



Minerals and Waste Joint Plan

# Minerals and Waste Joint Plan

## Main Modifications Responses

October 2021

## **Minerals and Waste Joint Plan Addendum Proposed Changes July 2021 – September 2021**

### **Main Modifications - Summary of responses**

This stage was undertaken to provide an opportunity for representations to be made regarding the legal compliance and the 'soundness' of the Main Modifications on the Minerals and Waste Joint Plan before it is submitted to the independent Planning Inspector following the Examination in Public.

#### **Consultation**

The Main Modifications of the Minerals and Waste Joint Plan was available for comment between the 21<sup>st</sup> July 2021 and 15<sup>th</sup> September 2021.

A wide range of consultees and stakeholders were contacted either by email or letter. All consultees were sent details of the consultation along with a statement of representations procedure, response form and guidance notes.

The request for comments on the Addendum of Proposed Changes document was publicised through a range of means consisting of:

- press release issued jointly by the three authorities;
- public notice in papers which provide geographical coverage over the plan area (York Press, Northern Echo, Yorkshire post);
- Posters displayed in libraries notice boards;
- Information on the North Yorkshire County Council website;

#### **Responses to consultation**

A total of 179 comments were received from 28 respondents.

The duly made responses received are summarised in the attached report. Each response has a number allocated to it such as 1234/0123. The first number i.e. 1234 is the respondents unique reference number for the respondent; the second number is the unique reference for that particular comment.

# Main Modifications Consultation Report

## 004: Vision and Objectives

## 005: Objectives

CPRE (North Yorkshire Region)

2173/0070/MM03/LC.DTC.S

Complies with DTC

Sound

### MM03

4.011

Believe that the inclusion of the proposed text at paragraph 4.11 is a justified approach to dealing with the moratorium on hydraulic fracturing. It is considered a proportionate amendment and will allow the joint plan team appropriate controls via policy should the moratorium be lifted and hydraulic fracturing operations recommence.

The recognition afforded to the need to adopt a precautionary approach to the uncertainty surrounding the industry in relation to the Government's future approach to climate change is welcomed.

Also welcome the additional information set out at criterion b) which provides clarity to the reader and the additional criterion (point d) relating to existing waste water facilities. These criteria cumulatively set out eventualities (other than the 5 year period set by national planning policy) when a policy review might be triggered and is useful information to the

## 006: Policies map & Key Diagram

Ryedale District Council

0116/0006/MM01/LC.DTC.U

Complies with DTC

Unsound

### MM01

4.008

Ryedale District Council welcome the inclusion of Showfield, Malton (S03), but are disappointed to see that Knapton Quarry has not been safeguarded as a waste transfer site.

This was identified as an omission in our publication representation: 'The site currently operates as a waste transfer facility as well as a composting facility. Policy S09 is considered to be unsound if the sites used as a transfer station is not safeguarded and the extent of the facility defined on the Policies Map.

#### PROPOSED CHANGE

Knapton Quarry should be safeguarded as a waste transfer facility.

Frack Free Ryedale	3684/0092/MM03/LC.DTC.S	Complies with DTC	Sound
<b>MM03</b>			
4.011	<p>Believe that the inclusion of the proposed text at paragraph 4.11 is a sensible approach to dealing with the effective moratorium on hydraulic fracturing. It is considered justified and proportionate amendment and will allow the joint plan team appropriate controls via policy, should the moratorium be lifted and hydraulic fracturing operations recommence.</p> <p>Further, the recognition afforded to the need to adopt a precautionary approach to the uncertainty surrounding the industry in relation to the Government's future approach to climate change.</p> <p>Also welcome the additional information set out at criterion b) which provides clarity to the reader and the additional criterion (point d) relating to existing waste water facilities. These criteria cumulatively set out eventualities (other than the 5 year period set by national planning policy) when a policy review might be triggered.</p>		

South Hambleton Shale Gas Advisory Group	4158/0131/MM03/LC.U	Does Not Comply With DTC	Unsound
<b>MM03</b>			
4.011	<p>Request that great weight given to SHSAG comments as they reflect the needs and interests of the people who live and work in the area we represent. This submission must be now evaluated in the context of the Government's UK Hydrogen Strategy (August 2021) which makes it clear that despite the consequences for global warming they seem intent on using natural gas for the manufacture of hydrogen. This strategy should be cross referenced in the Plan.</p> <p>PROPOSED CHANGE Additional wording: 'THE POLICIES WITHIN THIS PLAN MUST GIVE GREAT WEIGHT TO THE WELLBEING OF LOCAL COMMUNITIES WHO COULD BE AFFECTED BY SHALE GAS EXTRACTION TO THE EXTENT THAT THEY SHOULD NOT BE AFFECTED ADVERSLEY BY ANY WORKS ASSOCIATED WITH DRILLING SITES AND OTHER INFRASTRUCTURE.' should be added.</p>		

**005: Minerals**

**008: Sand & Gravel**

W Clifford Watts & Co Ltd	1157/0046/MM05/LC.DTC.S	Complies with DTC	Sound
<b>MM05</b>	Did not make any specific comments.		
5.015			

W Clifford Watts & Co Ltd	1157/0047/MM06/LC.DTC.U	Complies with DTC	Sound
<b>MM06</b>	Did not make any specific comments.		
5.017p			
M03			

W Clifford Watts & Co Ltd	1157/0048/MM07/LC.DTC.S	Complies with DTC	Sound
<b>MM07</b>	Did not make any specific comments.		
5.018			
M03			

W Clifford Watts & Co Ltd	1157/0049/MM08/LC.DTC.S	Complies with DTC	Sound
<b>MM08</b>	Did not make any specific comments.		
5.021p			
M04			

CPRE (North Yorkshire Region)

2173/0071/MM14/LC.DTC.U

Complies with DTC

Unsound

**MM14**

5.035p  
M07

Believe that new text to Policy M07 part 3) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for the area i.e. the overall Development Plan.

PROPOSED CHANGE

To be consistent with national policy the MWJP should also include text to the final sentence of M07 part 3) to read: 'Proposals will also need to be consistent with the development management policies IN THE ADOPTED DEVELOPMENT PLAN FOR THE AREA'

CPRE (North Yorkshire Region)

2173/0072/MM19/LC.DTC.U

Complies with DTC

Unsound

**MM19**

5.040p  
M08

Believe that new text to Policy M08 part 2) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for the area i.e. the overall Development Plan.

PROPOSED CHANGE

To be consistent with national policy the MWJP should also include text to the final sentence of M08 part 2) to read: 'Proposals will also need to be consistent with the development management policies IN THE ADOPTED DEVELOPMENT PLAN FOR THE AREA'

CPRE (North Yorkshire Region)

2173/0073/MM21.LC.DTC.U

Complies with DTC

Unsound

**MM21**

5.041

Believe that the proposed new paragraph should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area i.e. the overall Development Plan.

PROPOSED CHANGE

Tor be consistent with national policy the proposed new paragraph should also include text to the final sentence to read: 'Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of M08 unallocated extensions to existing quarries, would need to be supported with evidence of their claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of THIS PLAN AND ALSO ANY OTHER POLICIES WITHIN THE ADOPTED DEVELOPMENT PLAN FOR THE SITE LOCATION.'

**009: Crushed Rock**

W Clifford Watts & Co Ltd	1157/0050/MM09/LC.DTC.S	Complies with DTC	Sound
<b>MM09</b>	Did not make any specific comments.		
5.026p			
M05			

W Clifford Watts & Co Ltd	1157/0051/MM11/LC.DTC.S	Complies with DTC	Sound
<b>MM11</b>	Did not make any specific comments.		
5.031p			
M06			

Fenstone Minerals Ltd	1134/0043/MM22/LC.DTC.S	Complies with DTC	Sound
<b>MM22</b>	Did not make any specific comments.		
5.042p			
M09			

W Clifford Watts & Co Ltd	1157/0054/MM22/LC.DTC.S	Complies with DTC	Sound
<b>MM22</b>	Did not make any specific comments.		
5.042p			
M09			

**MM22**

5.042p

M09

The inclusion of Whitewall Quarry for crushed rock has not:

- Not been subject to Sustainability Appraisal;
- Not been consulted upon within the District and Town Councils when the District actively support the exclusion of the site.
- A series of constraints have been identified by Statutory Consultees and no mitigation has been identified to address those constraints;
- The sites inclusion has been described as being justified on the basis of 'Inclusion of allocated site at request of Inspector with text adjustment to reflect concerns raised at the EiP and by Statutory Consultees'

It is therefore considered that the basis on which the site has been included is unsound as its inclusion has not been robustly evidenced by the Minerals and Waste Authority responsible for the Ryedale area. No evidence is presented which explains why this site is now incorporated as part of the work undertaken during the examination process - just that it is at the request of the Inspector. Inspectors can steer/recommend additional sites or the removal of sites, but not actively direct their inclusion.

**PROPOSED CHANGE**

Whitewall Quarry should not be accepted without detailed appraisal of traffic movements and the impact on congestion and air quality, specifically the AQMA, which would be contrary to statutory objectives.

The Minerals and Waste Authorities have complied with the Duty to Cooperate at Publication. Representation made by Ryedale District Council actively supported the exclusion of Whitewall Quarry. No discussion have taken place in relation to the Main Modifications, discussions should have taken place with the Local Planning Authorities subject to the addition of these sites prior to the Main Modifications being published.

Ryedale District Council are also very concerned that no consultation since the last hearing sessions in 2019 has been sought to engage in a communication with either the District Council or Malton and Norton Town Councils concerning the active inclusion of Whitewall Quarry site for a) building stone extraction, b) crushed rock extraction and c) as a construction and waste recycling site. These organisations are statutory consultees, dealing with strategic issues and prior to the consultation on these modifications the views of these bodies should have been ascertained as a requirement of plan-making and as part of the Duty to Cooperate. The supply of building stone was identified as a strategic cross boundary matter to the Duty to Cooperate in the consultation statement p17 Section 5. We are aware that this is not a mandate on which to seek agreement, but is to engage in discussions.



CPRE (North Yorkshire Region)	2173/0074/MM22/LC.DTC.U	Complies with DTC	Unsound
<b>MM22</b> 5.042p M09	Believe that new text to Policy M09 part 3) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for the area i.e. the overall Development Plan.  PROPOSED CHANGE To be consistent with national policy the proposed new Policy M09 Part 3) should also include text to the final sentence of M08 part 2) to read : ' Proposals will also need to be consistent with the development management policies IN THE ADOPTED DEVELOPMENT PLAN FOR THE AREA'		
W Clifford Watts & Co Ltd	1157/0055/MM24/LC.DTC.S	Complies with DTC	Sound
<b>MM24</b> 5.044	Did not make any specific comments.		
Fenstone Minerals Ltd	1134/0044/MM24/LC.DTC.S	Complies with DTC	Sound
<b>MM24</b> 5.044 M09	Did not make any specific comments.		
W Clifford Watts & Co Ltd	1157/0056/MM26/LC.DTC.S	Complies with DTC	Sound
<b>MM26</b> 5.046	Did not make any specific comments.		

