIBIT 3) which shows a view from the Howardian Hills across the Vale of Pickering. The tower which is visible in the centre of the photograph is a feature of the Flamingoland adventure park and zoo. It can be clearly seen, and the view stretches into the distance as far as the North York Moors National Park. The tower may not be quite as high as a drilling rig, but imagine how the Vale of Pickering would look if there were production sites with drilling rigs 35m high every 3 miles in every direction. No amount of screening would conceal the production pads from views from the AONB and National Park. They would have to be lit up at night and the wells would have to be flared.

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 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.

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 repeated 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 fracking industry constantly tell us that fracking does not cause earthquakes which register significantly on the Richter Scale. This may be correct, but there is plenty of evidence of the impact of the vibrations of fracking through the rock substrate on the foundations of buildings. Further the vibrations carry along the borehole pipes and can weaken the concrete housing which is supposed to prevent fracking liquid and gas from getting into the aquifers, making the whole process unsafe. The vibrations will not only impact on the bore which is being fracked, but also on the pipes and cement casings of bores which will radiate out from each production site like the spokes of a wheel.

Then there is the matter of the makeup of the borehole pipes, and of the chemicals which will be injected through them. Clearly, one has to be satisfied that the chemicals injected will not rot the pipe. The chemicals include diluted acids. Chemicals will be taken onto site in concentrated form with consequent increased risk of spillage of toxic materials during transport and contamination of the land and aquifers under the machinery where storage and dilution with water takes place – as happens on most industrial sites where there is use of toxic chemicals. It should be emphasised that the fact that the Environment Agency may have defined chemicals as “non-hazardous” does not mean that they are not toxic.

Further, it is unclear what substance the pipes will be made of. If the pipes are made of steel, it cannot be stainless steel, as stainless steel is soft, and would not take the pressure of the fracking operation. So the pipe (if made of non-stainless steel) would rust from the combination of water, air, gas and chemicals which will pass through it. As mentioned, this issue is linked to the issue of seismicity: granted that the earthquakes so far generated by fracking may have been relatively minor, the tremors would nevertheless be strong enough to damage or fracture the rusting steel pipes and concrete casing, with risk of pollution and contamination of any aquifers which the bore passes through.

Indeed in the USA 5% of wells fail in the first year of operation, 25% will leak within five years and 50% will leak within 15 years, and eventually all wells will fail. Granted that there will be three casements where the bore passes through the aquifer, but my understanding of the laws of physics is that, if there's going to be a fracture, the most likely place will be either just above or just below the three casements. This would put at risk the water supply of the farmers and zoo keepers (at Flamingoland) who use artesian wells for water for their cattle and crops as well as for their own use. As industry standards will apply, I can see no reason why wells should not fail in the UK, just as they have in the USA and other countries.

This is linked to the issue of insurance. It would seem that no insurer will indemnify farmers (or anybody else) against damage caused by hydraulic fracturing. So damage to animals or crops, for example, is not covered. I suggested your department contacts some insurers and finds out why they are not prepared to cover the risk.

Then there is the issue of the disposal of waste, I believe there are only four depots where there is a suitable liquid waste disposal facility and the nearest of these is at “Nostrop” in Leeds.. The amount of HGV movements which this will entail hardly bears thinking about. Not only will country roads be cluttered with huge vehicles which were not designed for them, but they will also contribute considerably to the congestion which happens regularly in Summer on the A64 and other prime County roads.

Then there is the issue of the **flaring of gas**. I understand from EA that all test fracks are flared one hundred percent, as without flaring, there is no other way of disposing of the gas.

I understand that the **level of radiation is** likely to be above the threshold where a consent for disposal of radioactive substances would not be required.

There is also the issue of **restoration and maintenance after abandonment**. Once an operator's lease or licence expires and the pad ceases to be unviable, the company owning it can go into liquidation. Unless there is a bond, the responsibility for any contamination will fall onto the landowner under the **Rule in Rylands v Fletcher** (for allowing a dangerous substance to escape). This could bankrupt the landowner and make the land unsaleable. This issue could be resolved if County were to require the operator to obtain a bond to cover the future of the site after it has been abandoned. However, it is clear from the KM8 case that this is something County are not prepared to even consider.

Finally, **the geology**: North Yorkshire's rock formations are heavily fractured. If this is the case, there are risks of earthquakes at worst, or of smaller tremors which could cause the steel/concrete borehole pipe and its casement to snap, could result in the release of quantities of fluid into the aquifer.

CONCLUSION

Taking all these matters together, it is clear that hydraulic fracturing is not a development process which accords with Policy SP13 of the Ryedale Plan or other policies in relation to the Areas shown as areas of Landscape of Local Value and Areas of High Landscape Value in the Key Diagram on Page 42 of the Ryedale Plan. The Ryedale Plan is an adopted local plan and therefore has statutory force. It follows that the areas designated as Landscape of Local Value and Areas of High Landscape Value should be given the same or similar protection as is afforded to statutory green belts, AONB's and National Parks - as has been the case in regard to housing and all other employment development within Ryedale. This is particularly important as these areas form the setting of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty. As the draft Minerals and Waste Plan does not even refer to the policies of the Ryedale Plan, it is unsound.

Further and alternatively, it is not appropriate to treat the areas designated in the Ryedale Plan as Landscape of Local Value and Areas of High Landscape Value in the same way as areas which have no special landscape designation. It follows that a plan which purports to limit the cumulative impact of hydraulic fracturing, but in fact allows the construction of production sites at intervals of approximately 3 miles in every direction, and makes little distinction between development in areas affected by amenity designations and those not so affected must be unsound.

The remedy is either to ban hydraulic fracturing from the areas referred to in the Key Diagram.

I would therefore summarise and request the following changes to the draft plan to make it sound:

"The draft joint waste and minerals plan is unsound because in terms of the duty to consult, the section on Hydrocarbons (paras 5.93 – 5.161) is inconsistent with National Policy in that it fails to take into account policies such as Policy SP13 and other policies 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.**

I therefore request:

- 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 SSI and the 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) **In relation to other areas, the modification of para 5.137 by substituting ‘10 well pads per 1,300 square kilometers’ for ‘ten well pads per 100 square kilometers’ ”**
- c) **In relation to other areas, the insertion of a policy prohibiting fracking within a distance of “one mile from any settlement”**

OTHER POINTS

Page 80 – para 5.109 refers to all chemicals used being “non-hazardous”. This is a technical term used for certain chemicals. There are many toxic chemicals which are not included in this list. “non-hazardous” does not mean “not toxic”.

Page 81 – para 5.115 refers to the requirement of an “independent well examiner”. This description is misleading. The Well examiner is appointed by the fracking company and paid by them. He is not independent, and examiners so appointed in the past have not exercised their powers in a timely way when they ought to have.

Page 84 – Policy M16 (b)(i) lists the areas where the construction of production sites is unlikely to be permitted. These include areas which have special amenity value but are outside statutory designated areas such as AONB’s , Green Belts and National Parks. It is not understood why the areas shown as “Landscape of Local Value and Areas of High Landscape Value” in the Key Diagram of the Ryedale Plan and listed in Policy SP13 of the Ryedale Plan are treated differently. If there is a difference, this should be explained in the draft plan. If there is no satisfactory explanation, the draft plan is unsound.

Page 90 – Policy M17(4)(i) The separation distance from dwellings of 500m has been taken from policies relating to wind turbines, which do not produce the same amount of noise, vibration and nuisance as a fracking production site. It is therefore inappropriate and the separation distance should be very much greater in the case of fracking production sites. Further, no fracking production site should be permitted within 6 miles of any school or the boundary of any residential settlement.

Page 94 para 5.146 Ditto.

COUNCILLOR PAUL ANDREWS

Date 19th December 2016

Whole policy:

- Insular and disregards other options e.g. renewables, North Sea gas etc.
- Disregards public views on fracking – no social licence
- Does not take into account negative impacts of SGE on current economy
- Designed to overrule local democracy and force through shale development – against stated intent of PM May - Where is 'fairness, working for everyone', 'being a force for good', 'everyone plays by same rules' (Tax and planning). 'Government at Service of ordinary people'. 'New laws we will not listen to powerful but listen to you', 'supporting vital public services'
- Does not review 'potential' against 'proven' – this is key – where is the contingency planning?

Made by: [Amber Rudd](#) (Secretary of State for Energy and Climate Change)

[HCWS202](#)

SHALE GAS AND OIL POLICY

My Rt Hon Friend Greg Clark (Secretary of State for Communities and Local Government) and I wish to set out the Government's view that there is a national need to explore and develop our shale gas and oil resources in a safe, and sustainable and timely way, and the steps it is taking to support this. In laying this statement before Parliament, it **formally replaces** the Shale Gas and Oil Policy Statement issued by DECC and DCLG on 13 August 2015. This statement to Parliament **should be taken into account in planning decisions and plan-making.**

The national need to explore our shale gas and oil resources

Exploring and developing our shale gas and oil resources could **potentially** bring substantial benefits and help meet our objectives for secure energy supplies (*renewables are proven not 'potential', economic growth, (longer term and overall cost to economy, impact on existing economy e.g. tourism and agriculture jobs, uncosted impacts to public purse, better alternatives-proven- e.g. North sea Gas, and renewables is a sustainable industry whereas SGE is short term so we will still have the same problem if we don't invest heavily now in renewables i.e. balance of trade if purchasing renewables tech from abroad etc.) and lower carbon emissions – (Now under question – see research).*

Having access to clean, safe and secure supplies of natural gas for years to come is a key requirement (*North Sea Oil & Gas not an unproven SGE strategy*) if the UK is to successfully transition in the longer term to a low-carbon economy. The Government remains fully committed to the **development and deployment of renewable technologies** (*tax regimes, removal of subsidies – how is this evidenced?*) for heat and electricity generation and to driving up energy efficiency, but we need **gas** (*why not North Sea or from US, other alternatives, cheaper from current suppliers*) - the cleanest of all fossil fuels – **to support our climate change target by providing flexibility** - (*de-bunk new research re not the cleanest, time to deliver renewables faster and sustainable industry for economy of UK, and also health implications of SGE*) while we do that and help us to reduce the use of high-carbon coal.

Natural gas is absolutely vital to the economy. It provides around one third of our energy supply.

• About one third of gas supply is used for industry and services, not just for power or heating but also as feedstock, e.g. for chemicals; **33%**

(Shale from US cheaper than UK Production and proven supply, also plastics trying to move away from – why subsidise? Do a deal with current suppliers if want guaranteed supply? UK SGE not Guaranteed)

• one quarter is used for electricity generation; and **25%**

• the remainder is used in domestic households for heating and cooking[1]. **42%**

Show % of renewables in other countries in timescale and % SGE expected to deliver in same timescale – again unproven supply against proven and sustainable supply

Since 2004, the UK has been a net importer of gas due to the rapid decline of production from the UK Continental Shelf.

(Uplift 10% 2015 investment will uplift further with investment or a tax regime similar to SGE – would also deliver significantly more UK and sustainable jobs)

· Last year around 45% of UK gas supply was made up of net imports^[2]. **Our projections** (see issue re Europe evaluation against actual use + wrong because UK domestic use has increased) suggest that **domestic production will continue to decline** and, without any contribution from **shale** (– rework or increase North Sea also review with Bloomberg info on decline of gas and oil and increase in renewables) gas, net imports could increase to 75% of the gas we consume by 2030[3].

· Domestic oil production has also declined since reaching a peak in 1999. Currently net imports comprise around 40% of the oil we use and DECC projections suggest net imports could increase to 73% by 2030[4].

(again investment via tax regime N.S. + renewables – Bloomberg now saying in decline by 2027 latest, also where is the onshore shale oil?)

Meanwhile events around the world show us how dangerous it can be to assume that we will always be able to rely on existing sources of supply. Developing home-grown shale resources could reduce our (and wider European) dependency on imports and improve our energy resilience.

(US and Norway? Why danger? Also energy resilience is better funded by renewables as sustainable?)

There are also potential economic benefits in building a new industry for the country and for **communities.** – *Untrue see overall cost by roads, public costs etc. impact on current economies in the targeted areas – tourism and agriculture, not a sustainable industry building a similar industry to coal i.e. will end when gas becomes uneconomic in 2025 latest so how help country if have to recover from another decline of fossil fuels industry – just delays a decline and impacts growth in the areas as highlighted by the LEP and Local Plans – particularly when our Tourism offering is growing above national trend and is internationally gaining traction?, we at least need research on that impact before these statements can be made and Govt canned only research – also 64% of people wont buy a house so why would they holiday? doesn't embed wealth in local communities, impact on economies of SGE areas in comparison i.e. underlying economy has dropped in comparison to other areas with no SGE when SGE pull out.*

· Nationally, we will benefit from development of a new industrial sector, building on the experience and skills developed here in 50 years of on- and offshore oil and gas development.

Business case taking into account all costs, migrant nature of work, and predominance of lift and shift and Migrant workers. negatives re new industry – unconventional and implications of issues, against proven industry e.g. off shore and renewables

· Developing shale resources would deliver investment in key domestic energy infrastructure (So would production of renewables & 120k UK jobs in NorthSea gas.) boosting the UK's capital stock and leading to increased productivity and growth.

- *Short term left with industry no longer viable in overall global context of energy development and use - business case?*

· Reducing imports would improve the balance of trade.