CPRE (North Yorkshire Region)	2173/0075/MM26/LC.DTC.U	Complies with DTC	Unsound
<b>MM26</b>			
5.046	Believe new paragraph after existing 5.46 should be strengthened and made consistent with national policy by the addition of text to include proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area i.e. the overall Development Plan.		
	PROPOSED CHANGE		
	Tor be consistent with national policy the proposed new paragraph should also include text to the final sentence to read: 'Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of M09 unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of THIS PLAN AND ALSO ANY OTHER POLICIES WITHIN ADOPTED DEVELOPMENT PLAN FOR THE SITE LOCATION'		

**010: Maintenance of Primary Aggregate Supply**

W Clifford Watts & Co Ltd	1157/0052/MM14/LC.DTC.S	Complies with DTC	Sound
<b>MM14</b>			
5.035p	Did not make any specific comments.		
M07			

W Clifford Watts & Co Ltd	1157/0053/MM16/LC.DTC.S	Complies with DTC	Sound
<b>MM16</b>			
5.038	Did not make any specific comments.		

**012: Silica Sand**

**MM27**

5.061p

M12

Comments relate to allocation of Blubberhouses Quarry and outstanding concerns about the site, which have been expressed through the consultation process for the application NY/2011/0465/73. Therefore support the policy wording that any proposal would need to demonstrate a very high standard of mitigation of environmental impacts and high quality restoration, including protection of resources.

So far the material submitted with the planning application has failed to give confidence that the peat handling strategy and restoration strategy will protect the peat resource. Stored partially dried peat is likely to degrade and increase CO2 emissions.

Would like to see that Biodiversity Net Gain on at least 10% can be achieved through any scheme proposed at the site.

It is imperative that a project level HRA is undertaken to a high standard with the full details of the scheme.

**PROPOSED CHANGE**

Include reference to calculations required on the effect of the development on carbon emissions.

Sibelco

1140/0045/MM27/DNS

DNS

**MM27**

5.061p

M12

Welcome the proposed allocation of Blubberhouses Quarry (MJP15) under Policy M12.

The additional wording under MM27 'to secure an adequate supply of silica sand for at least 15 years' ensures consistency with national policy as expressed in paragraph 124 of the NPPF which states:

'Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by...

c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.(74)'

Footnote 74 states:

These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.'

This main modification is reflective of the fact that significant capital investment will be necessary to commence minerals extraction as a new processing plant is required. Policy M12 is therefore sound in this respect.

Yorkshire Wildlife Trust

0128/0037/MM28/LC.DTC.U

Complies with DTC

Unsound

**MM28**

5.066

Comments relate to allocation of Blubberhouses Quarry and outstanding concerns about the site, which have been expressed through the consultation process for the application NY/2011/0465/73. Therefore support the policy wording that any proposal would need to demonstrate a very high standard of mitigation of environmental impacts and high quality restoration, including protection of resources.

So far the material submitted with the planning application has failed to give confidence that the peat handling strategy and restoration strategy will protect the peat resource. Stored partially dried peat is likely to degrade and increase CO2 emissions.

Would like to see that Biodiversity Net Gain on at least 10% can be achieved through any scheme proposed at the site.

It is imperative that a project level HRA is undertaken to a high standard with the full details of the scheme.

**PROPOSED CHANGE**

Include reference to calculations required on the effect of the development on carbon emissions.

Natural England

0119/0027/MM29/DNS

DNS

**MM29**

5.067

Natural England recommends that this paragraph is updated to include reference to the need for an assessment of alternative solutions in line with Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended) prior to proceeding to the Imperative Reasons of Overriding Public Interest derogations.

**MM29**

5.067

Comments relate to allocation of Blubberhouses Quarry and outstanding concerns about the site, which have been expressed through the consultation process for the application NY/2011/0465/73. Therefore support the policy wording that any proposal would need to demonstrate a very high standard of mitigation of environmental impacts and high quality restoration, including protection of resources.

So far the material submitted with the planning application has failed to give confidence that the peat handling strategy and restoration strategy will protect the peat resource. Stored partially dried peat is likely to degrade and increase CO2 emissions.

Would like to see that Biodiversity Net Gain on at least 10% can be achieved through any scheme proposed at the site.

Support the additional text at MM29. It is imperative that a project level HRA is undertaken to a high standard with the full details of the scheme.

**PROPOSED CHANGE**

Include reference to calculations required on the effect of the development on carbon emissions.

**014: Building Stone**

**MM30**

5.083

The inclusion of Whitewall Quarry for building stone has not:

- Not been subject to Sustainability Appraisal;
- Not been consulted upon within the District and Town Councils when the District actively support the exclusion of the site.
- A series of constraints have been identified by Statutory Consultees and no mitigation has been identified to address those constraints;
- The sites inclusion has been described as being justified on the basis of 'Inclusion of allocated site at request of Inspector with text adjustment to reflect concerns raised at the EiP and by Statutory Consultees'

It is therefore considered that the basis on which the site has been included is unsound as its inclusion has not been robustly evidenced by the Minerals and Waste Authority responsible for the Ryedale area. No evidence is presented which explains why this site is now incorporated as part of the work undertaken during the examination process - just that it is at the request of the Inspector. Inspectors can steer/recommend additional sites or the removal of sites, but not actively direct their inclusion.

**PROPOSED CHANGE**

Whitewall Quarry should not be accepted without detailed appraisal of traffic movements and the impact on congestion and air quality, specifically the AQMA, which would be contrary to statutory objectives.

The Minerals and Waste Authorities have complied with the Duty to Cooperate at Publication. Representation made by Ryedale District Council actively supported the exclusion of Whitewall Quarry. No discussion have taken place in relation to the Main Modifications, discussions should have taken place with the Local Planning Authorities subject to the addition of these sites prior to the Main Modifications being published.

Ryedale District Council are also very concerned that no consultation since the last hearing sessions in 2019 has been sought to engage in a communication with either the District Council or Malton and Norton Town Councils concerning the active inclusion of Whitewall Quarry site for a) building stone extraction, b) crushed rock extraction and c) as a construction and waste recycling site. These organisations are statutory consultees, dealing with strategic issues and prior to the consultation on these modifications the views of these bodies should have been ascertained as a requirement of plan-making and as part of the Duty to Cooperate. The supply of building stone was identified as a strategic cross boundary matter to the Duty to Cooperate in the consultation statement p17 Section 5. We are aware that this is not a mandate on which to seek agreement, but is to engage in discussions.

Mineral Products Association	0115/0001/MM31/LC.S.DTC	Complies with DTC	Sound
<b>MM31</b> 5.085p M15	Support the inclusion of additional text at vii) under part 1 of M15		
Mineral Products Association	0115/0003/MM31/LC.DTC.U	Complies with DTC	Unsound
<b>MM31</b> 5.085p M15	<p>This comment relates to Part 3) of the policy. It is accepted that the purpose of the modification has attempted to address the concerns raised by the MPA at the EiP concerning the restrictive nature of the policy but the modification still has no basis in National Policy. There are no reasons to restrict proposals in policy, and they should be judged on their planning merits at the time of an application. It is perverse to attempt to restrict one particular sector of the extractive industry in this way.</p> <p>Areas of designation are protected in the NPPF and it sets out how development should be dealt with in such areas. This policy prejudices that outcome and is still unsound notwithstanding the modification.</p> <p>PROPOSED CHANGE Delete the whole of 2)</p>		
Mineral Products Association	0115/0002/MM31/DTC.U	Complies with DTC	Unsound
<b>MM31</b> 5.085p M15	<p>This comment relates to Part 2) of the Policy. During the EiP the MPA argued that restricting building stone development in terms of scale and market area was perverse and had no basis within National Planning Policy. A theoretical example was used at the time that a crushed rock quarry would be allowed to operate without limitation without restriction of market, but it was possible to have a building stone quarry adjacent in the same geology which through Plan policy was restricted.</p> <p>It was felt at the time that the Inspector agreed with our concern. As such the modifications do not address the point and the policy remains unsound.</p> <p>PROPOSED CHANGE Part 2) of the Policy should be deleted in total.</p>		

W Clifford Watts & Co Ltd	1157/0057/M15/LC.DTC.S	Complies with DTC	Sound
<b>MM31</b>	Did not make any specific comments.		
5.085p			
M15			

W Clifford Watts & Co Ltd	1157/0058/MM32/LC.DTC.S	Complies with DTC	Sound
<b>MM32</b>	Did not make any specific comments.		
5.086			

Mineral Products Association	0115/0004/MM32/LC.DTC.S	Complies with DTC	Sound
<b>MM32</b>	Support the additional text proposed.		
5.086			



Mineral Products Association	0115/0005/MM33/LC.DTC.U	Complies with DTC	Unsound
<b>MM33</b>	While it is noted that the additional text has been added to make the policy more flexible it is still restrictive and discriminatory towards building stone in that it is still trying to dictact the commercial market of a private enterprise. Why should building stone be singled out from all other development to have its market reach determined by this Plan? There is no basis for this or support in the NPPF.		
5.088	Since closure of the EIP it should be noted that the lastest version of the NPPF has removed the phrase 'small scale' in relation to building stone (para 210f). This phrase has often been incorrectly used in the formation of policy to wrongly limit the scope of stone operations, This excuse is no longer there.		
	PROPOSED CHANGE The last sentence of the proposed modification should be deleted and replaced with:  'There should be no geographical restriction placed upon building stone quarries in terms of market reach to ensure the increased viability of such operations.'		
W Clifford Watts & Co Ltd	1157/0059/MM33/LC.DTC.S	Complies with DTC	Sound
<b>MM33</b>	Did not make any specific comments.		
5.088			
W Clifford Watts & Co Ltd	1157/0060/MM34/LC.DTC.S	Complies with DTC	Sound
<b>MM34</b>	Did not make any specific comments.		
5.090			
<b>015: Hydrocarbons</b>			

**MM35**

5.093

The main modifications consultation letter requires consultees to address concerns identified or other representations to the MWJP or to reflect changes in evidence. However, your concerns; what 'other representations' you mean and the changes in evidence have not been identified.

Request details of when the information was made available to all consultees at a previous stage of the plan process or as a matter of entitlement, all consultees should now be provided with this information. Otherwise this consultation is vitiated and proceeds on an unlawful basis for failure of relevant disclosure and is therefore neither legally compliant or sound.

By reason of this present example of non-disclosure that would wish to ensure that any future review of policy, as anticipated by the proposed change to MM35, be founded on the essential principle of openness.

**PROPOSED CHANGE**

Insert immediately after 'review' ' ON AN OPEN AND DEMOCRATIC BASIS WITH FULL DISCLOSURE OF ALL MATTERS, STATEMENTS AND EVIDENCE ADVOCATING AND/OR RELIED UPON FOR ANY CHANGE OF POLICY.'

**MM35**

5.093

Welcome the proposed additional text ay paragraph 5.93 which has been updated to reference new evidence in the form of the Written Ministerial Statement of 4th November 2019.

However, whilst acknowledging reference made in paragraph 4.11 within the text, it is considered that in order to aid the understanding of the reader, specific reference to the need for future caution in respects of energy development and climate change should be made. For example, the impacts the industry may have on climate change and the uncertainty surrounding the Government's preferred approach to this industry at this stage.

It is also important to recognise that not all shale gas and oil operations are intended for the use in the energy field, but some are intended for the use in plastic manufacturing. The end product should be considered carefully when determining the proposals against the appropriate policies and the 'need' for the extraction of a fossil fuel in the light of the climate emergency.

**PROPOSED CHANGE**

For the sake of clarity, it is suggested the final proposed sentence is amended to read 'As the Joint Plan is intended to cover the period 2030, the Authorities take the view that it is important to maintain local policy for shale gas development, so as to ensure that policy coverage is in place should the moratorium be lifted, but it will be necessary to keep under review both the need for, and the scope of, these policies, PARTICULARLY IN RELATION TO THE GOVERNMENT'S APPROACH TO ENERGY GENERATION AS A RESPONSE TO CLIMATE CHANGE, as explained in more detail in paragraph 4.11'

**MM35**

5.093

Welcome the proposed additional text which has been updated to reference new evidence in the form of the Written Ministerial Statement of 4th November 2019.

However, whilst acknowledging reference made to paragraph 4.11 within the text, it is considered that in order to aid the understanding of the reader, specific reference to the need for future caution in respects of energy development and climate change should be made. For example, the impacts the industry may have on climate change and the uncertainty surrounding the Government's preferred approach to this industry at this stage.

It is also important to recognise that all shale oil operations are intended for energy generation but some are intended for use in plastic manufacturing. The end product should, therefore, be considered carefully when determining proposals against the appropriate policies and the 'need' for the extraction of fossil fuel in light of the climate emergency.

**PROPOSED CHANGE**

For the sake of clarity it is suggested the final proposed sentence of the text is amended to read: 'As the Joint Plan is intended to cover the period to 2030, the Authorities take the view that it is important to maintain local policy for shale gas development, so as to ensure that policy coverage is in place should the moratorium be lifted, but it will be necessary to keep under review both the need for, and the scope of, these policies, PARTICULARLY IN RELATION TO THE GOVERNMENT'S APPROACH TO ENERGY GENERATION AS A RESPONSE TO CLIMATE CHANGE, as explained in more detail in paragraph 4.11'

Barugh (Great &amp; Little) Parish Council

0412/0169/MM35/DNS

DNS

**MM35**

5.093

Feel that the changes made to the original more precise wording of the plan have weakened the strength of protections for residents, dwellings, landscapes etc. Also have concerns regarding the cumulative impact of these industries.

Ryedale Liberal Party

3846/0134/MM35/LC.DTC.U

Complies with DTC

Unsound

**MM35**

5.093

The Government must ensure that the full impacts of hydraulic fracturing for gas production are considered, specifically on Climate Change, at all stage of exploration, development, extraction, transport, modification and use of gas. There must be at least a carbon neutral cost if it is to have a role. There is a legal obligation to adhere to climate change goals, in particular the decrease in reliance on fossil fuels. In addition, the Climate Change impact of liberating methane into environment must be considered from both leaks and deliberate venting. The expansion of the role of gas and hydrogen (other than green hydrogen from renewables displaces development of renewable forms of energy production, which should take precedence over fossil fuels, to comply with Climate Change legislation. Given the urgency of climate change mitigation, it is critical that any policy regarding hydrocarbon extraction recognises this need to also comply with such legislation.

**PROPOSED CHANGE**

The Government must ensure that the full impacts of hydraulic fracturing for gas production are considered, specifically on Climate Change, at all stages of exploration, development, extraction, transport, modification and use of the gas. There must be at least a carbon neutral cost if it has top have a role.

Ryedale Liberal Party

3846/0135/MM36/LC.DTC.U

Complies with DTC

Unsound

**MM36**

5.106

Climate Change legislation should take precedence over Ministerial Statements. Further exploitation of hard to reach, new fossil fuel resources are not in the interests of the local environment nor wider impacts on climate change. The Climate Change Act should be respected over the perceived economic benefits of novel ways to extract gas. It is recognised that the world methane concentration rise has been the result of fracking.

The NPPF requires benefit to the environment and socially in addition to the economy.

**PROPOSED CHANGE**

The entire process of extraction, transport of gas and its use, as well as release to the environment must be considered, to ensure it complies with Climate Change Act. In addition, there should be an overall reduction in gas use, whether in domestic, or industrial use, or as a substrate for hydrogen production or other use.

CPRE (North Yorkshire Region)

2173/0077/MM36/LC.DTC.U

Complies with DTC

Unsound

**MM36**

5.106

Consider that too much information regarding the context to the quashing of paragraph 209a in the 2018 NPPF could be confusing to the reader, as such the final sentence to this suggested new paragraph is not considered necessary.

PROPOSED CHANGE

To better reflect national policy and avoid confusion, it is suggested that the final sentence to the proposed new paragraph at 5.106 is deleted.

Frack Free Ryedale

3684/0106/MM36/LC.DTC.U

Complies with DTC

Unsound

**MM36**

5.106

Consider that too much information regarding the context to the quashing of para 209a in the 2018 NPPF could be confusion to the reader, as such the final sentence to this suggested new paragraph is not considered necessary.

PROPOSED CHANGE

To better reflect national policy and avoid confusion, it is suggested that the final sentence to the proposed new paragraph at 5.106 is deleted.

CPRE (North Yorkshire Region)

2173/0078/MM37/LC.DTC.U

Complies with DTC

Unsound

**MM37**

5.106

As the High Court quashed paragraph 209a of the 2018 NPPF and two revisions have since been published which contain no reference to this paragraph, this detail should not be included within the MWJP 'for context'. It is considered that its inclusion will only serve to confuse and potentially cause a decision maker to add weight to 'benefits' which do not exist. To better reflect existing policy this should be removed. Should national planning policy change, this will be picked up at a future policy review. Further reference to the claimed 'carbon' benefits should be removed as this does not form part of national planning policy.

PROPOSED CHANGE

To better reflect national policy and avoid confusion it is suggested the text of the new paragraph be altered to read: ' NATIONAL PLANNING POLICY FOR SHALE GAS HAS CONTINUED TO EVOLVE DURING THE LATER STAGES OF THE JOINT MINERALS AND WASTE PLAN PREPARATION. THE MPAS TAKE THE VIEW THAT THE EVOLVING NATIONAL POLICY POSITION AND EVOLVING EVIDENTIAL BASIS FOR THE CLAIMED BENEFITS OF SHALE GAS DEVELOPMENT, JUSTIFY A PRECAUTIONARY APPROACH TO RELEVANT LOCAL PLANNING POLICIES FOR THIS FORM OF DEVELOPMENT, AND REINFORCE JUSTIFICATION FOR THEIR COMMITMENT TO KEEP THIS MATTER UNDER CLOSE REVIEW AS REFERENCED IN PARAGRAPHS 4.10 AND 4.11 OF THE PLAN, IN SUCH CIRCUMSTANCES AS THE GOVERNMENT ENDING THE MORATORIUM CURRENTLY IN PLACE.

Frack Free Ryedale

3684/0094/MM37/LC.DTC.U

Complies with DTC

Unsound

**MM37**

5.106

As the High Court quashed paragraph 209a of the 2018 NPPF and two revisions have since been published which contain no reference to this paragraph, this detail should not be included within the MWJP 'for context'. It is considered that its inclusion will only serve to confuse and potentially cause a decision maker to add weight to 'benefits' which do not exist. To better reflect existing policy this should be removed. Should national planning policy change, this will be picked up at a future policy review. Further reference to the claimed 'carbon' benefits should be removed as this does not form part of national planning policy. Suggested revisions to the amendments have been put forward below.

PROPOSED CHANGE

To better reflect national policy and avoid confusion it is suggested the text of the new paragraph be altered to read: ' NATIONAL PLANNING POLICY FOR SHALE GAS HAS CONTINUED TO EVOLVE DURING THE LATER STAGES OF THE JOINT MINERALS AND WASTE PLAN PREPARATION. THE MPAS TAKE THE VIEW THAT THE EVOLVING NATIONAL POLICY POSITION AND EVOLVING EVIDENTIAL BASIS FOR THE CLAIMED BENEFITS OF SHALE GAS DEVELOPMENT, JUSTIFY A PRECAUTIONARY APPROACH TO RELEVANT LOCAL PLANNING POLICIES FOR THIS FORM OF DEVELOPMENT, AND REINFORCE JUSTIFICATION FOR THEIR COMMITMENT TO KEEP THIS MATTER UNDER CLOSE REVIEW AS REFERENCED IN PARAGRAPHS 4.10 AND 4.11 OF THE PLAN, IN SUCH CIRCUMSTANCES AS THE GOVERNMENT ENDING THE MORATORIUM CURRENTLY IN PLACE.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0107/MM37/DNS

DNS

**MM37**

5.106

Would like to clarify that the removal of paragraph of 209a from the NPPF was solely the result of Government failing to carry out a proper consultation, not because of the merits of the evidence considered. The evidence not considered in the Government consultation was the Mobbs paper, which UKOOG have provided rebuttal evidence against in the EiP of the MWJP. This evidence should not have any bearing on the decision making of the MWJP, given its inadequacies which we have detailed in the consultation. For example, UKOOG provided the evidence submitted to the hearing of a select committee on this matter from the 30th April 2018 as well as evidence to a dedicated question on the High Court judgement order.