- *Export renewable technology does same- and is a sustainable industry. Also is this a target or an outcome?*

· Consultants EY (EY also say no to shale in latest research) estimated in **2014[5]** that a thriving shale industry could mean cumulative investment of £33 billion and support 64,500 jobs in the gas, oil, construction, engineering and chemical sectors at peak. Locally that **might mean** (research doesn't now support this view and offshore could give 120k jobs) new facilities and jobs for local companies no migrant workers.

We do not yet know the full scale of the UK's shale resources nor how much can be extracted technically or economically – could be none – (massive investment on a guess like Poland – Tax cost, capital costs, opportunity costs re other proven industries – should shale be a contingency approach not a lead?)

· The British Geological Survey estimates the shale gas resource in the Bowland-Hodder basin (*what is their lowest value*) under Northern England could be 1300 trillion cubic feet (tcf)[6], compared to current UK annual gas consumption of around 2.5 tcf[7]. The industry need to test how much of this gas in place can be extracted technically and economically. **Why the industry and allowing 1 test should not have a presumption this policy is 'all out for shale' not a test scenario which should then go back to parliament and the impacted communities for debate**

· National Grid's Future Energy Scenarios (2015) report[8] presents a wide range for potential shale gas production in the UK up to a peak of 32 bcm/year in 2030 (*Demand shift also key will actually displace our long-term security as not sustainable and takes investment away from what is – invest in renewables, do a long term deal and we achieve the same result with no risk of massive investment in unproven resources*). This would be around 40% of all the gas we are projected to consume and result in our import dependency falling to 34%, compared to current projections that net imports could reach 75% in 2030.

Shale gas can **create a bridge** (*new research challenges as bridge fuel – speed with which other countries have achieved this?*) while we develop renewable energy, improve energy efficiency and build new nuclear generating capacity. Studies have shown that the carbon footprint of electricity from UK shale gas would be likely to be significantly less than unabated coal and also lower than imported Liquefied Natural Gas[9].

The Government therefore considers that there is a clear need to seize the opportunity now to explore and test our shale potential. (*Why not North Sea and renewables? Also may be a need to explore and test but further debate re production – also why the industry and not the Government as in Germany?*)

Safety and environmental protection will be ensured through responsible development and robust regulation – Not in place

(*What does this mean? 3 new reports show this is not possible in current position*)

This must and can be done whilst maintaining the very highest safety and environmental standards, which we have established with a world-leading framework for extracting oil and gas for over 50 years. – (*Very different, destroys geology and longer term contamination degrading wells, impact in 10,20,50 years? Leaking wells*)

Reports by the Royal Society and Royal Academy of Engineering, Public Health England and others have considered a wide range of evidence on hydraulic fracturing in the UK context, and concluded that risks can be managed effectively if the industry follows best practice, enforced through regulation[10]^[11].

- *Over what term did they review? 30 – 50 years timeframe of degrading wells? Also challenge on whether this can be done at all – some is just unable to be regulated, self-regulation not gold standard – compare to Austria?*

The Government is confident (*but research isn't and neither is the populations affected so need for further review*) we have the right protections in place now to explore shale safely (see Annex). Planning authorities can also have confidence that the regulators will enforce safety, environmental and seismic regulation effectively. But we are not complacent. We will continuously look to strengthen and improve regulation where necessary as the industry develops.

Transparency and information for the public

It is also important that the public has objective information about shale and that communities where shale development is proposed are effectively engaged, with the opportunity to hear from the expert regulators at the Health and Safety Executive and the Environment Agency.

The Government allocated £5m for 2015-16 in the last Autumn Statement for this purpose (see Annex).

- *Not happening and communities being overruled – no social licence and no information – being stopped – where is the message 'no reduction to bills?'*

Planning

The Government is committed to ensuring that local communities are fully involved in planning decisions that affect them. We are also making the planning system faster and fairer for all those affected by new

development. No one benefits from the uncertainty caused by delay. This is why we expect every planning application or appeal, large or small, to be dealt with as quickly as possible.

- *Hypocritical*

There is a clear expectation that local planning authorities should ensure that decisions on planning applications are made within statutory timeframes: 16 weeks where an application is subject to Environmental Impact Assessment. This should be supported through an upfront timeline agreed with the applicant including the anticipated decision date.

To avoid unnecessary work causing delay, when determining planning applications, local planning authorities should carefully consider which issues can be left to other regulatory regimes, taking full account of the Government's planning guidance on this issue.

- *How do these engage local communities ensure transparency etc., - clear attempt to disenfranchise an 'prefer oil and gas lobby'*

We also expect local planning authorities to make full use of the funding available for 2015/16 through the £1.2m shale support programme. This will ensure there are adequate resources locally to enable the timely determination locally of planning applications for shale gas. Local planning authorities should also agree to Planning Performance Agreements where this is appropriate.

But we cannot be complacent. Therefore:

- Appeals against any refusals of planning permission for exploring and developing shale gas, or against non-determination, will be treated as a priority for urgent resolution. The Secretary of State for Communities and Local Government may also want to give particular scrutiny to these appeals. To this end he will revise the recovery criteria and will consider for recovery appeals for exploring and developing shale gas.

- *Presumption of approval – how when there can be no presumption at local level?- legal challenge?*

This new criterion will be added to the recovery policy issued on 30 June 2008 and will be applied for a period of two years after which it will be reviewed.

- The Secretary of State will also actively consider calling in shale applications. Each case will be considered on its individual merits in line with his policy. Priority will be given to any called-in planning applications.

- *Presumption of approval – how when there can be no presumption at local level?*

- The Government commits to identifying underperforming local planning authorities that repeatedly fail to determine oil and gas applications within statutory timeframes. When such applications are made to underperforming local planning authorities, the Secretary of State will consider whether he should determine the application instead.

- *Presumption of approval – how when there can be no presumption at local level?*

- *Legal appeal?*

- *Removal of local democracy how does this now fit with PM May vision – appeal?*

- The Government has published its response to consultation and will take forward amending permitted development rights to allow the drilling of boreholes for groundwater monitoring. The Government is also inviting views on proposals for further rights to enable, as permitted development, the drilling of boreholes for seismic investigation and to locate and appraise shallow mine workings. These proposals will speed up the delivery of essential monitoring information for safety and environmental protection and free local resources for where the express attention of the local planning authority is required.

- *Removing totally democratic rights and views of local communities*

My Rt Hon Friend Greg Clark (Secretary of State for Communities and Local Government) will be laying before Parliament a written ministerial statement setting out more detail.

Sharing shale income with communities

We also strongly believe that communities hosting - (*why use hosting when the word is 'over-ruling'*) shale gas developments should share in the financial returns they generate. The Government welcomes the shale gas companies' commitment to make set payments to these communities,

- *Costs to communities much higher and not a requirement*

which could be worth £5-10m for a typical 10-well site, and we want to go further. As announced by the Chancellor in the 2014 Autumn Statement, and set out in our manifesto, we are determined to ensure that local communities share more of the proceeds and feel more of the benefits, using a proportion of the tax revenues – *tax revenues unlikely at all – initially just sleight of hand* - that are recouped from shale gas production. We will present our proposals later this year for how we intend to design the sovereign wealth fund.

ANNEX

This Annex contains supporting material for the main statement.

Safety and environmental protection

- Our regulatory system is robust – *unproven for shale and reports show lacking, even UN see the difference and recommend not in areas of population density or agriculture – how is this reflected?*- and we are proven world leaders, with a 50 year track record, in well-regulated, safe and environmentally sound oil and gas developments. We have strict requirements through environmental permitting and DECC licencing for on-site safety, to prevent water contamination, air pollution and mitigate seismic activity.
 - The Health and Safety Executive and the environmental regulators (the Environment Agency in England) are independent and highly specialised regulators. They will enable the development of shale gas in a safe and environmentally sound manner.
 - The Environment Agency assesses the potential use of chemicals used in hydraulic fracturing fluids on a case-by-case basis. The use of hazardous chemicals will not be permitted where there is a risk – *always a risk with fracking so how ensure?* that they may enter groundwater and cause pollution.
 - *Too few and no shale gas experience also new research shows this can't be done and time frame to new horizon*
 - The Health and Safety Executive scrutinise well design and require week by week written updates on drilling progress.
 - *What about after decommissioning? Also look at what happened at Pease Hall and allowing gas industry to 'self-regulate'.*
 - DECC has implemented a thorough system of rigorous checks before any drilling or fracking and a live traffic light system during the actual operations, to ensure earth tremors will not occur – *Unproven*
- To reinforce the existing regulatory regime further, the Infrastructure Act 2015 brought forward a range of additional requirements and safeguards if an operator is to carry out hydraulic fracturing.
- These include taking account of the environmental impact of development, baseline monitoring of methane in groundwater in the 12 months preceding hydraulic fracturing operations, disclosure of all chemicals, community benefits and the exclusion of protected areas. – *Under is not exclusion, and what about SSI etc.,*
 - Draft regulations, laid on 16 July, defining the protected areas in which fracking will be prohibited as specified areas of groundwater, National Parks, Areas of Outstanding Natural Beauty, the Broads and World Heritage Sites. Fracking can only take place at depths below 1200 metres in these areas. – *STILL AT RISK*
 - *What about Amenity zones?*
 - Ministers also set out their clear commitment to ensure that hydraulic fracturing cannot be conducted from wells that are drilled at the surface of National Parks and other protected areas. This is not intended to impact on conventional drilling operations.

Transparency and information for the public

Following the Autumn Statement announcement of £5m for 2015-16 to **“provide independent evidence directly to the public about the robustness of the existing [shale gas] regulatory regime”**,

- *What about ensuring public hear clear messages re health, environmental, cost impacts of shale – Government controlling the message.*

DECC received £1.7m to establish independent environmental monitoring and is working with a research consortium led by the British Geological Survey to expand an existing Lancashire-based programme for gathering baseline environmental data to North Yorkshire, where a planning application for a shale gas project is being submitted. The data produced would be made available to the public – *where is this?*

In addition, DCLG announced in March a £1.2m fund to support Mineral Planning Authorities dealing with shale planning applications. The Health & Safety Executive has received £0.5m to increase the availability of inspectors for onshore oil and gas operations and to double its local engagement capacity. The Environment Agency received £1.5m to undertake pro-active local engagement by deploying dedicated local officers. The Government is also publishing factual material on shale, including web documents and videos.

- *you are funding shale but taking subsidies from renewables – short-term thinking*

[1] DECC, Digest Of UK Energy Statistics, July 2015

[2] DECC, Digest of UK Energy Statistics, July 2015

[3] DECC, UK Oil and Gas Production Projections, March 2015

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414172/Production_projections.pdf

[4]Ibid

[5] EY, Getting Ready for UK Shale Gas, April 2014

[http://www.ey.com/Publication/vwLUAssets/Getting_ready_for_UK_shale_gas/\\$FILE/EY-Getting-ready-for-UK-shale-gas-April-2014.pdf](http://www.ey.com/Publication/vwLUAssets/Getting_ready_for_UK_shale_gas/$FILE/EY-Getting-ready-for-UK-shale-gas-April-2014.pdf)

[6] BGS/DECC, Bowland Shale Gas Study, June 2013 <https://www.gov.uk/government/publications/bowland-shale-gas-study>

[7] Based on DECC, Digest of UK Energy Statistics, July 2015

[8] **National Grid, Future Energy Scenarios, 2015 - CHASE**

[9] **Mackay-Stone report (requested by DECC), Potential Greenhouse Gas Emissions Associated with Shale Gas Extraction and Use, Sept 2013**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/237330/MacKay_Stone_shale_study_report_09092013.pdf - REVIEW

[10] **The Royal Society and The Royal Academy of Engineers, Shale gas extraction in the UK: a review of hydraulic fracturing, 2012**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/256359/Publication_RoyalSociety_2012-06-28-Shale-gas.pdf - REVIEW

[11] **Public Health England, Review of the Potential Public Health Impacts of Exposures to Chemical and Radioactive Pollutants as a Result of the Shale Gas Extraction Process**

<https://www.gov.uk/government/publications/shale-gas-extraction-review-of-the-potential-public-health-impacts-of-exposures-to-chemical-and-radioactive-pollutants> - REVIEW



**Department
of Energy &
Climate Change**

From:

**The Rt Hon Amber Rudd MP
Secretary of State for Energy and
Climate Change**

**The Rt Hon Greg Clark MP
Secretary of State for Communities &
Local Government**

**The Rt Hon Liz Truss MP
Secretary of State for Environment, Food
and Rural Affairs**

To:

**The Rt Hon George Osborne MP
Chancellor of the Exchequer**

7 July 2015

Dear George,

You asked us to develop a joint plan to develop the shale gas sector in the UK, building on the work that has already been done in the last Parliament. This letter proposes an ambitious strategy to enable the first exploration wells, demonstrate the safety and potential of the sector, and ultimately move to production. We propose to make a joint statement this summer to set out the Government's agenda. Our objectives are stretching, but we propose setting the bar high to drive our ambition.