Ryedale Liberal Party	3846/0136/MM37/LC.DTC.U	Complies with DTC	Unsound
<b>MM37</b> 5.106	<p>The National Planning Policy for shale gas was revoked as the government has failed to consider the greenhouse gas emissions from shale gas development. This action seems appropriate and would need significant new science to reverse this decision. World methane levels have surged as a result of shale gas extraction. It is important to note that low water volume fracks, other chemicals used for fracking and fracking into sandstone or limestone should all be covered by the catch all 'shale gas extraction' to avoid confusion or exploitation.</p> <p>All three pillars of the NPPF should be respected so that social and environmental impacts are not eclipsed by need or the wish to promote economic development.</p>		
Frack Free Ryedale	3684/0095/MM38/LC.DTC.S	Complies with DTC	Sound
<b>MM38</b> 5.107	<p>Have no issue with the content of the suggested new paragraph at MM38, it is not considered necessary. This is a repeat of that set out at MM35.</p> <p>PROPOSED CHANGE To avoid repetition it is suggested that this paragraph be deleted in its entirety.</p>		
Ryedale Liberal Party	3846/0137/MM38/LC.DTC.U	Complies with DTC	Unsound
<b>MM38</b> 5.107	<p>It is important that a range of 'non-frack-fracks' should all be considered and measured against the Climate Change Act regardless of the volumes or chemicals used or the rocks being fracked. The Climate Change Act takes precedence over word play and redefinitions.</p>		
Frack Free Ryedale	3684/0096/MM39/LC.DTC.S	Complies with DTC	Sound
<b>MM39</b> 5.109	<p>For clarity the word 'often' should be removed from the first sentence of this paragraph.</p> <p>PROPOSED CHANGE For the sake of clarity remove the word 'often' from the first sentence.</p>		



Ryedale Liberal Party	3846/0138/MM39/LC.DTC.U	Complies with DTC	Unsound
<b>MM39</b>			
5.109	<p>'Small quantities of chemicals are often added' The word 'small' in this sentence obscures meaning as it needs a comparator. Fracking usually requires a ton or more chemicals, albeit carried in thousands of gallons of water. The use of a word without clear meaning is misleading. Unaware of any fracking worldwide in the absence of any chemicals being used either in maintenance or in fracking pre se. In the absence of evidence to the contrary, the word 'often' should be omitted as it is misleading.</p> <p>'...all the chemicals used in the process are non-hazardous to groundwater.' Not only chemicals introduced I the first frack, but the returned water must be checked for toxic chemicals that result from the release of chemicals deep underground and from chemical interactions between the initial chemicals and those underground under conditions of heat and extreme pressure. Without analysis of the re-use fluids the policy is not coherent. Maintenance chemicals such as biocides must also be non-hazardous to ground water. For instance, a late change in Third Energy's choice of biocide was approved although it was toxic to the environment, accumulated and did not biodegrade.</p> <p>All chemicals used in well maintenance and for fracking must be non-hazardous to groundwater. All water that is to be re-injected for re-use or disposal or other purposes must also be non-hazardous to groundwater.</p> <p>PROPOSED CHANGE The sentence 'Small quantities of chemicals are often added' should be changed to 'CHEMICALS ARE ADDED.'</p>		

Yorkshire Wildlife Trust	0128/0040/MM39/LC.U		Unsound
<b>MM39</b>			
5.109	<p>It is not just chemicals that can affect groundwater, it is vital that well abandonment and site restoration is part of the joint development plan. The authority must be certain that methane leaks and any impacts on surface and groundwater from deteriorating infrastructure are covered in the plan.</p> <p>A report by the US Environmental Protection Agency has concluded that there are potential problems with impacts on water quality at all stages of the shale extraction process.</p> <p>PRPOSED CHANGE The post production and well abandonment needs to be covered in policy wording and supporting text.</p>		

Ryedale Liberal Party	3846/0139/MM40/LC.DTC.U	Complies with DTC	Unsound
<b>MM40</b> 5.111	The impacts may require surveys and not simply desktop exercises of assumption but also include timely review studies and measurements to look for adverse change.		
Ryedale Liberal Party	3846/0140/MM41/LC.DTC.U	Complies with DTC	Unsound
<b>MM41</b> 5.115	Could the sentence 'The HSE requires that an independent well examiner reviews the design of the well.' be strengthened by adding ' a WHOLLY independent well examiner?'		
Ryedale District Council	0116/0010/M16/LC.DTC.S	Complies with DTC	Sound
<b>MM43</b> 5.119p M16	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		
Frack Free Ryedale	3684/0097/MM43/LC.DTC.S	Complies with DTC	Sound
<b>MM43</b> 5.119p M16	Fully support the amendments to M16 b)ii. This provides clarity ensuring that a proposal for any phase of hydrocarbon development within a nationally designated landscape will comprise major development and be subject to the requirements of Policy D04		

CPRE (North Yorkshire Region)	2173/0078/MM43/LC.DTC.S	Complies with DTC	Sound
<b>MM43</b> 5.119p M16	Strongly support the amendments to M16 b)ii. This provides clarity ensuring that a proposal for any phase of hydrocarbon development within a nationally designated landscape will comprise major development and be subject to the requirements of Policy D04		
Ryedale Liberal Party	3846/0141/MM43/LC.DTC.U	Complies with DTC	Unsound
<b>MM43</b> 5.119p M16	The sentence '...and is considered to comprise major development' would be less likely to be negotiated away if it read '...THIS WILL BE CONSIDERED TO COMPRISE MAJOR DEVELOPMENT AND will be subject to the requirements of Policy D04.'		
Ryedale District Council	0116/011/MM44/LC.DTC.S	Complies with DTC	Sound
<b>MM44</b> 5.119p M16	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		

**MM44**

5.119p

M16

Overall this proposed modification significantly weakens the protection of local communities and the environment in order to avoid the Policy being rendered unsound, it is necessary for this text to be consistent with that proposed, submitted correctly in MM53 M17 4) i) where 'particularly careful scrutiny of supporting evidence' is called for 'which robustly demonstrates how in site specific circumstances and unacceptable degree of adverse impact can be avoided'. Such criteria should also be incorporated in this policy.

Save for the above comment agree and endorse the proposed widening of visual sensitivity criteria; yet see no justification for changing 'must' to 'should'. There is every reason, for the protection of statutory protected areas. To retain the concept of 'views of and from the associated landscapes' being relevant, It is essential to keep such protection.

## PROPOSED CHANGE

Remove 'should' and reinstate 'MUST'

Add 'PARTICULARLY CAREFUL SCRUTINY OF SUCH SUPPORTING EVIDENCE' is called for 'WHICH ROBUSTLY DEMONSTRATES HOW IN SITE SPECIFIC CIRCUMSTANCES AN UNACCEPTABLE DEGREE OF ADVERSE IMPACT CAN BE AVOIDED'

**MM44**

5.119p

M16

Very concerned that the additional information proposed to be included within Policy M16 d) i) will weaken the protection afforded to local communities and the environment especially considering the Inspector stated she was minded to 'find sound' at the specific hydrocarbons examination hearing session due to the acceptance of the requirement for a precautionary approach to a novel industry. For example, the replacement of 'must' with 'should' in the context of the provision of supporting detailed assessments on the potential impacts on designated landscapes weakens the policy and is unjustified.

The additional text setting out 'unless it can be demonstrated....' is considered ineffective. Given the sensitivities surrounding the designated landscapes and the impact development can have within the settings of such landscapes, it is considered the only way particular locational circumstances can be determined as not having an impact on the designation is to provide a detailed assessment proving the case. As such, the developer will have to be required to provide a detailed assessment proving their scheme is acceptable in landscape terms to the MPA rendering this paragraph ineffective and as such should be removed entirely reverting to the previous text.

Whilst the term 'visual sensitivity zone' is acceptable CPRENY fully supports the suggestion from Frack Free Ryedale (FFR) to require 1:100 ratio landscape assessment of tall infrastructure to be included with any application.

The 3.5km zone is acceptable as a 'minimum' requirement in so much as most workover rigs that are utilised on hydrocarbon extraction sites are typically 35m high, however CPRENY concur with the evidence presented by FFR that most drilling rigs used by operators seem to be a minimum of 55m high with a 60m temporary crane. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time, especially when drilling multiple drill wells in succession. It is therefore considered that the wording should be amended to include reference to a ratio which would take the higher infrastructure into account. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

**PROPOSED CHANGE**

To ensure an effective policy and protect the landscape the policy should be reworded to read:

i) Where proposals for surface hydrocarbon development meet other locational criteria set out in this policy but fall within a National Park or an AONB or the associated MINIMUM 3.5km visual sensitivity zone around these areas, identified on the Policies Map, or where located beyond this zone, are otherwise considered to have potential to cause significant harm to a National Park and/or ANOB, applications MUST be supported by a detailed assessment of the potential impacts on the designated area(s). DETAILED ASSESSMENTS ARE REQUIRED TO INCLUDE AN ASSESSMENT OF VIEWS OF AND FROM THE DESIGNATED AREA(S) FROM SIGNIFICANT VIEWPOINTS, INCLUDING USING A 1:100 RATIO TO TAKE ACCOUNT OF THE MAXIMUM HEIGHT OF ALL PROPOSED INFRASTRUCTURE, 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.

Ryedale District Council

0116/0021/MM44/LC.DTC.S

Complies with DTC

Sound

**MM44**

5.119p

M16

MM44 changed from 3.5km buffer zone to '3.5km visual sensitivity zone' in Policy M16 with also changes in the text in 5.128 (MM49) to clarify the changes, and the visual sensitivity zone.

The clarification and explanation of terms provided around the operation of the 3.5km visual sensitivity zone has been welcomed. Believe that the concerns around the 3.5km visual sensitivity zone and 500m setback have been largely explained. They were bot debated at the EiP and a compromise reached between what the precautionary principle should demand, and the development of a proportionate framework to assess proposals against, and should be viewed as a starting point to consider each proposal on its merits.

The Council is disappointed that no further consideration was given to locally important landscape designations, and it appreciates that in order to identify locally designated areas of important landscape character evidence is required. However the Vale of Pickering is an Archaeologically Sensitive Area by Historic England, and the Yorkshire Wolds is now being considered for status as an AONB. Given the lifetime of the plan these sensitivities should be acknowledged.

Ryedale Liberal Party

3846/0142/MM44/LC.DTC.U

Complies with DTC

Unsound

**MM44**

5.119p

M16

If regard the National Parks/AONB and their sensitivity zones to have the highest level of protection, as per NPPF, it follows that a stronger requirement should be reinstated to read '...MUST be supported by a detailed assessment...'. This should not simply be a desktop survey but involve people on the ground from a variety of personnel beyond industry paid consultants. The lead into 'should be' is suggesting the development has potential to cause significant harm.

d) i) talks about only the visual impact zone around the National Park and AONBs. It is important to recognise it is not solely the visual impact that is at issue, it is also the light pollution, noise, traffic, emissions, vibration, etc. that can all compromise a healthy environment for the natural world. The current wording allows for debate and challenge.

**PROPOSED CHANGE**

Reinstate '...MUST be supported by a detailed assessment...'

**MM44**

5.119p

M16

Concerned that the additional information proposed to be included within Policy M16 d) i) will weaken the protection afforded to local communities and the environment especially considering the Inspector stated she was minded to 'find sound' at the specific hydrocarbons examination hearing session due to the acceptance of the requirement for a precautionary approach to a novel industry. For example, the replacement of 'must' with 'should' in the context of the provision of supporting detailed assessments on the potential impacts on designated landscapes weakens the policy and is unjustified.

The additional text setting out 'unless it can be demonstrated....' is considered ineffective. Given the sensitivities surrounding the designated landscapes and the impact development can have within the settings of such landscapes, it is considered the only way particular locational circumstances can be determined as not having an impact on the designation is to provide a detailed assessment proving the case. As such, the developer will have to be required to provide a detailed assessment proving their scheme is acceptable in landscape terms to the MPA rendering this paragraph ineffective and as such should be removed entirely reverting to the previous text.