Objectives for our approach to shale development

We propose these stretching Government objectives for the UK shale sector:

- Within two years - exploration under way and first few sites hydraulic fracturing;**
- Within five years - production underway from the first converted sites (assuming the gas flows and is commercially recoverable);**
- Within ten years - a maturing shale gas production industry.**

One of the hurdles to overcome to develop a more favourable public attitude is that nobody in the UK has seen or experienced a shale fracking operation in their area, aside from the limited operations at Preese Hall, abandoned in 2011. We need some exploration wells, to clearly demonstrate that shale exploration can be done cleanly and safely here. So we must put our immediate efforts into securing some early wins in exploration.

In this regard, as experiences in Lancashire have shown, it is vital that we reach a position where mineral planning authorities feel able to take sound planning decisions within appropriate timescales and at an appropriate cost.

With this in mind, we have identified a package of measures to speed up planning for shale and are already testing the scope to support shale through city and county deals. Our officials continue to work together and with industry to understand the barriers facing emerging shale exploration projects.

We will continue to work with the regulators to improve the experience for operators, building on existing positive developments such as the Environment Agency's 'one stop shop' permitting centre, its readiness to conduct pre-application discussions with operators and its well-received drop-in sessions for local residents. Enhanced local engagement by the independent regulators, enabled this year by the additional Autumn Statement funding, is key to social acceptance and we ask that you look to roll this funding forward in future years in order to maintain the benefits.

We will also need to prepare for our five year objective, and the evolution of an exploration sector into a nascent production sector. We propose to start work later this year to develop comprehensive scenarios for what a production stage industry might look like, including the need for further regulatory development as the industry progresses (e.g. a single regulator for shale if needed).

As well as improving the current planning system, it is important that we have a long-term approach to planning which is suitable for handling the large number of applications that would be seen in a full production stage. We are therefore minded to bring commercial shale production within the Nationally Significant Infrastructure Planning regime, and to be ready to begin the move from early 2016 for large scale applications. However, we need to think carefully about whether to slow this approach until a number of exploration sites are underway in order to avoid delaying current and prospective exploration applications or undermining public support for exploration sites.

Annex A sets out an outline plan, addressing the points in your letter and some additional actions.

Proposed Government announcement

We support a Government announcement on shale gas policy this summer and propose to make a joint statement to begin a concerted campaign of national engagement. We see great value in articulating the need for shale gas, in particular for security of supply, followed by the economic benefits that come from hosting a new industry. The statement would also show how the regulatory framework protects

ple and the environment and set out actions to support timely decisions on mining applications, capitalising on the Autumn Statement funding, including the designation of mineral planning authorities as underperforming where they are consistently slow, and prioritising appeals and call-ins. It would conclude by outlining the accompanying national and local economic benefit. This could be followed by a second announcement in the autumn, tied to the 14th licensing round negotiations, focused on the community benefits, Sovereign Wealth Fund and a final refreshed industry charter.

ex B sets out an outline narrative.

Departments will progress this work as a high priority, working with you and your staff, as well as colleagues at No 10, to realise the potential of this important work.

Yours sincerely,

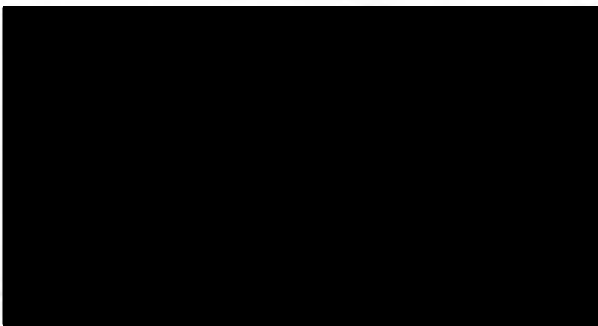
Amber Rudd

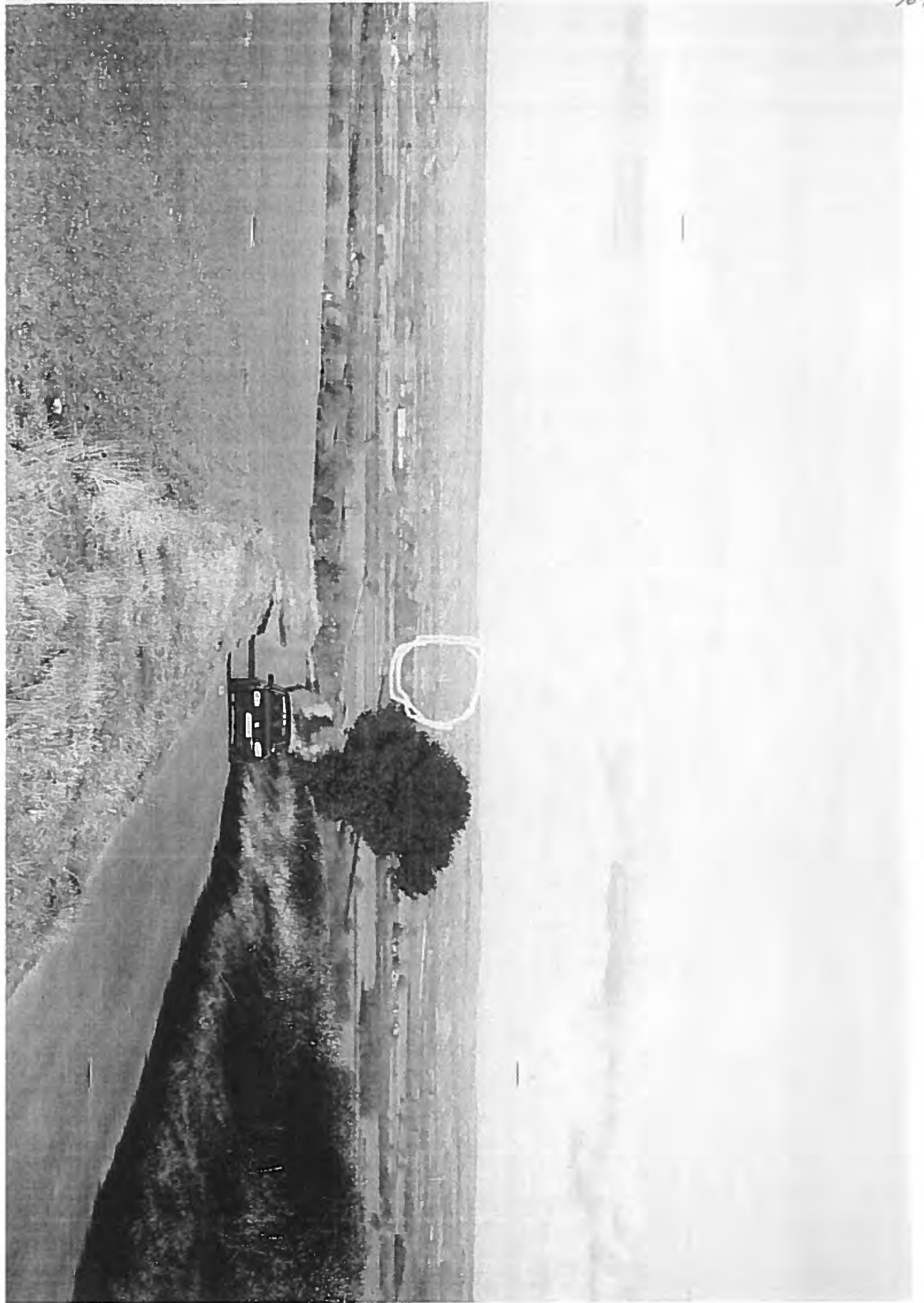


Greg Clark



Liz Truss





From: Paul Andrews <paul.p.andrews@live.co.uk>
Sent: 19 December 2016 18:32
To: mwjointplan
Cc: Lindsay Burr; edjowitt@tiscali.co.uk; elizabethshields@btclick.com
Subject: Joint Minerals and Waste Plan
Attachments: Exhibit 1.docx; exhibit 2 a.JPG; exhibit 2 b.JPG; exhibit 2 c.JPG; exhibit 3 d.JPG; exhibit 3.JPG; Reswponse form191216.pdf; Second submission on waste plan revised 191216.docx

Dear sir/madam,

I attach response form, submission statement and three exhibits.

Please note I have only sent one response form, as all my points are inter-related. If this means that copies have to be forwarded to different sections of your department, please just copy the form and the attachments and send them out appropriately.

If there is any difficulty in this, please let me know.

Please acknowledge receipt.

Regards

Councillor Paul Andrews

mwjointplan

From: Paul Andrews <paul.p.andrews@live.co.uk>
Sent: 21 December 2016 07:33
To: mwjointplan
Cc: edjowitt@tiscali.co.uk; Lindsay Burr
Subject: Fw: Joint Minerals and Waste Plan
Attachments: Exhibit 1.docx; exhibit 2 a.JPG; exhibit 2 b.JPG; exhibit 2 c.JPG; exhibit 3 d.JPG; exhibit 3.JPG; Reswponse form191216.pdf; Second submission on waste plan revised 191216.docx

I wish to make the following additional comment in regard to the joint plan.

In my representations (copies of all documents attached) I challenged the figure of 10 pads per 100 square kilometers set out in in para 5.137 of the plan. It has been drawn to my attention that these figures were not in the original draft plan, and were not made public until the current draft was published. If this is correct, the plan is clearly unsound for the following additional reasons:

1. The figures are a substantial element of the hydrocarbons section of the plan and have not been the subject of any prior consultation;
2. The figures contained in para.5.137 allow cumulative development which will have a detrimental and adverse impact on the landscape to an extent that it directly conflicts with and contradicts the requirements of Policy M17.

Please confirm receipt of these representations.

Regards

Councillor Paul Andrews
Malton Ward
Ryedale

From: Paul Andrews <paul.p.andrews@live.co.uk>
Sent: 19 December 2016 18:31
To: mwjointplan@northyorks.gov.uk
Cc: Lindsay Burr; edjowitt@tiscali.co.uk; elizabethshields@btclick.com
Subject: Joint Minerals and Waste Plan

Dear sir/madam,

I attach response form, submission statement and three exhibits.

Please note I have only sent one response form, as all my points are inter-related. If this means that copies have to be forwarded to different sections of your department, please just copy the form and the attachments and send them out appropriately.

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Surname:		
Organisation (if applicable): INEOS Upstream Limited		
Address:	Per agent	
Post Code:		
Telephone:		
Email:		

Agent contact details (if applicable)

Name:	Title:	Initial(s): PJ
Surname: Neaves		
Organisation (if applicable): Felsham Planning and Development		
Address:	1 Western Terrace	
Edinburgh		
Post Code: EH12 5QF		
Telephone: 07446 897144		
Email: philip@felshampd.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 :

INEOS Upstream 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.

5.97-5.119

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 attached supporting statement

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



North Yorkshire County Council/North Yorkshire National Park/York City Council

Minerals and Waste Plan Consultation

Objection on Behalf of INEOS Upstream Ltd

December 2016

Introduction to Hydrocarbon Development

Representations were submitted on 27th January 2016 for the Preferred Options Consultation

We responded in respect to policies M16, M17 and M18 that we do not support the policies as drafted because they are negatively worded and too prescriptive. We argued that the policies should be replaced with the suggested alternative policy, which we set out.

This objection focuses on the same elements of the Publication Draft (November 2016) plan (the publication draft) because of the failure to take account of the submissions made by INEOS, UKOOG and others. In preparing this submission we have had regard to the content of the submission to be made by UKOOG. INEOS supports the basis of UKOOG submission but has its own comments to make.

The publication draft is negatively worded and fails to recognise that onshore hydrocarbons and unconventional gas is an element of the Government's energy policy that the planning system must accommodate and positively address. The publication draft is also overly complicated and complex and does not clearly and unequivocally set out a clear and simple policy structure for people to follow. Whilst we recognise that the location of the National Park within the Minerals & Waste Joint Plan area raises a specific issue we do not consider that the questions facing this Minerals Planning Authority (MPA) are such that it justifies the radically different and negative approach being taken by this authority compared to that of other MPAs elsewhere.

The publication draft seeks to redefine hydraulic fracturing. The recognised definition is provided in legislation in the 2015 Infrastructure Act. The publication draft seeks to define this by volume of liquid used and the stage of the fracturing process. It is not for the publication draft to redefine this process and this element would render the document unsound. The new definition would by default cover all onshore oil and gas production even if the volumes are tiny but involves a similar process – no matter what the scale. We do not consider that this was the intent of the authors but the effect would be to severely limit many unrelated and existing processes within the plan area.

The Infrastructure Act 2015 and the associated secondary legislation clearly define the protected areas. The publication draft report seeks to extend and alter the existing definition as enshrined in legislation. It is our contention that for the final adopted plan to be valid and to be a workable document the definition of the protected areas should reflect that which is already valid and legally binding.

We do not consider that the Minerals Plan meets the tests of soundness for the reasons stated in this objection.

Paragraphs 5.107 – 5.111 summarise the process of hydrocarbon development. This is a matter raised in UKOOG representation and INEOS is happy to rest on their submission.

Paragraph 5.112 considers the role of the planning system and its links to other regulatory regimes. The paragraph does not recognise that other regulatory regimes work with the planning system and together all these regimes fit together to apply effective controls over development. The publication draft overlaps into other regulatory areas not part of the planning system's remit. Planning guidance makes the regulatory position very clear for each process and regulator. Each in turn informs the other but the publication draft report seeks to override this, when it talks about legislation gaps which are not reflected in government guidance and appeal decisions. The publication draft delves into sub-surface issues which are not part of the remit with the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG) which clearly limits the role of MPA to surface issues.

Paragraph 5.113 considers Petroleum Exploration and Development Licence (PEDL) overlapping MPAs boundaries but fails to recognise that this may mean that in one mineral planning authority area the policy control over the same PEDL is different and inconsistent with another not subject to the provisions of the publication draft. The North Yorkshire plan is generally more detailed than we have seen elsewhere and more negatively worded. Whilst North Yorkshire does have a national park it is not so different from other minerals

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planning authority areas as to require this very obviously different approach. National guidance provides the basis for the protection of the National Park. The North Yorkshire Guidance does not need to be as detailed or as negative.

Paragraph 5.119 provides definitions of hydrocarbon development for use when implementing the plan. INEOS objects to the definitions contained in 5.119 f) as it is contrary to Section 50 of the 2015 Infrastructure Act. The publication draft creates a re-definition of Hydraulic Fracturing in the Plan that is contrary to the 2015 Infrastructure Act. It states *hydraulic fracturing includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used*. This definition is incorrect and contrary to current legislation

Other concerns with section 5.119 are the use on incorrect or irrelevant terminology in the definitions e.g. *conventional drilling, unconventional techniques, more conventional less complex drilling*. These technical and non-technical definitions need to be corrected to avoid misinterpretation and misleading the public on what is hydrocarbon development.

In addition to the above, INEOS also support the views expressed by UKOOG on this matter and the consequent changes required to the text.



North Yorkshire County Council/North Yorkshire National Park/York City Council

Minerals and Waste Plan Consultation

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We responded in respect to policies M16, M17 and M18 that we do not support the policies as drafted because they are negatively worded and too prescriptive. We argued that the policies should be replaced with the suggested alternative policy, which we set out. We also argued against the approach to safeguarding set out in policies SO1 and SO2.

This objection focuses on the same elements of the Publication Draft (November 2016) plan (the publication draft) because of the failure to take account of the submissions made by INEOS, UKOOG and others. In preparing this submission we have had regard to the content of the submission to be made by UKOOG. INEOS supports the basis of UKOOG submission but has its own comments to make.

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Other concerns with paragraph 5.119 are the use on incorrect or irrelevant terminology in the definitions e.g. *conventional drilling, unconventional techniques, more conventional less complex drilling*. These technical and non-technical definitions need to be corrected to avoid misinterpretation and misguiding the public on what is hydrocarbon development.

In addition to the above, INEOS also support the views expressed by UKOOG on this matter and the consequent changes required to the text.

Objection to Policy M16 Key spatial principles for hydrocarbon development.

INEOS does not support the wording of this policy, which fails to take any material recognition to the submissions made by the industry in January 2016. We have concerns about the whole policy as it fails to recognise the provisions of the Infrastructure Act and the protection afforded by the definitions of protected areas within. In particular concerns relate to:

- The publication draft attempts to extend its remit to the control over sub surface drilling. This is not within the remit of the MPA and is not regulated by the MPA.
- Sub-policy (d) introduces a '3.5km buffer zone', for which there is no underpinning national policy mechanism to support or justify this restriction. This buffer zone is not required as the potential impact on the protected areas is established and assessed as part of the planning process through the Environmental Impact Assessment (EIA) regulatory regime and also through Landscape and Visual Assessments etc. There is no requirement for a buffer zone and it artificially restricts development where mechanisms already exist to afford protection to sensitive areas.
- The final paragraph of M16 also seeks to apply this policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is '*grant[ed] the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations*'.

In our view policies M16, M17 and M18 should be replaced by one simple policy, with supplementary planning guidance (SPG) to provide further detail in the future about how planning applications at each stage of the process are to be treated.

We suggest a much simpler policy approach. Support for a positive approach is provided by other recently published minerals plans. We set out below our suggested draft. It is simple and positively worded and recognises that the policy is supported by other policies in relevant local plans, which provide the details for necessary assessment of impacts:

POLICY HYDROCARBON MINERALS

Exploration

Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.



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Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

Restoration

All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

This policy contains all the elements required by NPPFD but it is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the minerals planning authority does not need to list these considerations in its policies. The supporting text should provide background and justification, which links to the National Planning Policy Framework and other Government policies, and the PEDLs should be mapped and safeguarded.

This positive approach is in contrast to proposed draft policies M16, M17 and M18. The first paragraph of policy M16 as drafted states that proposals for unconventional hydrocarbons will not be supported where they are located within a number of specified protected areas. The policy that is adopted needs to be drafted in the light of recent approval by Parliament of secondary legislation (Onshore Hydraulic Fracturing Regulations 2013) under the Infrastructure Act 2015. Accordingly, policy needs to distinguish between shale gas proposals and other non-shale unconventional hydrocarbons.

It is important that the publication draft provides a supportive policy framework for unconventional gas. The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. This covers a range of onshore hydrocarbons that include inter alia; shale, coal bed methane and oil. The publication draft requires a policy to cover all the hydrocarbons that are potentially found in the area licenced by the Department of Energy & Climate Change (DECC) under the Petroleum Exploration & Licence (PEDL) regime and could be extracted over the plan period.

Onshore hydrocarbons are important to the UK because they are a potential long-term source of indigenous natural gas. These untapped energy resources have the potential to meet the UK's need for a secure and diverse energy supply. The publication Plan needs to recognise that there are a range of sources of this resource and policy should cover all onshore hydrocarbons, and recognise that the planning and other regulatory process provide sufficient safeguards to enable the publication Plan to contain a positive statement of support for the process, in line with the support given in NPPF.

Support within the emerging Minerals Plan and future associated documents is therefore essential to enable long term onshore hydrocarbon development strategy to realise these nationally valuable resources. Therefore, the publication draft should address in a positive way the full range of onshore hydrocarbon extraction including:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Within the Command Paper, The Energy Challenge the UK Government welcomes proposals to increase the flexibility in the UK onshore hydrocarbon market through sustainable practices but without being too prescriptive.

Support for CBM as a natural energy source is set the Minerals Planning Practice Guidance 2014 issued by the Department of Communities and Local Government. This replaces Minerals Policy Statement 1: Planning and Minerals (MPS1) 2006. The key provisions of the Minerals PPG include:

- The requirement to take account of the need to establish whether there are sufficient quantities of recoverable unconventional hydrocarbons such as shale gas and coal bed methane (paragraph 93);
- The planning authority should make appropriate provision for hydrocarbons in its development plan to enable areas of extraction to be identified and to manage potentially conflicting land use objectives (105);
- The local plan covering the PEDL area should identify the area on the proposals map and provide clear policy guidance (106);
- Local plans may include specific allocations for extraction sites should the onshore oil and gas industry wish to promote such sites (107).

It is important that an energy policy framework is set within the Minerals Plan to recognise oil, CBM, shale gas and other forms of onshore oil and gas (as listed above) as a source of national energy production and the national, strategic and spatial implications of their proposed use as part of the range of energy resources. It is therefore vital that the publication draft recognises the guidance contained in Minerals

PPG and the importance of unworked coal seams and oil and shale reservoirs establishing a vision for the area for the next 10 – 15 years. This means making a positive policy statement in the knowledge that the planning system as a whole and the associated regulatory regimes established by DECC provide strong controls over the details of future proposals.

Objection to Policy M16 supporting text

Paragraph 5.121 deals with NPPF guidance on applications in a national park. It notes that the Infrastructure Act 2015 has introduced a ban on hydraulic fracturing in a national park at a depth of 1000 m and that secondary legislation that came into force in April 2016 states that such activity will only be supported in a national park at a depth in excess of 1200 m. The implication is that no such activity can occur. This is incorrect. The Onshore Hydraulic Fracturing Regulations 2015 permits hydraulic fracturing taking place more than 1200m from the surface of National Parks, AONBs, World Heritage sites and SSSIs. It does not place a requirement for operators to demonstrate all options for undertaking development in other non-designated areas before bringing forward proposals in these specific designated areas. There is no requirement in granting the licences for operators to fully consider non-designated areas before bringing forward proposals in designated areas.

Paragraph 5.124 states that the new Regulations and proposed surface protections would only apply to high volume fracturing. However the publication draft states that it is not considered appropriate to distinguish between this and lower levels of activity. This is introducing a control that does not exist in national regulations and guidance. This is contrary to Section 50 of the 2015 Infrastructure Act.

Paragraph 5.125 is too prescriptive and cautious. Whilst it argues that key environmental and other designations in the plan area are given an appropriate degree of protection through planning policy the examples it gives illustrates the strength of the planning system. This paragraph could be more positively worded to demonstrate the strength that exists with the application of a range of planning policies not just minerals policies to assess the implications of any planning application. Having identified that strength it ought to provide the justification for a simpler and more positive set of minerals policies i.e. it would provide the basis to support the policy change we have suggested and to explain that change. A comprehensive regulatory regime currently exists to regulate hydrocarbon development and the responsibility and technical expertise of those regulators must be respected in the role that they occupy. The Government sets out those responsibilities in the Road Map of Oil & Gas December 2015. The publication draft should reflect those roles and the responsibility of others that complement the planning process. The publication draft should not try and duplicate a regime that already exists and has a regulatory role.

Paragraphs 5.126 and 5.127 continue to deal with the implications for the National Park and states that unconventional gas should be steered away from the National Park. This is not what national policy says. If the Government felt that national parks were at risk they would have been excluded from the PEDLs awarded to operators. These paragraphs are describing how the minerals planning authority will implement policy. What it is proposing to do is effectively excluding part of the PEDL from legitimately licenced activity. Whilst it is right to be cautious about the effects on the National Park the planning system has sufficient safeguards and hydrocarbon activity is not expressly excluded by national policy. These paragraphs should be reworded to state that the minerals planning authority will rigorously apply the full range of planning policy tests to consider any application in the National Park. This places a higher burden on the applicant but it does not exclude the activity.

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Paragraph 5.128 seeks to justify a 3.5 km buffer zone around the National Park or AONBs. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is un-justified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

Paragraph 5.129 deals specifically with York. It notes that the city does not benefit from national policy protection. The implication is that a similar approach will be taken to applications in the National Park. This is contrary to national policy and guidance. Again the overall strength of the planning system in providing safeguards needs to be recognised.



Objection to Policy M17 Other Spatial and Locational Criteria Applying to Hydrocarbon Development; and

Objection to Policy M18 Other Specific Criteria applying to hydrocarbon development

For the reasons set out above, policies M16, M17 and M18 should be replaced with an alternative, simpler and more positive policy.

In particular, the policy needs to be amended to permit a site specific development to be promoted through the planning system. This will enable the development's design to have the least environmental impact. Policy M17 1) iii) is restrictive as it limits the method of provision of water to a site. This is an unnecessary restriction as the impact of proposals promoted through planning applications will have their impact assessed as part of the determination process and any significant impacts will be identified at this time.

M17 2) i) states that ... *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...* Section 5.146 also defines ... *a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances...* These requirements are not in accordance with the existing regulatory provisions in place to assess the impact of all types of development proposals on receptors. Hydrocarbon development should be assessed under the same environmental parameters as other developments in terms of noise, transport, landscape and visual among others. The reference in the policy to 500m should be removed and the policies replaced with our suggested simpler policy.

Policy M18 1) Waste Management and Reinjection Wells i) and ii) should be deleted. This is not within the remit of the MPA. The Environment Agency is the regulator for the management of wastes and reinjection fluids.

Policy M18 2) Decommissioning and Restoration i) should be deleted. The regulatory requirements for the design of a well and its decommissioning and abandonment are regulated by the Health & Safety Executive, the EA and the Oil & Gas Authority. If the policy is to remain it should deal with the surface aspects of restoration of the site to its original use or to an agreed future use at the time of the application.

Objection to Policy M17 supporting text

Paragraphs 5.131 – 5.152 provide the supporting justification for the current policy. The policy simply repeats and restates the controls that are contained in the wide range of planning policies and by the remit of other regulators, other than minerals policies, that paragraphs 5.120-5.130 state will be applied to assessment of hydrocarbon applications. The tests applied by these policies do not need to be repeated in the publication draft because they already exist in the other approved development plan documents and these provide sufficient safeguards. If the MPA believes that it needs to explain how these policies will be applied to onshore hydrocarbon applications it can do so through a separate SPG. This is the approach that other MPAs have taken. This results in clear and concise minerals policy with a separate explanation of how the details will be applied.

Paragraph 5.137 deals with a proposed well pad development density and states that ... *It is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km2 PEDL area (pro-rata for PEDLs of less than 100km2) would be compatible with the purpose of this element of the Policy17* The geographical spacing, scale, and type of development in addition to the topographical and surface characteristics of an area should be considered in the assessment of a proposal and the density of development in a particular area. It should not be based on a PEDL boundary or an arbitrary figure for well density that does not reflect the nature of an applicant's proposals or the ability of the environment to accommodate it appropriately.

Paragraph 5.138 states:

Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

This paragraph should be deleted as this requirement is again covered by other regulation that exists for hydrocarbon development. The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms. This plan can only be developed once exploration has been completed.

Objection to Policies SO1 and SO2 Minerals Safeguarding.

Policy SO1 does not match the explanation given in paragraph 8.2, which states that:

The purpose of safeguarding is not to prevent other forms of development on or near to a safeguarded resource or infrastructure but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration.