Whilst the term 'visual sensitivity zone' is acceptable FFR it is considered that a 1:100 ratio would also be useful to include. The 3.5km zone is acceptable as a 'minimum' requirement in so much as most workover rigs that are utilised on hydrocarbon extraction sites are typically 35m high, most drilling rigs used by operators seem to be a minimum of 55m high with a 60m temporary crane. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time (several years), especially when drilling multiple drill wells in succession. It is therefore considered that the wording should be amended to include reference to a ratio which would take the higher infrastructure into account. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

**PROPOSED CHANGE**

To ensure an effective policy and protect the landscape the policy should be reworded to read:

i) Where proposals for surface hydrocarbon development meet other locational criteria set out in this policy but fall within a National Park or an AONB or the associated MINIMUM 3.5km visual sensitivity zone around these areas, identified on the Policies Map, or where located beyond this zone, are otherwise considered to have potential to cause significant harm to a National Park and/or ANOB, applications MUST be supported by a detailed assessment of the potential impacts on the designated area(s). DETAILED ASSESSMENTS ARE REQUIRED TO INCLUDE AN ASSESSMENT OF VIEWS OF AND FROM THE DESIGNATED AREA(S) FROM SIGNIFICANT VIEWPOINTS, INCLUDING USING A 1:100 RATIO TO TAKE ACCOUNT OF THE MAXIMUM HEIGHT OF ALL PROPOSED INFRASTRUCTURE, 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.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0108/MM44/DNS

DNS

**MM44**

UKOOG are content with this modification which includes the 3.5km zone around the National Park and AONBs.

5.119p

M16

Ryedale Liberal Party

3846/0143/MM45/LC.DTC.U

Complies with DTC

Unsound

**MM45**

If the National Parks are offered the greatest protection then there is no place for 'Development which would result in significant harm....will generally be resisted.' which would be in conflict with the status in the NPPF.

5.121

PROPOSED CHANGE

The greatest protection would be '...development which would result in ANY harm to the special qualities of the National Park or AONB WILL BE RESISTED.'

Frack Free Ryedale

3684/0099/MM46/LC.DTC.S

Complies with DTC

Sound

**MM46**

Consider that the MPAs approach to the definition of hydraulic fracturing is consistent with national planning policy via PPG Minerals in that it does not rely on a minimum volumetric threshold. Concur that the impacts of high volume hydraulic fracturing and fracking involving lower volumes of fracture fluid, can have the same and/or similar impacts. As such the additions to paragraph 5.124 provide further clarity and is supported.

5.124



Ryedale Liberal Party	3846/0144/MM46/LC.DTC.U	Complies with DTC	Unsound
<b>MM46</b> 5.124	<p>Hydraulic fracturing being proposed in association with the development of conventional hydrocarbons was discussed extensively in the Hearings and it is considered that the confusion around conventional/unconventional is unhelpful. Most of the discussion was about shale gas. However, in the Infrastructure Act the definitions were altered so that a defined lower amount of water in a single frack or in the entire frack history could be considered a non-frack frack and that if the rock was not shale and the fracking process was into limestone or sandstone then that too would not be considered fracking. If not fracking then all the above conditions and regulations could be waived. If the plan is to be robust then all Extreme Energy Extraction should be the guideline as to what is or is not allowed or regulated. The strata that was being considered at Kirby Misperton was not shale but a mixture of shale and sandstone. Shale is rarely a pure uniform material so if sandstone or limestone were present then it could be considered conventional and therefore fracked regardless of the MWJP regulations on shale gas and drilling the shale in or out of the National Park and its surroundings.</p>		
South Hambleton Shale Gas Advisory Group	4158/0127/MM46/LC.U	Does Not Comply With DTC	Unsound
<b>MM46</b> 5.124	<p>The last proposed amendment is not only linguistically tortuous and therefore almost devoid of practicality. It is circuitous in its subjectivity and vague in the extreme. The use of double negative in 'not result in unacceptable' makes the entire amendment an intellectual exercise, the unacceptable is unacceptable.</p> <p>PROPOSED CHANGE In last sentence revise wording to '...would not result in an ADVERSE impact on the protected area...'</p>		
Ryedale District Council	0116/0012/MM46/LC.DTC.S	Complies with DTC	Sound
<b>MM46</b> 5.124	<p>Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.</p>		

**MM46**

5.124

Consider that the MPAs approach to the definition of hydraulic fracturing is consistent with national planning policy via PPG Minerals in that it does not rely on a minimum volumetric threshold. The impacts of high volume hydraulic fracturing and fracking involving lower volumes of fracture fluid, can have the same and/or similar impacts. As such the additions to paragraph 5.124 provide further clarity and is supported.

**MM46**

5.124

The WMS states that MPAs must recognise that Parliament has set out in statute the relevant definitions of hydrocarbons, natural gas and associated hydraulic fracturing. With respect to hydraulic fracturing it would be ambiguous and confusing to have different definitions used by different regulators. In land use planning terms the potential surface impacts associated with the development of conventional and unconventional geologies are clearly handled within the current planning framework.

The Council have tried to widen the definition of hydraulic fracturing when all of the impacts they are trying to resolve can be resolved using current controls within PPG.

The Council have used two documents to try and justify a much wider definition of hydraulic fracturing, PPG paragraph 129 and the Government response to a consultation in 2016.

The PPG 2014 definition of hydraulic fracturing was defined under 'Annex A: Shale gas, coalbed methane and underground coal gasification.' This was superseded by the Infrastructure Act 2015.

In terms of the 'Surface Development Restrictions for Hydraulic Fracturing - Government Response to the consultation June 2016, the government were not trying to redefine hydraulic fracturing. In the Infrastructure Act associated hydraulic fracturing was deemed to be defined by involving liquid which involved more than 1,000 cubic metres at each stage. The government response was to clarify a potential loophole which ensures the definition encompasses 1,000 cubic metres of fluid at any stage. This new definition is what they mean by hydraulic fracturing that is not associated hydraulic fracturing.

The definition of hydraulic fracturing within the Infrastructure Act which should be used.

There is no necessary distinction in planning terms between conventional and unconventional hydrocarbon development, this is reflected in current planning practice guidance. The WMS states that 'we expect Mineral Planning Authorities to recognise the fact that Parliament has set out in statute the relevant definitions of hydrocarbon, natural gas and associated hydraulic fracturing'. It is considered unnecessary to draw such a distinction within the Plan and to retain such would be contrary to the WMS and make the Plan unsound.

Unacceptable impact is not or is at least poorly defined. The National Planning Policy Framework and Planning Practice Guidelines already provide an acceptable level of protection.

Frack Free Ryedale

3684/0100/MM47/LC.DTC.U

Complies with DTC

Unsound

**MM47**

5.125

Welcomes the additional text proposed to paragraph 5.125 providing a link to national policy. However, reference should also be made to current Government thinking particularly in relation to Climate Change and future energy needs as proposed via MM03 which would ensure that the MWJP is fully consistent with policy as far as practicable.

PROPOSED CHANGE

It is suggested that immediately after the proposed text the following additional text is added '...,meeting the highest environmental standards SHOULD THE EFFECTIVE MORATOIRIUM BE LIFTED. THE UNCERTAINTY SURROUNDING THE FUTURE APPROACH TAKEN BE GOVERNMENT TO MEET ENERGY DEMAND IN LIGHT OF CLIMATE CHANGE IS ALSO RECOGNISED AND THE MPAS WILL NEED TO REVIEW POLICIES AT SUCH TIME SHOULD THE GOVERNMENT DETERMINE FOSSIL FUEL EXTRACTION IS NO LONGER APPROPRIATE.'

Ryedale Liberal Party

3846/0145/MM47/LC.DTC.U

Complies with DTC

Unsound

**MM47**

5.125

Given the urgency of global warming it is essential that the MWJP supports the Climate Change Act. The aspirations of 'searching for a exploiting shale gas and oil resources in a safe and sustainable way meeting the highest environmental standards is unachievable in terms of Climate Change.

Shale gas is not sustainable nor are the highest standards met. Just as oil and gas exploration and extraction throughout the world is accompanied by methane leaks, ill health and damage to the environment, the fracking industry in the UK has triggered seismic activity, experienced gas leaks and has been seen to deliberately vent methane to the environment. Air quality assessment has shown raised levels of methane over some North Sea gas rigs, clouds of methane over some gas fields and frequent leaks of methane from the seabed adjacent to the gas wells.

It is vital to set tight and high standards and for them to be closely and independently monitored if to meet the requirements of the Climate Change Act.

Ryedale District Council

0116/0023/MM47/LC.DTC.U

Complies with DTC

Unsound

**MM47**

5.125

The inclusion of the additional text is welcomed but climate change adaptation should also be at the heart of such policies so suggest the supporting text is amended to '...sustainable way meeting the highest environmental AND CLIMATE CHANGE ADAPTATION standards.'

United Kingdom Onshore Oil and Gas (UKOOG)	3997/0110/MM47/DNS		DNS
<b>MM47</b>			
5.125	Support the modification that explicitly outlines that the Plan must align with government policy on the national need for onshore oil and gas. UKOOG operators will continue to utilise the best available techniques, as required by the Environment Agency, in the development of onshore oil and gas. Local Authorities cannot set conditions outside of their regulatory remit, for example on water quality and emissions to air.		
	PROPOSED CHANGE		
	Change 'meeting the highest environmental standards' to 'DEPLOYING THE BEST AVAILABLE TECHNIQUES AS REQUIRED BY THE ENVIRONMENT AGENCY'.		

Natural England	0119/0028/MM48/DNS		DNS
<b>MM48</b>			
5.126	Natural England notes and welcomes the clarification.		

Ryedale Liberal Party	3846/0146/MM48/LC.DTC.U	Complies with DTC	Unsound
<b>MM48</b>			
5.126	The wording '...Special Areas of Conservation for both their vegetation and specific bird species they support.' is not suitable, it is inappropriate to be specific to a narrow band of natural habitat and specific species. This might refer to grouse moors. It might allow debate about which species are protected.		
	PROPOSED CHANGE		
	The protection should be FOR ALL NATURE AND SPECIES THEY CURRENTLY SUPPORT AND COULDS SUPPORT IN THE FUTURE.		

United Kingdom Onshore Oil and Gas (UKOOG)	3997/0111/MM48/DNS		DNS
<b>MM48</b>			
5.126	Support the modification in language.		