The implication given by policy SO1 is that safeguarding means prohibition. Policy SO1 should be amended to clarify the text to ensure that there is no presumption against development because it will be subject to appropriate assessment.

A 2km buffer zone for Potash is excessive and each application for development proposals should be judged on its merits depending on the proposals brought before the planning authority.

It should also be noted that the land take for surface sites for unconventional gas exploration are limited and dispersed and their impact on recovery of the mineral resource will be negligible. Shale resources are found at significant subsurface depths with limited surface or subsurface working area. For these reasons there is no need for the proposed buffer zones as detailed discussion on each application presented to the MPA will determine the interaction of the mineral resources in the specific area.

Paragraph 8.19 proposes a 2km buffer zone for potash areas affected by onshore hydrocarbon development. There is no need for a buffer zone given the stated aim of safeguarding at paragraph 8.2. Safeguarding introduces a further level of test but it is clearly stated that it is not a prohibition. Applying a buffer zone could be interpreted as applying a prohibition.

Policy SO2 deals with developments within minerals safeguarding areas. The wording of policy SO2 and paragraph 8.22-8.24 need to align. Policy SO2 is clear that development in safeguarded zones is not prohibited. However, there needs to be greater clarification about the intention of the wording of policy SO2 Part III. This part of the policy is clearly intended to ensure that where other minerals overlap with potash there is appropriate assessment and does not represent a prohibition. This can be deduced from the policy statement requiring demonstration that alternative minerals development will not 'adversely affect' the safeguarded resource. The use of the 'adversely affect' qualification rightly assumes some affects will occur.

Paragraph 8.22-8.24, which are supporting justification not policy and therefore have lesser weight, do not make this distinction wholly clear. Clarification is required of the principle that where minerals safeguarding overlap another minerals resource this does not prevent the exploration and development of that alternative resource. This is necessary to ensure that the Minerals Plan is consistent with NPPF, DCLG letters to planning authorities and national policy statements. In particular it is essential that the Minerals Plan does not restrict unconventional gas, which is a resource that the Government expects to be explored and developed in the area covered by the Minerals Plan over the life time of the plan.

In summary, there is a need for clarification to policy SO2 so that it is absolutely clear that what is intended by that policy is not to enforce a prohibition against one mineral resource in favour of another and that alternative minerals development will be subject to appropriate assessment and will be acceptable if that appropriate assessment shows no adverse impact on the safeguarded resource.

The area of potash is extensive and whilst the supporting text states that the intention is to safeguard potash from inappropriate development the way the policies are worded implies a prohibition. This could be an implicit way of preventing unconventional gas by arguing that it will impact on a safeguarded resource. Therefore, the policies must be much more explicit in saying that they do not in any way prohibit unconventional gas. If there is to be a buffer zone it needs to be made clear that it does not mean no hydrocarbon development. If there is to be this extra level of scrutiny the buffer zone needs to be greatly reduced from 2km. However, INEOS' argument and that of UKOOG is that there should be no buffer zone because implicit in evidence that has to be produced to support an application is no harm to another resource in the Minerals Plan. Therefore:

1. Safeguarding is not prohibition - and this needs to be made explicit in the text and policy
2. There is no need for a buffer zone - a safeguarded resource is one that needs to be scrutinised for possible harm. It does not need a buffer zone, merely proof that the resource will not be sterilised or harmed. Given the depth of hydrocarbon extraction and relatively small area of surface site workings together with short life of the operations and restoration unconventional gas will rarely if ever give rise to a concern

Therefore, the wording of policy SO2 should be changed to remove any reference to development not being permitted. Instead it should state that development will be subject to appropriate assessment. This will bring the policy into line with Government policy and practice elsewhere.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	INEOS Upstream 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.	5.120-5.130	Policy No.	M16	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.

Please see attached supporting statement

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 attached supporting statement

(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 INEOS objection raises matters of fundamental importance relating to the failure to produce a positively prepared set of policies that are in accordance with national guidance.

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: 20.12.16

Official Use Only Reference Number

North Yorkshire County Council/North Yorkshire National Park/York City Council**Minerals and Waste Plan Consultation****Objection on Behalf of INEOS Upstream Ltd****December 2016****Objection to Policy M16 Key spatial principles for hydrocarbon development.**

INEOS does not support the wording of this policy, which fails to take any material recognition to the submissions made by the industry in January 2016. We have concerns about the whole policy as it fails to recognise the provisions of the Infrastructure Act and the protection afforded by the definitions of protected areas within. In particular concerns relate to:

- The publication draft attempts to extend its remit to the control over sub surface drilling. This is not within the remit of the MPA and is not regulated by the MPA.
- Sub-policy (d) introduces a '3 Skm buffer zone', for which there is no underpinning national policy mechanism to support or justify this restriction. This buffer zone is not required as the potential impact on the protected areas is established and assessed as part of the planning process through the Environmental Impact Assessment (EIA) regulatory regime and also through Landscape and Visual Assessments etc. There is no requirement for a buffer zone and it artificially restricts development where mechanisms already exist to afford protection to sensitive areas.
- The final paragraph of M16 also seeks to apply this policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant[ed] the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations'.

In our view policies M16, M17 and M18 should be replaced by one simple policy, with supplementary planning guidance (SPG) to provide further detail in the future about how planning applications at each stage of the process are to be treated.

We suggest a much simpler policy approach. Support for a positive approach is provided by other recently published minerals plans. We set out below our suggested draft. It is simple and positively worded and recognises that the policy is supported by other policies in relevant local plans, which provide the details for necessary assessment of impacts:

POLICY HYDROCARBON MINERALS**Exploration**

Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment and residential amenity.

Appraisal

Where hydrocarbons are discovered, proposals to appraise, drill and test the resource will be permitted provided that they are consistent with an overall scheme for the appraisal and delineation of the resource and do not give rise to any unacceptable impacts on the environment and residential amenity.

Extraction

Proposals for the extraction of hydrocarbons will be supported provided they are consistent with an overall scheme for enabling the full development of the resource and do not give rise to unacceptable impacts on the environment and residential amenity.

Where proposals for hydrocarbon development coincide with areas containing other underground mineral resources evidence must be provided to demonstrate that their potential for future exploitation will not be unreasonably affected.

Restoration

All applications for hydrocarbon development will be accompanied with details of how the site will be restored once the development is no longer required.

This policy contains all the elements required by NPPFD but it is positively worded. It notes that the main concerns are with the environment and residential amenity but as there are other policies dealing with such impacts, each containing assessment criteria, the minerals planning authority does not need to list these considerations in its policy. The supporting text provides background and justification, which links to the National Planning Policy Framework and other Government policies. PEDLs should be mapped and safeguarded.

This positive approach is in contrast to proposed draft policies M16, M17 and M18. The first paragraph of policy M16 as drafted states that proposals for unconventional hydrocarbons will not be supported where they are located within a number of specified protected areas. The policy that is adopted needs to be drafted in the light of recent approval by Parliament of secondary legislation (Onshore Hydraulic Fracturing Regulations 2013) under the Infrastructure Act 2015. Accordingly, policy needs to distinguish between shale gas proposals and other non-shale unconventional hydrocarbons.

It is important that the publication draft provides a supportive policy framework for unconventional gas. The UK Government's energy policies seek to encourage the use of natural resources indigenous to the UK as part of achieving self-sufficiency in energy production and increasing security of energy and gas supplies. This covers a range of onshore hydrocarbons that include inter alia; shale, coal bed methane and oil. The publication draft requires a policy to cover all the hydrocarbons that are potentially found in the area licenced by the Department of Energy & Climate Change (DECC) under the Petroleum Exploration & Licence (PEDL) regime and could be extracted over the plan period.

Onshore hydrocarbons are important to the UK because they are a potential long-term source of indigenous natural gas. These untapped energy resources have the potential to meet the UK's need for a secure and diverse energy supply. The publication Plan needs to recognise that there are a range of sources of this resource and policy should cover all onshore hydrocarbons, and recognise that the planning and other regulatory process provide sufficient safeguards to enable the publication Plan to contain a positive statement of support for the process, in line with the support given in NPPF.

Support within the emerging Minerals Plan and future associated documents is therefore essential to enable long term onshore hydrocarbon development strategy to realise these nationally valuable resources. Therefore, the publication draft should address in a positive way the full range of onshore hydrocarbon extraction including:

- Conventional onshore oil and gas development.
- Extraction of petroleum or hydrocarbon oils and gases by drilling and pumping.
- Capture of methane that has accumulated in mines.
- Coal bed methane and gas derived from shale reservoirs.

Within the Command Paper, The Energy Challenge the UK Government welcomes proposals to increase the flexibility in the UK onshore hydrocarbon market through sustainable practices but without being too prescriptive.

Support for CBM as a natural energy source is set the Minerals Planning Practice Guidance 2014 issued by the Department of Communities and Local Government. This replaces Minerals Policy Statement 1: Planning and Minerals (MPS1) 2006. The key provisions of the Minerals PPG include:

- The requirement to take account of the need to establish whether there are sufficient quantities of recoverable unconventional hydrocarbons such as shale gas and coal bed methane (paragraph 93);
- The planning authority should make appropriate provision for hydrocarbons in its development plan to enable areas of extraction to be identified and to manage potentially conflicting land use objectives (105);
- The local plan covering the PEDL area should identify the area on the proposals map and provide clear policy guidance (106);
- Local plans may include specific allocations for extraction sites should the onshore oil and gas industry wish to promote such sites (107).

It is important that an energy policy framework is set within the Minerals Plan to recognise oil, CBM, shale gas and other forms of onshore oil and gas (as listed above) as a source of national energy production and the national, strategic and spatial implications of their proposed use as part of the range of energy resources. It is therefore vital that the publication draft recognises the guidance contained in Minerals PPG and the importance of unworked coal seams and oil and shale reservoirs establishing a vision for the area for the next 10 – 15 years. This means making a positive policy statement in the knowledge that the planning system as a whole and the associated regulatory regimes established by DECC provide strong controls over the details of future proposals.

Objection to Policy M16 supporting text

Paragraph 5.121 deals with NPPF guidance on applications in a national park. It notes that the Infrastructure Act 2015 has introduced a ban on hydraulic fracturing in a national park at a depth of 1000 m and that secondary legislation that came into force in April 2016 states that such activity will only be supported in a national park at a depth in excess of 1200 m. The implication is that no such activity can occur. This is incorrect. The Onshore Hydraulic Fracturing Regulations 2015 permits hydraulic fracturing taking place more than 1200m from the surface of National Parks, AONBs, World Heritage sites and SSSIs. It does not place a requirement for operators to demonstrate all options for undertaking development in other non-designated areas before bringing forward proposals in these specific designated areas. There is no requirement in granting the licences for operators to fully consider non-designated areas before bringing forward proposals in designated areas.

Paragraph 5.124 states that the new Regulations and proposed surface protections would only apply to high volume fracturing. However the publication draft states that it is not considered appropriate to distinguish between this and lower levels of activity. This is introducing a control that does not exist in national regulations and guidance. This is contrary to Section 50 of the 2015 Infrastructure Act.

Paragraph 5.125 is too prescriptive and cautious. Whilst it argues that key environmental and other designations in the plan area are given an appropriate degree of protection through planning policy the examples it gives illustrates the strength of the planning system. This paragraph could be more positively worded to demonstrate the strength that exists with the application of a range of planning policies not just minerals policies to assess the implications of any planning application. Having identified that strength it ought to provide the justification for a simpler and more positive set of minerals policies i.e. it would provide the basis to support the policy change we have suggested and to explain that change. A comprehensive regulatory regime currently exists to regulate hydrocarbon development and the responsibility and technical expertise of those regulators must be respected in the role that they occupy. The Government sets out those responsibilities in the Road Map of Oil & Gas December 2015. The publication draft should reflect those roles and the responsibility of others that complement the planning process. The publication draft should not try and duplicate a regime that already exists and has a regulatory role.

Paragraphs 5.126 and 5.127 continue to deal with the implications for the National Park and states that unconventional gas should be steered away from the National Park. This is not what national policy says. If the Government felt that national parks were at risk they would have been excluded from the PEDLs awarded to operators. These paragraphs are describing how the minerals planning authority will implement policy. What it is proposing to do is effectively excluding part of the PEDL from legitimately licenced activity. Whilst it is right to be cautious about the effects on the National Park the planning system has sufficient safeguards and hydrocarbon activity is not expressly excluded by national policy. These paragraphs should be reworded to state that the minerals planning authority will rigorously apply the full range of planning policy tests to consider any application in the National Park. This places a higher burden on the applicant but it does not exclude the activity.

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Paragraph 5.128 seeks to justify a 3.5 km buffer zone around the National Park or AONBs. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is un-justified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

Paragraph 5.129 deals specifically with York. It notes that the City does not benefit from national policy protection. The implication is that a similar approach will be taken to applications in the National Park. This is contrary to national policy and guidance. Again the overall strength of the planning system in providing safeguards needs to be stressed.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	INEOS Upstream 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.	5.131-5.152	Policy No.	M17	Policies Map	
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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 checked="" 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.

Please see attached supporting statement

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 attached supporting statement

(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 INEOS objection raises matters of fundamental importance relating to the failure to produce a positively prepared set of policies that are in accordance with national guidance.