Ryedale District Council	0116/0013/MM49/LC.DTC.S	Complies with DTC	Sound
<b>MM49</b> 5.128	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		

United Kingdom Onshore Oil and Gas (UKOOG)	3997/0112/MM49/DNS		DNS
<b>MM49</b> 5.128	Accept the modification in language		

**MM49**

5.128

To support comments made in the FFR response to MM44 it is considered that whilst the term 'visual sensitivity zone' is acceptable to FFR it is considered that a 1:100 ratio would also be useful to include within the plan in order to recognise that the majority of hydrocarbon extraction sites use equipment much taller than 35m. The 3.5km zone is acceptable as a minimum requirement in so much as most workover rigs that are utilised on hydrocarbon extraction site are typically 35m high. However, the most popular drilling rigs by operators seem to be a minimum of 55m high with a 60m temporary crane, all 3 units plus other tall infrastructure can be on site at the same time. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time (in some cases up to several years), especially when drilling multiple wells in succession. No recognition of this fact as the potential impacts of the proposals could actually extend much further than 3.56km in the majority of cases. It is therefore considered that the wording of this supporting text should be amended to include reference to a ratio which would take higher infrastructure into account, including the fact that all proposals will require detailed assessments as all are likely to include infrastructure significantly above 35m as seen on the site visits by the Inspector. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

**PROPOSED CHANGE**

It is considered to make the supporting text to Policy M16 d) i) effective additional text should be added to that already proposed via MM49 to read: 'In order to ensure 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 the visual sensitivity zone of the National Park or AONB should be supported by detailed information assessing the impact of the proposed development, including views into and out of the designated area USING A RATIO OF 1:100 TO TAKE INTO ACCOUNT TALL INFRASTRUCTURE PROPOSED ON SITE. The authorities consider that, for development outside the boundary of the designated area, such a requirement is most likely to apply within a 3.5km zone around the boundary, as defined on the Policies Map. This 3.5km zone is based on standard 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. THE USE OF THE 1:100 RATIO WILL DETERMINE THE POTENTIAL LANDSCAPE AND VISUAL IMPACTS OF TALLER INFRASTRUCTURE WHICH MAY BE ENCOUNTERED BEYOND THE MINIMUM 3.5KM BOUNDARY AND IS BASED ON THE SAME PRINCIPLES AS THE 3.5KM VISIBILITY ZONE. THIS WILL ENSURE THAT THE POTENTIAL FOR SIGNIFICANT IMPACTS ARE IDENTIFIED AND CONSIDERED IN THE DETAILED ASSESSMENTS OF THE PROPOSAL. Similar, the particular topography of the landscape surrounding the designated area in places may, within 3.5km zone, effectively screen the development in views from or towards the designated area, PARTICULARLY IN CASES INVOLVING SMALL SCALE SURFACE HYDROCARBON DEVELOPMENT SUCH AS MONITORING EQUIPMENT, HOWEVER SUPPORTING INFORMATION WILL ALWAYS BE REQUIRED. Prospective applicants should seek advice from the relevant Minerals Planning Authority on this matter at pre-application stage.

CPRE (North Yorkshire Region)

2173/0082/MM49/LC.DTC.U

Complies with DTC

Unsound

**MM49**

5.128

Support comments made in the FFR response to MM44 it is considered that whilst the term 'visual sensitivity zone' is acceptable to FFR it is considered that a 1:100 ratio would also be useful to include within the plan in order to recognise that the majority of hydrocarbon extraction sites use equipment much taller than 35m. The 3.5km zone is acceptable as a minimum requirement in so much as most workover rigs that are utilised on hydrocarbon extraction site are typically 35m high. However, the most popular drilling rigs by operators seem to be a minimum of 55m high with a 60m temporary crane, all 3 units plus other tall infrastructure can be on site at the same time. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time (in some cases up to several years), especially when drilling multiple wells in succession. No recognition of this fact as the potential impacts of the proposals could actually extend much further than 3.56km in the majority of cases. It is therefore considered that the wording of this supporting text should be amended to include reference to a ratio which would take higher infrastructure into account, including the fact that all proposals will require detailed assessments as all are likely to include infrastructure significantly above 35m as seen on the site visits by the Inspector. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

South Hambleton Shale Gas Advisory Group

4158/0128/MM49/LC.DTC.U

Complies with DTC

Unsound

**MM49**

5.128

The penultimate sentence beginning 'Similarly, the particular topography,,,,' should be deleted entirely because the point is covered and is otherwise inconsistent with the requirement for an environmental impact assessment.

**PROPOSED CHANGE**

Delete 'SIMILARLY, THE PARTICULAR TOPOGRAPHY OF THE LANDSCAPE SURROUNDING THE DESIGNATED AREA IN PLACES MAY, WITHIN THIS 3.5KM ZONE, EFFECTIVELY SCREEN THE DEVELOPMENT IN VIEWS FROM OR TOWARDS THE DESIGNATED AREA AND IN SUCH CASES, AS WELL AS CASES INVOLVING SMALL SCALE SURFACE HYDROCARBON DEVELOPMENT SUCH AS MONITORING EQUIPMENT, ADDITIONAL ASSESSMENT AND SUPPORTING INFORMATION MAY NOT BE REQUIRED.'



Ryedale District Council

0116/0022/MM49/LC.DTC.S

Complies with DTC

Sound

**MM49**

5.128

MM44 changed from 3.5km buffer zone to '3.5km visual sensitivity zone' in Policy M16 with also changes in the text in 5.128 (MM49) to clarify the changes, and the visual sensitivity zone.

The clarification and explanation of terms provided around the operation of the 3.5km visual sensitivity zone has been welcomed. Believe that the concerns around the 3.5km visual sensitivity zone and 500m setback have been largely explained. They were bot debated at the EiP and a compromise reached between what the precautionary principle should demand, and the development of a proportionate framework to assess proposals against, and should be viewed as a starting point to consider each proposal on its merits.

The Council is disappointed that no further consideration was given to locally important landscape designations, and it appreciates that in order to identify locally designated areas of important landscape character evidence is required. However the Vale of Pickering is an Archaeologically Sensitive Area by Historic England, and the Yorkshire Wolds is now being considered for status as an AONB. Given the lifetime of the plan these sensitivities should be acknowledged.

Ryedale Liberal Party

3846/0147/MM49/LC.DTC.U

Complies with DTC

Unsound

**MM49**

5.128

The 3.5km zone has been debated at length, it encompasses considerations of visual impact but also, noise, vibration, light, traffic, emissions and other issues that might impact on the health and wellbeing of the nature and the wildlife in the protected species. It may depend on the prevailing wind and other variables we are unaware of. It is therefore important not to focus on screening out based on the visibility issue, but overlook the other malign impacts.

Ryedale Liberal Party

3846/0148/MM50/LC.DTC.U

Complies with DTC

Unsound

**MM50**

5.130

Coal mine methane use must be carefully monitored for methane leaks or venting or other chemical releases.

Ryedale District Council	0116/0014/MM51/LC.DTC.S	Complies with DTC	Sound
<b>MM51</b> 5.130p M17	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		
Friends of the Earth - Yorkshire & Humber and the	2753/0065/MM51/LC.DTC.S	Complies with DTC	Sound
<b>MM51</b> 5.130p M17	Fully support modification to policy M17 to include the consideration of cumulative impacts of fracking development on climate change, as well as to propose suitable mitigation and adaptation measures 'as may be available'. The need to consider the cumulative impacts of fracking on climate change are paramount, especially when multiple wellhole bores can be dug on the same well pad, increasing the risk of fugitive methane release.		
	Satisfied this amendment ensures that policy M17 is the most appropriate strategy 'when considered against the reasonable alternatives, based on proportionate evidence' as per NPPF 2012 which his plan is being considered against.		
Frack Free Ryedale	3684/0102/MM51/LC.DTC.U	Complies with DTC	Unsound
<b>MM51</b> 5.130p M17	Do not support the addition of 'where practicable' within Policy M17 ) iii) or v) in or to provide 'flexibility'. National Planning Policy is very clear that proposals for major development should be located close to existing transport networks to reduce the need to travel. Further, whilst minerals can only be worked where sourced, simply because they exist does not mean they should be extracted if other material; considerations prevent it from being undertaken sustainably (especially considering the climate emergency), as such if the operator cannot connect easily to existing underground pipelines or cannot find an appropriate route for new underground infrastructure to be located, or is not located near an adequate water supply without necessitating the need for bulk road transport, the proposals should not be supported		
	Should the proposed text be retained supporting text should be providing setting clear expectations as to what would be considered 'practicable' i.e. in line with the three pillars of sustainable development.		
	FFR support the inclusion of new text at point 2) i) in relation to cumulative impacts.		
	PROPOSED CHANGE The removal of the proposed text 'where practicable' in both part iii) and iv) of M17 1) in order to ensure the proposal is consistent with national policy.		

Ryedale Liberal Party

3846/0149/MM51/LC.DTC.U

Complies with DTC

Unsound

**MM51**

5.130p

M17

It is inconvenient and expensive to collect methane emerging during drilling and before a pipeline is established to use the gas. If the ambitions of the Climate Change Act are to be met all emissions should be measured and reported. To enable green completions, the infrastructure must be brought in to capture the gas and to measure and control gas escapes. The roll out of fracking for gas and oil has contributed to the rise in methane being dumped or leaked into the atmosphere. This has occurred of the East Coast of the UK and East Yorkshire where leaks and deliberate air venting has occurred.

If it is not practicable to pipe methane away then it should be contained in vehicles and not vented or burned. Gas can be measured as it rises in the well so it should be possible to measure its distribution. If the gas is hauled away or water supplied via bulk road transport then the road network must be assessed as appropriate and the climate change impact of the transport must be accounted for.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0113/MM51/DNS

DNS

**MM51**

5.130p

M17

With regard to 1) iii) accept the modification in language as it shows flexibility where solutions such as pipelines are not possible, such as at the exploration stage.

With regard to 2) i) UKOOG will consider the cumulative impact of development based on 'contemporary' development in the area, however the plan should make clear that cumulative impacts cannot include theoretical sites which may be developed in the future.

Ryedale District Council

0116/0015/MM52/LC.DTC.S

Complies with DTC

Sound

**MM52**

5.130p

M17

Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0114/MM52/DNS

DNS

**MM52**

Accept the modification in language.

5.130p[

M17

Ryedale Liberal Party

3846/0150/MM53/LC.DTC.U

Complies with DTC

Unsound

**MM53**

5.130p

M17

The 500m separation distance is an arbitrary one, a more appropriate distance would be 1000. 500m was negotiated to allow a degree of proximity to the resource for industry to exploit. 500m is too close to protect from noise as demonstrated at Kirby Misperton. Industry can drill up to 10km laterally and many drills are drilled with deviations from the vertical.

There is a wellbeing implication of the proximity of homes, and potentially a cost implication as a result of physical and mental health issues. If observations show no health impacts at 500m there are options to reduce the distance at the review periods. There must be careful monitoring which would require a baseline prior to development. It would be sensible to justify the 500m by making it clear that it could be increased or decreased during regular policy reviews in line with reliable empirical evidence.

A 500m setback distance from sensitive receptors allows adequate proximity for exploration but gives a degree of separation. The Plan allows for review at regular intervals. Depending on the impacts this distance may be reduced or increased in the light of adequate assessment.

**MM53**

5.130p

M17

Strongly object to the proposed changes to the text at Policy M17 4) i) and consider that they significantly weaken the policy by lessening the protection for residential communities within 500m of the wellsite. CPRENY are of the opinion that the inspector was minded to accept the approach of the MPAs at the specific hydrocarbon examination hearing session and the necessity to take a precautionary approach to the novel industry given the number of sporadic small hamlets and settlements, individual farmsteads and dwellings found across North Yorkshire.

It is considered that the previous text 'to ensure a high level of protection' does not require alteration in order to provide 'clarity'. The proposed text 'protection against unacceptable' does not reassure the community that they will be given the same high level of protection as previously promised. Further it is considered an amalgamation of the proposed text 'on amenity and public health' and the previous test 'from noise, light pollution, emissions to air or ground water and surface water and induced seismicity' would provide more clarity than that currently proposed.

It is considered the addition of the proposed text and deletion of the previous 'in exceptional circumstances' text also significantly weakens the policy. The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in Green Belt or those requiring assessment under the Major Development Test meaning that to be supported by the applicant need to provide robust evidence and meet specific criteria providing it should be supported and that exceptional cases exist. The proposed new text effectively places the MPA under pressure to carefully assess evidence to prove it should support the proposals rather than state it is unlikely proposals will be acceptable, changing subtly the meaning of the policy. CPRENY therefore suggest that the previous red text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' is reintroduced to provide clarity that the norm will be for proposals not to be supported within this 500m zone. It is not considered the proposed text to the end of this policy is required given the first sentence of this paragraph to the policy clearly sets out that 'hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities.' The fact the policy states that it is unlikely to be within 500m implies that in some cases it would be, at which point the MPA would be expected to carefully scrutinise applicant's documents as would not be the norm.

**PROPOSED CHANGE**

The policy should be reworded to read: '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 hydrocarbon development and residential buildings and other sensitive receptors in order TO ENSURE A HIGH LEVEL OF PROTECTION FROM ADVERSE INDIVIDUAL AND CUMULATIVE IMPACTS ON AMENITY AND PUBLIC HEALTH, INCLUDING FROM POLLUTION TO NOISE, LIGHT, AIR, GROUND AND SURFACE WATER AND INDUCED SEISMICITY. 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.'

**MM53**

5.130p

M17

Consider the proposed changes to the text at Policy M17 4) i) significantly weakens the policy by lessening the protection for residential communities within 500m of the wellsite. FFR are of the opinion that the inspector was minded to accept the approach of the MPAs at the specific hydrocarbon examination hearing session and the necessity to take a precautionary approach to the novel industry given the number of sporadic small hamlets and settlements, individual farmsteads and dwellings found across North Yorkshire.

It is considered that the previous text 'to ensure a high level of protection' does not require alteration in order to provide 'clarity'. The proposed text 'protection against unacceptable' does not reassure the community that they will be given the same high level of protection as previously promised. Further it is considered an amalgamation of the proposed text 'on amenity and public health' and the previous text 'from noise, light pollution, emissions to air or ground water and surface water and induced seismicity' would provide more clarity than that currently proposed.

It is considered the addition of the proposed text and deletion of the previous 'in exceptional circumstances' text also significantly weakens the policy. The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in Green Belt or those requiring assessment under the Major Development Test meaning that to be supported by the applicant need to provide robust evidence and meet specific criteria providing it should be supported and that exceptional cases exist. The proposed new text effectively places the MPA under pressure to carefully assess evidence to prove it should support the proposals rather than state it is unlikely proposals will be acceptable, changing subtly the meaning of the policy. FFR therefore suggest that the previous red text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' is reintroduced to provide clarity that the norm will be for proposals not to be supported within this 500m zone. It is not considered the proposed text to the end of this policy is required given the first sentence of this paragraph to the policy clearly sets out that 'hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities.' The fact the policy states that it is unlikely to be within 500m implies that in some cases it would be, at which point the MPA would be expected to carefully scrutinise applicant's documents as would not be the norm.

**PROPOSED CHANGE**

The policy should be reworded to read: '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 hydrocarbon development and residential buildings and other sensitive receptors in order TO ENSURE A HIGH LEVEL OF PROTECTION FROM ADVERSE INDIVIDUAL AND CUMULATIVE IMPACTS ON AMENITY AND PUBLIC HEALTH, INCLUDING FROM POLLUTION TO NOISE, LIGHT, AIR, GROUND AND SURFACE WATER AND INDUCED SEISMICITY. 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.'

Ryedale Liberal Party	3846/0151/MM53/LC.DTC.U	Complies with DTC	Unsound
<b>MM53</b> 5.130p M17	<p>How will unacceptable impact be measured on communities and public health?. No measurements or proactive intervention were apparent at Preston New Road and Kirby Misperton. At both locations the development gave rise to profound impacts an communities and to public health over and above other significant developments.</p> <p>Attempts should be made to monitor change in the mental and physical health that occur in proximity to hydrocarbon development.</p>		
South Hambleton Shale Gas Advisory Group	4158/0129/MM53/LC.U	Does Not Comply With DTC	Unsound
<b>MM53</b> 5.130p M17	<p>To substitute 'protect against unacceptable' for 'ensure a high level of protection' is to weaken the essential of local communities and to create a vague and subjective criterion of meaningless value. Request that this be reworded 'to ensure the highest level of protection'. To substitute a requirement which 'robustly demonstrates how...an unacceptable degree of adverse impact can be avoided' for 'exceptional circumstances' to exist is to commit the same error. The previous wording should be retained and clarified.</p> <p><b>PROPOSED CHANGE</b></p> <p>Adequate separation distances should be maintained between hydrocarbon development and residential buildings and other sensitive receptors in order to ENSURE THE HIGHEST LEVEL OF PROTECTION FROM adverse INDIVIDUAL AND CUMULATIVE impacts amenity and public health.</p> <p>And</p> <p>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 AND THEN ONLY WITH PARTICULAR CAREFUL SCRUTINY OF SUPPORTING INFORMATION WHICH ROBUSTLY DEMONSTRATES HOW IN SITE SPECIFIC CIRCUMSTANCES ADVERSE IMPACT CAN BE AVOIDED.</p>		

**MM53**

5.130p

M17

Fully support the modification to policy M17 which retains the requirement for further scrutiny when applications for surface fracking are proposed within 500m of residential buildings and other sensitive receptors. Support the amendment which allows 'further scrutiny of information, which robustly demonstrates how in site specific circumstances an unacceptable degree of adverse impact can be avoided.' Such an approach is justified in light of available evidence as demonstrated at the hearing sessions, as well as evidence submitted in the build-up by a range of third parties and ourselves.

Suggest the requirement is even more needed following the induced seismicity events of 2019 at Preston New Road, where impacts were registered by neighbouring properties as well as further afield.

Satisfied this amendment ensures that policy M17 is the most appropriate strategy 'when considered against the reasonable alternatives, based on proportionate evidence' as per NPPF 2012 which his plan is being considered against.



**MM53**

5.130p

M17

There is little clarity on what the definitions of 'unacceptable impact', 'unacceptable degree of adverse impact' and 'other sensitive receptor' are in this section. For example, if a test of 'unacceptable impact' was that there would be no increase in localised emissions, be they greenhouse gas emissions or air pollutants, that would clearly be an overly burdensome requirement and would affect all types of development, including renewable power generation.

With regards to the 500m 'zone', which no longer has the term 'buffer zone' but is effectively the same. The WMS clarifies that Minerals Plans should be 'consistent with Planning Practice Guidance, policies should avoid undue sterilisation of mineral resources (including shale gas)' and 'plans should not set restrictions or thresholds across their plan area that limit shale development without proper justification'. Proposed Policy M17 to provide a 500m buffer zone to residential and other sensitive properties is contrary to the statement of the WMS. The position is potentially a lot worse because it is inevitable that parts of the areas that are shown to lie more than 500m from 'sensitive receptors' will be affected by other constraints such as proximity to protected ground water zones, protected species and habitats, areas at risk of flooding, locations with poor access and geological constraints etc. There is no justification for a pre-determined buffer zone that can only be removed by an unknown set of parameters.

The policy is not justified given the fact that many onshore oil and gas sites across the country have been given consent and have operated within 500m of residential or other sensitive receptors including in North Yorkshire.

Any policy wording which starts with the presumption of 500m buffer zone is unsound because:

- If a buffer policy applies then when an applicant makes a planning application the assumption will be that the exclusion of operations within this buffer is justified, and therefore the operator must justify the departure from the policy assumption.
- This is an extremely onerous burden, and for this policy to be sound the Council must justify the evidence why it is necessary, and in particular why the application of normal planning policy and site specific assessment of potential impacts on a case by case basis will not adequately safeguard residential amenity.
- Circumstances will vary hugely on a case by case basis, a house may be close to a well lit A road 100m for a well site, or be 510m from a well site in a dark open field.

Specific reference to 500m should be excluded from the policy as proposed and modified as it is directly counter WMS and its retention in its current form would make the policy and plan unsound.

**PROPOSED CHANGE**

Consider and acceptable use of compatible language to be

HYDROCARBON DEVELOPMENT WILL BE PERMITTED IN LOCATIONS WHERE IT WOULD NOT GIVE RISE TO UNACCEPTABLE IMPACT ON LOCAL COMMUNITIES OR PUBLIC HEALTH. APPLICANTS SHOULD DEMONSTRATE IN THEIR SUBMISSIONS OR BY ADHERENCE TO OTHER REGULATORY REGIMES HOW RESIDENTIAL PROPERTIES (AND OTHER SENSITIVE RECEPTORS) CLOSE

TO PROPOSED SITES WILL BE PROTECTED.

Ryedale District Council

0116/0016/MM54/LC.DTC.S

Complies with DTC

Sound

**MM54**

5.130p

M17

Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.

Ryedale Liberal Party

3846/0152/MM54/LC.DTC.U

Complies with DTC

Unsound

**MM54**

5.130p

M17

If gas extraction is to be compliant with the requirements of the Climate Change Act waste gases must be captured. Suggest delete 'where practicable'. Methane should be contained so that toxic products that arise alongside methane in 'natural gas' do not get into the environment. Green completions are the benchmark.

PROPOSED CHANGE  
Delete WHERE PRACTICABLE.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0116/MM54/DNS

DNS

**MM54**

5.130p

M17

The management of waste gases are not within the remit of the local authority, this is within the remit of the Environment Agency and the Oil and Gas Authority.

Ryedale District Council

0116/0017/MM55/LC.DTC.S

Complies with DTC

Sound

**MM55**

5.146

Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.

Support MM55 which has given a greater explanation of terms and assessing impacts.

**MM55**

5.146

Consider that the proposed changes to the text at Policy M17 4) i) significantly weakens the policy and lessens the protection for residential communities within 500m of the wellsite and recommend that the supporting text be altered in line with our recommendation to that MM.

It is considered that a robust assessment of potential impacts should be required and that a high standard of effective mitigation should be provided in all cases, therefore, it is suggested that the previous and proposed text are both utilised.

Support FFR in its assertion that proposals within 500m of a sensitive receptor are unlikely to be considered appropriate and will have a higher risk factor for potential impacts associated with them. It is considered that the entire of the new text provides too much flexibility in this regard when the Inspector has stated that a precautionary approach should be adopted. As such the deleted text should be reinstated as this provides sufficient clarity to the reader.

The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in the Green Belt or those requiring assessment under the Major Development Test meaning that to be supported the applicant needs to provide robust evidence and meet specific criteria providing it should be supported and exceptional cases exist. CPRENY therefore believe that the previous text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' should be reintroduced (under MM53) to provide clarity that the norm will be for proposals not to be supported within this 500m zone.

The addition of the proposed text in relation to night-time periods of disturbance, uses the time period from 23:00-7:00 hrs, assume this is a typographical error? The PPG Minerals (PPGM) sets the night time period in relation to noisy activities as 22:00-7:00 recognising that lower noise thresholds should be conditioned in the evening than during the day (and even lower during the night time period). Given the requirements to ensure vulnerable (and sensitive) receptors (including children, the elderly and those with disabilities) which may reside within 500m of the site and the fact that they may wish to sleep prior to 22:00hrs. Also consider that the earlier 19:00hrs should be included within the policy as a matter of fact.