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: 20.12.16

Official Use Only Reference Number

[Official Use Only Reference Number Field]

North Yorkshire County Council/North Yorkshire National Park/York City Council

Minerals and Waste Plan Consultation

Objection on Behalf of INEOS Upstream Ltd

December 2016

Objection to Policy M17 Other Spatial and Locational Criteria Applying to Hydrocarbon Development

For the reasons set out in our other objections, policies M16, M17 and M18 should be replaced with an alternative, simpler and more positive policy.

In particular, the policy needs to be amended to permit a site specific development to be promoted through the planning system. This will enable the development's design to have the least environmental impact. Policy M17 1) iii) is restrictive as it limits the method of provision of water to a site. This is an unnecessary restriction as the impact of proposals promoted through planning applications will have their impact assessed as part of the determination process and any significant impacts will be identified at this time.

M17 2) i) states that ... *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...* Section 5.146 also defines ... *a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances...* These requirements are not in accordance with the existing regulatory provisions in place to assess the impact of all types of development proposals on receptors. Hydrocarbon development should be assessed under the same environmental parameters as other developments in terms of noise, transport, landscape and visual among others. The reference in the policy to 500m should be removed and the policies reworded.

Objection to Policy M17 supporting text

Paragraphs 5.131 – 5.152 provide the supporting justification for the current policy. The policy simply repeats and restates the controls that are contained in the wide range of planning policies and by the remit of other regulators, other than minerals policies, that paragraphs 5.120-5.130 state will be applied to assessment of hydrocarbon applications. The tests applied by these policies do not need to be repeated in the publication draft because they already exist in the other approved development plan documents and these provide sufficient safeguards. If the MPA believes that it needs to explain how these policies will be applied to onshore hydrocarbon applications it can do so through a separate SPG. This is the approach that other MPAs have taken. This will result in a clear and concise minerals policy with a separate explanation of how the details will be applied.

Paragraph 5.137 deals with a proposed well pad development density and states that ..., *it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km2 PEDL area (pro-rata for PEDLs of less than 100km2) would be compatible with the purpose of this element of the Policy* The geographical spacing, scale, and type of development in addition to the topographical and surface characteristics of an area should be considered in the assessment of a proposal and the density of development in a particular area. It should not be based on a PEDL boundary or an arbitrary figure for well density that does not reflect the nature of an applicant's proposals or the ability of the environment to accommodate it appropriately.

Paragraph 5.138 states:

Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that it is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	INEOS Upstream 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="5.153-5.158"/>	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	<input type="text"/>	No	<input checked="" type="text" value="x"/>
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 checked="" type="text" value="x"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>
<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 checked="" type="text" value="x"/>

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.

Please see attached supporting statement

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 attached supporting statement

(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 INEOS objection raises matters of fundamental importance relating to the failure to produce a positively prepared set of policies that are in accordance with national guidance.

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: 20.12.16

Official Use Only Reference Number

North Yorkshire County Council/North Yorkshire National Park/York City Council

Minerals and Waste Plan Consultation

Objection on Behalf of INEOS Upstream Ltd

December 2016

Objection to Policy M18 Other Specific Criteria applying to hydrocarbon development

For the reasons set out in our other objections to the plan, policies M16, M17 and M18 should be replaced with an alternative, simpler and more positive policy.

If policy M18 is to be retained (which we do not support) it needs to be amended to permit a site specific development to be promoted through the planning system. This will enable the developments design to have the least environmental impact.

Policy M18 1) Waste Management and Reinjection Wells i) and ii) should be deleted. This is not within the remit of the MPA. The Environment Agency is the regulator for the management of wastes and reinjection fluids.

Policy M18 2) Decommissioning and Restoration i) should be deleted. The regulatory requirements for the design of a well and its decommissioning and abandonment are regulated by the Health & Safety Executive, the EA and the Oil & Gas Authority. If the policy is to remain it should deal with the surface aspects of restoration of the site to its original use or to an agreed future use at the time of the application.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	INEOS Upstream 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.	8.1-8.24	Policy No.	SO1	Policies Map	
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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 checked="" 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.

Please see attached supporting statement



North Yorkshire County Council/North Yorkshire National Park/York City Council

Minerals and Waste Plan Consultation

Objection on Behalf of INEOS Upstream Ltd

December 2016

Objection to Policy SO1 Minerals Safeguarding.

Policy SO1 does not match the explanation given in paragraph 8.2, which states that:

The purpose of safeguarding is not to prevent other forms of development on or near to a safeguarded resource or infrastructure but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration.

The implication given by policy SO1 is that safeguarding means prohibition. Policy SO1 should be amended to clarify the text to ensure that there is no presumption against development because it will be subject to appropriate assessment.

A 2km buffer zone for Potash is excessive and each application for development proposals should be judged on its merits depending on the proposals brought before the planning authority.

It should also be noted that the land take for surface sites for unconventional gas exploration are limited and dispersed and their impact on recovery of the mineral resource will be negligible. Shale resources are found at significant subsurface depths with limited surface or subsurface working area. For these reasons there is no need for the proposed buffer zones as detailed discussion on each application presented to the Council will determine the interaction of the mineral resources in the specific areas

Paragraph 8.19 proposes a 2km buffer zone for potash areas affected by onshore hydrocarbon development. There is no need for a buffer zone given the stated aim of safeguarding at paragraph 8.2. Safeguarding introduces a further level of test but it is clearly stated that it is not a prohibition. Applying a buffer zone could be interpreted as applying a prohibition.

Publication stage Response form - Part B

Please use a separate Part B form for each representation

Name or Organisation :	INEOS Upstream 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="8.1-8.24"/>	Policy No.	<input type="text" value="SO2"/>	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" value="x"/>
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 checked="" type="text" value="x"/>	<i>Justified</i>	Yes	<input type="text"/>	No	<input checked="" type="text" value="x"/>
<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 checked="" type="text" value="x"/>

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.

Please see attached supporting statement

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 attached supporting statement

(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 INEOS objection raises matters of fundamental importance relating to the failure to produce a positively prepared set of policies that are in accordance with national guidance.

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: 20.12.16

Official Use Only Reference Number

North Yorkshire County Council/North Yorkshire National Park/York City Council**Minerals and Waste Plan Consultation****Objection on Behalf of INEOS Upstream Ltd****December 2016****Objection to Policy SO2 Minerals Safeguarding.**

Policy SO2 deals with developments within minerals safeguarding areas. The wording of policy SO2 and paragraph 8.22-8.24 need to align. Policy SO2 is clear that development in safeguarded zones is not prohibited. However, there needs to be greater clarification about the intention of the wording of policy SO2 Part III. This part of the policy is clearly intended to ensure that where other minerals overlap with potash there is appropriate assessment and does not represent a prohibition. This can be deduced from the policy statement requiring demonstration that alternative minerals development will not 'adversely affect' the safeguarded resource. The use of the 'adversely affect' qualification rightly assumes some affects will occur.

Paragraphs 8.22-8.24, which are supporting justification not policy, and therefore have lesser weight, do not make this distinction wholly clear. Clarification is required of the principle that where minerals safeguarding overlaps another minerals resource this does not prevent the exploration and development of that alternative resource. This is necessary to ensure that the Minerals Plan is consistent with NPPF, DCLG letters to planning authorities and national policy statements. In particular it is essential that the Minerals Plan does not restrict unconventional gas, which is a resource that the Government expects to be explored and developed in the area covered by the Minerals Plan over the life time of the plan.

In summary, there is a need for clarification to policy SO2 so that it is absolutely clear that what is intended by that policy is not to enforce a prohibition against one mineral resource in favour of another and that alternative minerals development will be subject to appropriate assessment and will be acceptable if that appropriate assessment shows no adverse impact on the safeguarded resource.

The area of potash is extensive and whilst the supporting text states that the intention is to safeguard potash from inappropriate development the way the policies are worded implies a prohibition. This could be an implicit way of preventing unconventional gas by arguing that it will impact on a safeguarded resource. Therefore, the policies must be much more explicit in saying that they do not in any way prohibit unconventional gas. If there is to be a buffer zone it needs to be made clear that it does not mean no hydrocarbon development. If there is to be this extra level of scrutiny the buffer zone needs to be greatly reduced from 2km. However, INEOS' argument and that of UKOOG is that there should be no buffer zone because implicit in evidence that has to be produced to support an application is no harm to another resource in the Minerals Plan. Therefore:

1. Safeguarding is not prohibition - and this needs to be made explicit in the text and policy
2. There is no need for a buffer zone - a safeguarded resource is one that needs to be scrutinised for possible harm. It does not need a buffer zone, merely proof that the resource will not be sterilised or harmed. Given the depth of hydrocarbon extraction and relatively small area of surface site workings together with short life of the operations and restoration unconventional gas will rarely if ever give rise to a concern

The wording of policy SO2 should be changed to remove any reference to development not being permitted. Instead it should state that development will be subject to appropriate assessment. This will bring the policy into line with Government policy and practice elsewhere.

mwjointplan

From: Philip Neaves <philip@felshampd.co.uk>
Sent: 21 December 2016 11:00
To: mwjointplan
Subject: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - Response Form Part A.DOCX; MWJP Publication - Response Form Part B - Introduction to Hydrocarbons.DOCX; Supporting Statement Introduction to Hydrocarbons Dec 2016.pdf; North Yorks York Minerals and Waste Consultation Objection Dec 2016 (2).pdf

Dar Sir/Madam,

Please find attached representation on behalf of INEOS Upstream Limited. The objection deals with a specific element of the plan. For completeness we have also attached our objection to the plan as a whole in one document.

Please acknowledge receipt.

Yours faithfully

Philip Neaves
Director
Felsham Planning and Development
1 Western Terrace
Edinburgh
EH12 5QF
+44 131 337 9640
+44 7446 897144
Philip@felshampd.co.uk
www.felshampd.co.uk



FelshamPD

VAT Registration No 152 7435 14
Company Registration Number SC267721

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Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
	Mr	P J
Surname:		
Rollings		
Organisation (if applicable): Rufforth with Knapton Neighbourhood Planning Group		
Address:	5, Church Farm Close	
	Rufforth	
	York	
Post Code: YO23 3RL		
Telephone: 01904 738704		
Email: peterrollings@btinternet.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 :	Rufforth with Knapton Neighbourhood Planning Group
------------------------	--

Please mark with an x as appropriate

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="6:50"/>	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"/>
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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).

<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 type="checkbox"/>	No	<input type="checkbox"/>
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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.

I am chair of the Rufforth with Knapton Neighbourhood Planning Group delegated by the Parish council to produce a Neighbourhood Plan for the Parish and we expect our emerging Plan to go out for pre submission consultation early in the New Year .

The particular section of the Joint Plan that interests us is the waste management site at Harewood Whin [WJP11]referred to in Para 6:50 and 6:53 of the main plan and in Appendix 1 page 147. We are pleased to report that a proper consultation was undertaken at the appropriate stage of the process and a drop in meeting held in the village of Rufforth focussing on the issues surrounding Harewood Whin. We are further please to note that concerns of residents expressed at that meeting and in comments to the consultation stage of the Joint Plan have been taken in to account in this latest draft publication which we fully support both in process and content terms.

We recognise that Harewood Whin is a site of strategic importance for waste management but are pleased to note that the Joint Plan re-affirms it's location in the Green Belt and that it will be designated as green belt in the forthcoming York Local plan.

Importantly we confirm the site boundary as shown in the map [Appendix 1 page 150] is correct and defines the current operational site boundary. Surrounding land remains in the Green Belt and is therefore not appropriate for development . On this basis we believe the Joint plan to be sound and support the Proposed policies as they relate to the Parish of Rufforth with Knapton . Consultation with residents indicates that they are very supportive of this stance

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: 	Date: 18 th Nov 2016
--	------------------------------------

Official Use Only Reference Number

James Whiteley

From: PETER ROLLINGS <peterrollings@btinternet.com>
Sent: 18 November 2016 15:59
To: mwjointplan
Subject: Response
Attachments: Publication_response_form_part_A1 (1).docx; Publication_response_form_part_B1 (1) (3).docx

Please find attached the response to the Joint plan Consultation from the Rufforth with Knapton Neighbourhood Planning group of which I am Chairman

GREATER MANCHESTER
PLANNING AND HOUSING TEAM



AGMA
ASSOCIATION OF
GREATER MANCHESTER
AUTHORITIES

GMCA
GREATER MANCHESTER
COMBINED AUTHORITY

Planning and Housing
New Economy
Churchgate House,
56 Oxford Street
Manchester
M1 6EU

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

9th December 2016

Dear Rob,

RE: Minerals and Waste Joint Plan- Regulation 19 Publication Consultation

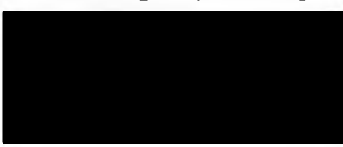
Thank you for consulting AGMA on the Minerals and Waste Joint Plan. The Minerals and Waste Planning unit represent AGMA on minerals and waste planning issues and I am preparing this response on their behalf.

AGMA have no specific comments on the content of the Publication Plan but note that the Joint LAA (September 2016) which includes the Yorkshire Dales National Park Authority identifies exports of crushed rock to the North West from the Yorkshire Dales National Park Authority and we welcome this recognition.

We would be grateful to continue contact regarding mineral and waste movements and attend any meetings as required. If you have any queries, please contact Carolyn Williams, Group Leader Minerals and Waste on 0161 604 7746, or email carolyn.williams@urbanvision.org.uk .

Yours sincerely

Anne Morgan (Planning Strategy Manager)



mwjointplan

From: Lane, Philippa <philippa.lane@urbanvision.org.uk>
Sent: 09 December 2016 14:53
To: mwjointplan
Cc: Williams, Carolyn
Subject: Regulation 19 Consultation Response
Attachments: AGMA Reg 19 December2016.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Planning Team,

Please find attached response from GMCA regarding the current Reg 19 consultation.

Regards,
Philippa Lane

Philippa Lane
Principal Planner (Minerals and Waste)
Urban Vision Partnership Ltd

Please note my days of work are Wednesday, Thursday and Friday.

Tel: 0161 604 7652
Mob: 07736 494 637
E-mail: philippa.lane@urbanvision.org.uk
Web: www.urbanvision.org.uk
Emerson House, Albert Street, Eccles, Salford, M30 0TE
Registration Number: 5292634. Registered in England

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Registered in England No. 5292634 Vat No. 618 1841 40

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

Agent contact details (if applicable)

Name:	Title: Miss	Initial(s): J
Surname: Hadland		
Organisation (if applicable): Savills (UK) Ltd		
Address: 26 Coniscliffe Road		
Darlington		
Post Code: DL3 7JX		
Telephone: 01325 370516		
Email: jhadland@savills.com		

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
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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 :

Savills (UK) Ltd on behalf of the Settrington Estate

Please mark with an x as appropriate

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

Paragraph No./ Site
Allocation Reference No.

MJP08

Policy No.

Policy M09

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.

As set out in paragraph 5.46 of the Minerals and Waste Joint Plan Publication Draft (November 2016), no specific requirement has been identified for the release of further reserves of crushed rock (Carboniferous Limestone and Jurassic Limestone) in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations for these is a priority for the Joint Plan. As such, our client strongly objects to the proposed allocations for the allocation at Settrington Quarry, (Site MJP08).

The proposed extension (Site MJP08) to the existing quarry at Settrington lies in close proximity to a property within our client's family ownership. The current quarry causes significant disturbance to the neighbouring residents in many forms and the proposed allocation for an extension to the quarry (which is not considered necessary during this plan period) proposes to extend these disruptions for a further 20 - 25 years.

Our client's family property in question is Settrington Grange (and grounds), and is located immediately to the east of the proposed allocation / extension. The property has been subject to disruptions for many years by the existing quarry works. The close proximity can be seen on the location plan set out on page 61 of Appendix 1 - allocated sites document.

Whilst there is reference to the need to mitigate against several issues (e.g. ecology, landscape, land classification, access and so on) there is a significant lack of information within the consultation document as to how this mitigation will occur.

As these issues are not being dealt with in a suitable manner as it stands, there is severe concern (and suspicion) that an extension will only exacerbate the issues.

It is questioned as to whether the current spraying of the roadways and stockpiles is satisfactory to prevent a dusty environment as required by the conditions set out on the planning permission associated with the existing quarry. As it stands it is considered that more could be done to adhere to this condition.

Furthermore, it is questioned as to whether the correct precautions are being taken and maintained to ensure that all vehicles leaving the site are in a clean condition as dirt / dust is left on the road; sometimes mud (as the lorries drive on the grass verges), creating highway safety concerns.

Noise is a significant issue in respect of the quarry and its already established neighbouring uses. Residents nearby are seriously shocked by blastings, and prior warning (albeit only, currently, of an hour or so) does nothing to diminish that.

mwjointplan

From: Jennifer Hadland <JHadland@savills.com>
Sent: 13 December 2016 13:12
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - Response Form Part A.docx; MWJP Publication - Response Form Part B.docx

Dear Sirs,

Please find attached a response to the above consultation on behalf of our client, [REDACTED]

I would be pleased if these comments can be taken into account during the preparation of the Minerals and Waste Joint Plan and would ask that we are kept informed of all future consultations during the Joint Plan process.

I would very much appreciate if you could confirm receipt of this email and the attachment and, if you require any further information, please do not hesitate to contact me. For information, my contact details are set out below.

Kind regards
Jennifer

Jen Hadland BA (Hons), MSc, MRTPI
Associate Planner
Rural

26 Coniscliffe Road, Darlington, DL3 7JX

Tel : +44 (0) 1325 370 516
Mobile : +44 (0) 7917 616 048
Email : JHadland@savills.com
Website : www.savills.co.uk

 savills

 Before printing, think about the environment



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

MINERAL AND WASTE JOINT PLAN (PUBLICATION STAGE) Consultation response

TITLE	█
INITIALS	█
SURNAME	█
ADDRESS	██████████ ██████████
POSTCODE	██████
TELEPHONE	██████████
EMAIL	██████████████████

No, I do not want to attend the Oral Examination of the MWJP.

I live in Harrogate and I am a keen walker, naturalist and lover of the North Yorkshire countryside. Not only am I devoted to the wonderful countryside I have in my own area, but my mother lives in Driffield so I am also familiar with the wealth of biodiversity and scenery of the Yorkshire Wolds and the East Coast. I am very concerned about the devastating impact that the fracking industry will have on rural areas in the county, destroying tourism, ruining landscape and polluting the environment. With the world teetering on the brink of unstoppable climate change, I expect NYCC to understand that we have a duty to ensure that all of our county's fossil fuels remain where they belong - in the ground. Can you please take the following points into consideration when publishing the Mineral and Waste Joint Plan:

SCOPE OF THE CONSULTATION

Sections M16-M18 of the Minerals and Waste Plan (MWJP) has changed considerably in content since the Preferred Options consultation (the previous version put out for consultation in December 2015)

Since the last draft of the plan, much of North Yorkshire is now covered in Petroleum Exploration and Development Licences (PEDLs), which were announced in December 2016.

It is clear 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.

There is no legal requirement to limit the scope of this consultation to just legality and soundness. It is the NYCC who have made this decision.

The Town and Country Planning (Local Planning) England Regulations (2012) do not limit the scope of consultation at the Regulation 19 ('Publication') consultation stage.

The consultation should therefore be opened up to wider public consultation on the content and substance of the plan.

CLIMATE CHANGE

The Publication Draft of the MWJP does not conform to statutory requirements for legal compliance and tests of soundness relating to 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.

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, which states that *"Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change."*

The Committee of Climate Change (CCC) report of March 2016 concluded that the exploitation of shale gas would not be compatible with UK carbon budgets, or the legally binding commitment in the Climate Change Act to reduce emissions by at least 80% by 2050, unless three crucial tests are met. The MWJP's ability to meet these tests are not clearly defined.

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."*

It is unclear how this can be achieved, given that the government has removed support for Carbon Capture and Storage (CCS), drastically reduced subsidies for renewable energy and scrapped plans to make all new homes zero carbon by 2016.

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 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

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

There is now clear evidence that the air quality impacts from fracking have been shown to pose risks to health.

Evidence from the University of Colorado, among others, reveal a number of potentially toxic hydrocarbons in the air near fracking wells, including benzene, ethylbenzene, toluene and xylene. 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 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

Section 40 of the Natural Environment and Rural Communities Act (2006) places a duty on every public authority in England and Wales to "...have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

However, fracking would still be allowed just outside the boundaries of, and underneath, these areas from fracking well-sites situated on their borders.

Unconventional gas production is not just an underground activity. The above ground aspects of fracking developments, such as clearing of local hedges, trees and vegetation, additional pipelines and access roads, noise and light pollution (particularly at night) would all have a negative impact on wildlife living nearby.

Planning Practice Guidance supports this viewpoint, stating that: "*Particular consideration should be given to noisy development affecting designated sites.*"

Policy D07 in the MWJP currently states that mineral developments which would have an unacceptable impact on an SSSI - or a network of SSSIs - will only be permitted "...where the benefits of the development would clearly outweigh the impact or loss".

This wording appears to allow considerable impact or loss on a protected area, if the Planning Authority felt that this was still outweighed by the benefits (i.e. by the production of gas).

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.

Biodiversity offsetting has been shown many times to be an unsatisfactory solution to problems caused by development, and should not be offered as a solution to developers to get around the damage they will cause to protected areas. The specific features of an SSSI cannot simply be replaced by planting a new wood somewhere else. This approach is unsound and should be removed from the MWJP guidance.

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.

In Pennsylvania, the Department of Water Protection has confirmed at least 279 cases of water contamination due to fracking:

http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

Fracking has also been proven to pollute groundwater in Wyoming:

<https://www.scientificamerican.com/article/fracking-can-contaminate-drinking-water/>

It is therefore the Planning authorities' legal duty to ensure that water contamination will not occur in North Yorkshire.

The EU Water Framework Directive is part of the UK's legal framework. This suggests the precautionary principle should be considered in planning, mainly through the mechanism of Environmental Impact Assessment (EIA).

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."*

Paragraph 94 of the NPPF states that local planning authorities should *"adopt proactive strategies to mitigate and adapt to climate change, taking full account of...water supply"*. Paragraph 99 later states that *"local plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply."*

The MWJP should therefore incorporate the precautionary principle, meaning that unless it can be proved that there will be groundwater contamination from a fracking well-site, it should not apply. 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

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

The NPPF states Planning Authorities should: *"...take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality"*

Planning practice guidance also states: *"The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development."*

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.

Oklahoma, for example, is now the earthquake capital of the USA due to re-injection of waste from fracking operations. According to an article in Scientific American, entitled Waste Water Injection Caused Oklahoma Quakes, "More than 230 earthquakes with a magnitude greater than 3.0 have shaken the state of Oklahoma already this year. Before 2008 the state averaged one such quake a year." <https://www.scientificamerican.com/article/wastewater-injection-caused-oklahoma-earthquakes/>

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

From: [REDACTED]
Sent: 11 December 2016 22:31
To: mwjointplan
Subject: MINERAL AND WASTE JOINT PLAN CONSULTATION SUBMISSION
Attachments: MINERAL-AND-WASTE-JOINT-PLAN-CONSULTATION-SUBMISSION .docx

Dear Sir/Madam

I attach a submission to the Mineral and Waste Joint Plan Consultation.

Yours Sincerely,

[REDACTED]

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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 :	[REDACTED]
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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.	Section 3 - Area of Serach A	Policy No. <input style="width: 50px;" type="text"/>	Policies Map	Page 152
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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 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.

From: [REDACTED]
Sent: 12 December 2016 15:51
To: mwjointplan
Subject: RE: Minerals and Waste Joint Plan - Publication Stage
Attachments: MWJP Publication - Response Form Part A.DOCX; MWJP Publication - Response Form Part B.DOCX

Dear Sirs

Please find Response Forms A and B in connection with the above Minerals and Waste Joint Plan – Publication Stage. Please see paragraph 4 relates.

Kind regards

[REDACTED]

From: mwjointplan [<mailto:mwjointplan@northyorks.gov.uk>]
Sent: 09 November 2016 13:43
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

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

Name:	Title:	Initial(s):
Josh	Mr	D
Surname:		
Feakins		
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Castle Howard Estate Limited		
Address:	Castle Howard	
	York	
Post Code: YO60 7DA		
Telephone: 01653 648609		
Email: jfeakins@castlehoward.co.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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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 :	Castle Howard Estate 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	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"/>
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 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.

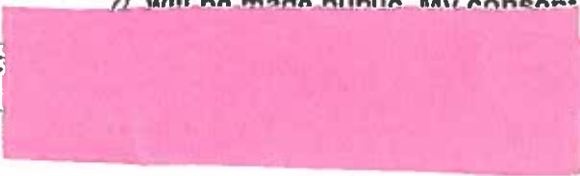
We believe that the Minerals and Waste Joint Plan should stipulate that a robust programme of baseline monitoring should be completed in advance of the three stages of hydrocarbon development (exploration, appraisal, production) being authorised. This programme of monitoring in advance of any exploration would establish the environmental baseline against which the potential for development can be considered.

The monitoring should be conducted independently, be publicly available and should provide a scientific evidence based assessment of the local environment. Monitoring should cover the following areas:

- water quality (groundwater and surface water)
- seismic activity
- ground motion
- air quality
- radon
- soil gas
- physical condition of heritage properties
- traffic volumes
- visual amenity and visual impact

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

Signature:



Date:

21/12/18

Minerals and Waste Joint Plan

Publication Stage- Response Form

Part A - Contact details

Your contact details

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

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 : [REDACTED]

Please mark with an 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.

M16 M17
M18

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.

North Yorkshire Waste and Minerals Joint Plan Consultation December 2016 Part B

I want to state my response to this final draft policy. I totally agree with the submission on behalf of Frack Free Harrogate District.

However, I wish to emphasise their submission on **Legal Compliance and Soundness**.

The policy as in M16, 17 and 18, fails to meet the criteria from the National Planning Policy Framework particularly relating to 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.

Find attached documents from one of the world's leading climate scientists James Hansen. This document is already in the hands of North Yorkshire County Council planning department.

You will note that James Hansen finally points out that those making decision in the area will be **responsible** for the outcomes.

He is predicting that the outcome of hydraulic fracturing will be a failure to meet the County Council's legal obligations as outlined in **Section 19 1a of 2004 Planning Act**.

For your awareness may I point out that methane leakage is a serious concern for climate breakdown. The scientific fact, which is now well known, is that over a 15 year period a methane leakage would have an impact of about 86 times the equivalent amount of carbon dioxide. The environmental impact of leaked methane is now well documented wherever fracking has taken place. The cumulative impact of numerous leaks over a hydraulic fractured gas field would mean that the County Council would breach its climate breakdown targets.

"For me, the really concerning aspect of this is that now, more than at any time in our history, our species needs to work together. We face awesome environmental challenges: climate change, food production, overpopulation, the decimation of other species, epidemic disease, acidification of the oceans"

Steven Hawking December 3rd 2016

I would also like to emphasise Frack Free Harrogate District submission regarding the cumulative impact on water sources under **Specific Policy Objections** (relating to policies M16,17,18) which pointed out that the policies do not address the crucial issue about plans for the treatment and disposal of the toxic fluids generated from Fracking. When making your decision it is important to be aware that in the USA a **December 2016** official report by the Environmental Protection Agency has been released, which, confirms widespread pollution of drinking water through fracking activities. As an example this report details the circumstances where water has been impacted in 284 incidents in Pennsylvania alone. ([http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination Letters/Regional Determination Letters.pdf](http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination%20Letters/Regional%20Determination%20Letters.pdf))

The question you need to ask yourselves is do we want this for North Yorkshire? Many farmers depend on spring water for their land and animals and once contaminated their water cannot be uncontaminated. You will be responsible for sorting this out in the long term as there is no proven process for the safe treatment of waste fluids currently existing. The oil and gas companies will give so called gold standard assurances but these are non-specific and untested.

(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.

Any modifications I consider necessary relating to my above comments are contained in the document which has been submitted by Frack Free Harrogate District.

In summary the Plan as it stands, while identifying many of the safeguards needed, fails to make 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 to know that their water is protected in perpetuity.

(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 	Date: 19/12/2016
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The following is written by Dr James Hansen whose scientific credentials are below.

Dr. James Hansen, formerly Director of the NASA Goddard Institute for Space Studies, is an Adjunct Professor at Columbia University's Earth Institute, where he directs a program in Climate Science, Awareness and Solutions. He was trained in physics and astronomy in the space science program of Dr. James Van Allen at the University of Iowa, receiving a bachelor's degree with highest distinction in physics and mathematics, master's degree in astronomy, and Ph. D. in physics in 1967. Dr. Hansen was a visiting student, at the Institute of Astrophysics, University of Kyoto and Dept. of Astronomy, Tokyo University, Japan from 1965-1966. He received his Ph.D. in physics from the University of Iowa in 1967. Except for 1969, when he was an NSF post-doctoral scientist at Leiden Observatory under Prof. H.C. van de Hulst, he has spent his postdoctoral career at NASA GISS. In his early research Dr. Hansen used telescopic observations of Venus to extract detailed information on the physical properties of the cloud and haze particles that veil Venus. Since the mid-1970s, Dr. Hansen has focused on studies and computer simulations of the Earth's climate, for the purpose of understanding the human impact on global climate. He is best known for his testimony on climate change to Congress in the 1980s that helped raise broad awareness of the global warming issue. In recent years Dr. Hansen has drawn attention to the danger of passing climate tipping points, producing irreversible climate impacts that would yield a different planet from the one on which civilization developed. Dr. Hansen disputes the contention, of fossil fuel interests and governments that support them, that it is an almost god-given fact that all fossil fuels must be burned with their combustion products discharged into the atmosphere. Instead Dr. Hansen has outlined steps that are needed to stabilize climate, with a cleaner atmosphere and ocean, and he emphasizes the need for the public to influence government and industry policies. Dr. Hansen was elected to the National Academy of Sciences in 1995 and, in 2001, received the Heinz Award for environment and the American Geophysical Union's Roger Revelle Medal. Dr. Hansen received the World Wildlife Federation's Conservation Medal from the Duke of Edinburgh in 2006 and was designated by Time Magazine as one of the world's 100 most influential people in 2006. In 2007 Dr. Hansen won the Dan David Prize in the field of Quest for Energy, the Leo Szilard Award of the American Physical Society for Use of Physics for the Benefit of Society, and the American Association for the Advancement of Science Award for Scientific Freedom and Responsibility. In 2008, he won the Common Wealth Award for Distinguished Service in Science and was also awarded both the Ohio State University's Bownocker Medal and the Desert Research Institute's Nevada Medal. In 2009, Dr. Hansen received the American Meteorological Society's highest award, the Carl-Gustaf Rossby Research Medal. In 2010 he received the Sophie Prize and the Blue Planet Prize.

To whom it may concern:

I have recently been informed that the UK intends to create new gas fields using the process of hydraulic fracturing. I believe that this is a significant policy error when we consider where we now stand in relation to climate breakdown.

Here is the bad news on atmospheric methane. The amount of methane was stable from 1999 to 2006, but growth resumed in the past decade and accelerated more sharply in the past two years. The reasons for resumed methane growth remain to be accurately quantified, but the largest methane source is fossil fuel mining and leakage, and the United States seems to be the greatest contributor.¹ The timing and location of renewed methane growth suggest hydraulic fracturing (“fracking”) of shale formations is at least a partial cause of the renewed methane growth.

There are two major implications of this development.

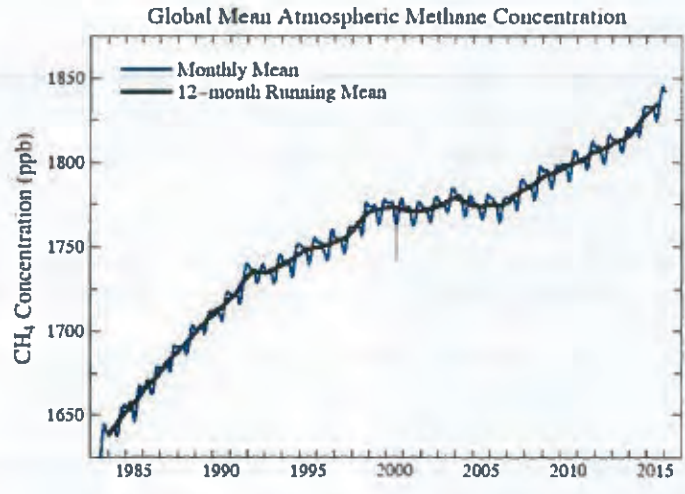
First, the hope of using a methane decrease to remove much of Earth’s energy imbalance² is shattered, at least for a substantial period. Methane atmospheric lifetime is 10-12 years, so if the methane sources are reduced the methane climate forcing would fall rapidly. Present human-made methane forcing, including its indirect effects on other greenhouse gases, is 0.8-1 W/m² (this figure quantifies the energy imbalance caused by methane gas). Although there are multiple sources of methane, including agriculture and landfills, in addition to fossil fuels, if a serious effort to phase out fossil fuels were undertaken it should be possible to reduce the methane forcing by about half. Such a reduction would go a long way toward removing the planetary energy imbalance.³ Thus it is a huge setback if the “fracking” miracle is allowed to proceed, as it indefinitely postpones a decrease of methane forcing.

Figure 1 overpage shows the changes in Global Atmospheric Methane. This data is from NOAA Earth System Monitoring Laboratory

¹ Turner, A.J., Jacob, D.J., Benmergui, J., Wofsy, S.C., Maasakkers, J.D., Butz, A., Hasekemp, O., and Biraud, S.C., 2016: [A large increase in U.S. methane emissions over the past decade inferred from satellite data and surface observations](https://doi.org/10.1002/2016GL067987). *Geophys. Res. Lett.*, 43, doi:10.1002/2016GL067987.

² Hansen, J., M. Sato, R. Ruedy, A. Lacis, and V. Oinas, 2000: [Global warming in the twenty-first century: An alternative scenario](https://doi.org/10.1073/pnas.170278997). *Proc. Natl. Acad. Sci.*, 97, 9875-9880, doi:10.1073/pnas.170278997.

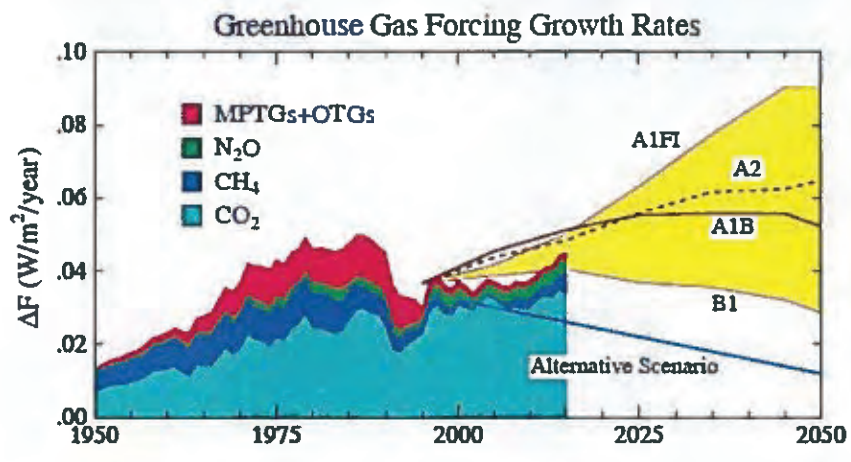
³ Note that this way of quantifying methane’s role, via its current global climate forcing and the methane lifetime, is more informative than the esoteric and misleading “global warming potential” approach.



Second, the re-acceleration of methane growth and the increased volume of the available natural gas reservoir that result from “fracking” contribute to a fundamental change in the trend of the total greenhouse gas (GHG) climate forcing growth rate (Fig. 2). The annual growth of total GHG climate forcing declined by 30% between 1987 and 2000, but now it is back to 90% of its peak value. Resurgence in total forcing growth coincides with methane resurgence, but CO₂ also contributes to the change. It had appeared in 2000 that, with a rising price on carbon, it might be conceivable to follow a course such as the Alternative Scenario (Fig. 2), which would yield a maximum global warming of about 1.5°C. Fig. 2 shows that the global GHG growth rate is now far above the 1.5°C scenario **and diverging from it.**

So is it even conceivable that this growth trend can be reversed; can we get back on a downward trend for the GHG climate forcing growth rate? The answer is: we have no choice, we must get back on track or young people are in deep doo-doo, inheriting a situation out of their control. Furthermore, it is possible, but it requires (i) a negative climate forcing trend from methane, and (ii) gradual phase-out of fossil fuel CO₂ emissions via an across-the-board rising carbon fee.

Fig 2. Five-year mean growth rate of GHG climate forcing; final two points are 3- and 1-year means.



There seem to be two practical implications.

First, we need to forgo the fruits of the “fracking” revolution. The signature of U.S. fracking on global methane is reasonably clear, including the acceleration of the past two years in which 55,000 additional fracking wells were drilled.⁴ The U.S. fossil fuel industry will object, but the industry was well aware of fossil fuel climate impacts and was free to put R&D investments into other energy sources as opposed to fossil fuels alone. If the U.S. allows fracking to proceed unabated, surely other nations will follow and global warming cannot be contained.

Second, fossil fuel CO₂ emissions must begin to decline rapidly, which can happen only via an agreement of the major powers, notably China and the U.S., for a rising carbon fee. This fee would become near-global via border duties on products of non-participating nations. This would be in the best interests of all, including developing countries. It is needed to move the world off the fossil fuel track onto a clean energy track. Developing countries will have leverage required to assure financial and technical assistance, because their cooperation is essential to achieve globally (and locally) needed changes in agricultural and forestry practices that improve carbon sequestration and increase soil fertility.

So where does this place the UK in its contribution to reducing its carbon footprint? If the UK were to join the US by developing gas fields at this point in time it will lock in the methane problem for decades. Attempts by the UK to make significant progress to fulfill its COP21 obligations would be undermined. The fossil fuel companies are well aware methane is a potent greenhouse gas, and yet they seem willing to continue on a path which can have disastrous consequences for their and our grandchildren.

I urgently call upon politicians of any persuasion to reflect on the peer-reviewed scientific information that is readily available and which clearly points to the need to rapidly phase down fossil emissions, a task made much more difficult and probably implausible if the world exacerbates the problem by expanding fossil fuel emissions via fracking technology. The need to phase out fossil fuel emissions is no longer a subject for debate as was shown by the COP21 decisions. We must move out of the fossil fuel age and into the alternatives as quickly as possible. The time for action is not ten years from now but now.

The responsibility for moving safely forward involves all of us. However, in some areas such as “fracking” the officials making decisions to move forward would bear disproportionate responsibility for the action.



James E. Hansen

⁴ [Fracking by the Numbers](#), Frontier Group, Environment America, Ridlington, E., Norman, K., Richardson, R., 2016.

[Redacted]

From: [Redacted]
Sent: 20 December 2016 10:38
To: mwjointplan
Subject: Minerals and Waste Joint Plan Response Forms A and B with attachments.
Attachments: Hansen's Statement to the UK. docx.pdf; Publication_response_form_part_A1.pdf;
Publication_response_form_part_B1-signed.pdf

Please find attached the response forms A and B and additional attachment for M16, 17 and 18.

Kind regards

[Redacted]