Support the inclusion of the proposed text regarding the moratorium.

**PROPOSED CHANGE**

The supporting text of paragraph 5.146 should be reworded to reflect the above and proposed changed to Policy via MM53 to read:

'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 ROBUST assessment of potential impacts is required and a HIGH STANDARD OF EFFECTIVE mitigation provided where necessary. IN ORDER TO ENSURE THAT AN APPROPRIATELY HIGH

STANDARD OF PROTECTION CAN BE MAINTAINED AND TO HELP 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 PROPERTIES OR OTHER SENSITIVE RECEPTORS. IT IS, THEREFORE, UNLIKELY THAT SURFACE HYDROCARBON PROPOSALS WILL BE ACCEPTABLE WITHIN THAT DISTANCE. A 500m distance from the well boundary (excluding site access) is considered to represent a reasonable distance of immediate sensitivity taking into account the potential for a complex range of individual and cumulative impacts on AMENITY AND PUBLIC HEALTH INCLUDING POLLUTION FROM NOISE, VIBRATION, AIR, LIGHT, GROUND AND SURFACE WATER AND VISUAL IMPACT, including impacts arising from potential mitigation measures. Disturbance during THE EVENING (19:00-22:00HRS AND NIGHTY TIME PERIODS (22:00-07:00HRS) has the potential for a greater degree of perceived impact....'

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0117/MM55/DNS

DNS

**MM55**

5.146

Support the assessment of onshore oil and gas development on a case by case basis and have made comments on concerns with 500m zones in earlier modifications.

Emissions related to air, or ground or surface water and the generation of any induced seismicity is not within the remit of the Environment Agency and seismicity is regulated by the oil and gas authority. Any reference to regulation of these matters by the local authority should be removed.

**MM55**

5.146

Consider that the proposed changes to the text at Policy M17 4) i) significantly weakens the policy and lessens the protection for residential communities within 500m of the wellsite and recommend that the supporting text be altered in line with our recommendation to that MM.

The inclusion of the proposed text regarding the moratorium is not objected to.

It is considered that a robust assessment of potential impacts should be required and that a high standard of effective mitigation should be provided in all cases, therefore, it is suggested that the previous and proposed text are both utilised.

FFR fundamentally believe that proposals within 500m of a sensitive receptor are unlikely to be considered appropriate and will have a higher risk factor for potential impacts associated with them. It is considered that the entire of the new text provides too much flexibility in this regard when the Inspector has stated that a precautionary approach should be adopted. As such the deleted text should be reinstated as this provides sufficient clarity to the reader.

The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in the Green Belt or those requiring assessment under the Major Development Test meaning that to be supported the applicant needs to provide robust evidence and meet specific criteria providing it should be supported and exceptional cases exist. FFR have recommended that the previous text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' should be reintroduced (under MM53) to provide clarity that the norm will be for proposals not to be supported within this 500m zone.

The addition of the proposed text in relation to night-time periods of disturbance, uses the time period from 23:00-7:00 hrs, assume this is a typographical error? The PPG Minerals (PPGM) sets the night time period in relation to noisy activities as 22:00-7:00 recognising that lower noise thresholds should be conditioned in the evening than during the day (and even lower during the night time period). Given the requirements to ensure vulnerable (and sensitive) receptors (including children, the elderly and those with disabilities) which may reside within 500m of the site and the fact that they may wish to sleep prior to 22:00hrs. Also consider that the earlier 19:00hrs should be included within the policy as a matter of fact.

FFR support the clarity afforded by the inclusion of additional text regarding the definition of the term 'sensitive receptor'.

**PROPOSED CHANGE**

The supporting text of paragraph 5.146 should be reworded to reflect the above and proposed changed to Policy via MM53 to read:

'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 ROBUST assessment of potential impacts is required and a HIGH STANDARD OF EFFECTIVE mitigation provided where necessary. IN ORDER TO ENSURE THAT AN APPROPRIATELY HIGH STANDARD OF PROTECTION CAN BE MAINTAINED AND TO HELP PROVIDE CLARITY ON THE APPROACH TO BE FOLLOWED BY THE MINERAL PLANNING AUTHORITIES, IT IS CONSIDERED THAT A MINIMUM HORIZONTAL SEPERATION DISTANCE OF 500M SHOULDE BE MAINTAINED BETWEEN THE PROPOSED DEVELOPMENT AND OCCUPIED RESIDENTIAL PROPERTIES OR OTHER SENSITIVE RECEPTORS. IT IS, THEREFORE, UNLIKELY THAT SURFACE HYDROCARBON PROPOSALS WILL BE ACCEPTABLE WITHIN THAT DISTANCE. A 500m distance from the well boundary (excluding site access) is considered to represent a reasonable distance of immediate sensitivity taking into account the potential for a complex range of individual and cumulative impacts on AMENITY AND PUBLIC HEALTH INCLUDING POLLUTION FROM NOISE, VIBRATION, AIR, LIGHT, GROUND AND SURFACE WATER AND VISUAL IMPACT, including impacts arising from potential mitigation measures. Disturbance during THE EVENING (19:00-22:00HRS AND NIGHTY TIME PERIODS (22:00-07:00HRS) has the potential for a greater degree of perceived impact....'

Friends of the Earth - Yorkshire & Humber and the

2753/0067/MM55/LC.DTC.S

Complies with DTC

Sound

**MM55**

5.146

Support the modification which reflects the changes made to Policy M17 in the supporting text linked to the 500m surface fracking requirement. The approach provides useful wider context to justify the 500m approach, highlighting the 'effective' government moratorium of 2019 which assumes the presumption against issuing of any further hydraulic fracturing consents without measures to address concerns about predicting and managing induced seismicity.

While the moratorium has since been confirmed by the government to apply only to 'associated' hydraulic fracturing we are satisfied the plan's own definition of hydraulic fracturing together with the 500m scrutiny element will provide relatively more effective protections for North Yorkshire's local residents compared to other minerals and waste plans which have been consulted on.

MM55 provides useful context for policy M17, ensuring it remains the most appropriate strategy 'when considered against the reasonable alternatives, based on proportionate evidence' as per NPPF 2012 which his plan is being considered against.

**MM55**

5.146

Agree with and endorse the substitution of 'residents' for 'communities' for otherwise people living in outlying dwellings are arbitrarily provided with less protection.

The revised text beginning 'The Authority considers...' which repeatedly uses the word 'generally' without further definition and imports 'acceptably' dilutes the point. Request that the proposed wording is deleted and the previous text is retained.

Local residents warrant the highest level of protection if they are to have confidence in this Plan. To give children and other vulnerable people their necessary rest to which they are entitled the night time periods '(23:00 - 7:00)' should be changed to '(21:00 - 7:00)'./

**PROPOSED CHANGE**

Delete amended text from 'THE AUTHORITY CONSIDERSTHAT THE [POTENTIAL FOR ADVERSE...WITHIN THIS DISTANCE FROM SENSITIVE RECEPTORS.'

Revise original text: 'IN ORDER TO ENSURE THE HIGHEST STANDARD OF PROTECTION IS PROVIDED AND TO HELP PROVIDE CLARITY ON THE APPROACH TO BE FOLLOWED BY THE MINERAL PLANNING AUTHORITIES, IT IS CONSIDERED THAT A MINIMUM HORIZONTAL SERPARATION DISTANCE OF 500M MUST BE MAINTAINED BETWEEN THE PROPOSED DEVELOPMENT AND A RESIDENTIAL PROPERTY OR OTHER SEMSITIVE RECEPTORS UNLESS THERE ARE EXCEPTIONAL CIRCUMSTANCES.'

Amend night time periods to (21:00 - 7:00)

**MM55**

5.146

Wells can be deviated from the vertical. Before accepting a 'need' to be in closer proximity than 500m there needs to be reliably evidenced, independent advice of that 'need' which must not be simply cost. Where spaces are available, countries set much wider separation distances to protect people from emissions and explosions. Separation should not be decided by convenience to the industry but for safety and amenity reasons.

Frack Free Ryedale

3684/

Complies with DTC

Unsound

**MM56**

5.148

FFR find the additional text proposed by the MPAs requires proposals to be supported by 'compelling evidence which demonstrates that induced seismicity can be managed and mitigated to an acceptable level.' This implies that the operator needs to submit this evidence as part of a planning application in order to gain permission despite the national moratorium being in place. The Government has a moratorium in place until such time when it is presented with compelling evidence by industry, not the MPA. FFR do not have an issue with this information being presented to the MPA, once the Government's moratorium is lifted, but it should be made clear that this required does not circumvent the Government's moratorium.

PROPOSED CHANGE

Additional wording should be included for the sake of clarity to confirm the Governments moratorium on fracking remains in place despite the operator presenting the MPA with information on induced seismicity.

CPRE (North Yorkshire Region)

2173/0085/MM56/LC.DTC.U

Complies with DTC

Unsound

**MM56**

5.148

CYPRENY find the proposed additional text confusing. The additional text proposed by the MPAs requires proposals to be supported by 'compelling evidence which demonstrates that induced seismicity can be managed and mitigated to an acceptable level.' This implies that the operator needs to submit this evidence as part of a planning application in order to gain permission despite the national moratorium being in place. The Government has a moratorium in place until such time when it is presented with compelling evidence by industry, not the MPA. It is considered it is the Governments place to accept and assess this information not the MPA to determine whether the moratorium will be lifted. This should not be included in the Plan or in the very least made clear that this does not circumvent the Governments moratorium.

PROPOSED CHANGE

Additional wording should be included for the sake of clarity to confirm the Governments moratorium on fracking remains in place despite the operator presenting the MPA with information on induced seismicity or should simply be removed.

Ryedale District Council

0116/0018/MM57/LC.DTC.S

Complies with DTC

Sound

**MM57**

5.150

Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.



Ryedale Liberal Party	3846/0154/MM58/LC.DTC.U	Complies with DTC	Unsound
<b>MM58</b> 5.152p M18	Reuse of returned water fits well with the principle of waste hierarchy. The problem arises when a mix of chemicals is used, along with well maintenance chemicals known to be toxic to the environment . The toxicity of the combination of chemicals is unknown. The mix of around a ton of chemicals is subject to high pressures (several tons per square inch) and high temperature in the environment of the deep strata which contains radioactivity, complex hydrocarbons, toxic heavy metals, and a range of other materials. There is opportunity for novel toxic compounds to be formed and returned to the surface. If there is a need for EA assessment of fracking chemicals to be made, then there is also a need to assess the toxic mix in the returned prior to being subject high pressure and temperatures down a pipe 3000m long with junctions and valves as well as perforations. Well failures are a feature of drilling and have been known about since the 1950's and continue to occur especially in complex wells associated with fracking activities. To be coherent the policy regarding the initial use of fracking chemicals should be reflected in the chemical assessment of the safety of any water to be reused.		
Ryedale District Council	0116/0019/MM58/LC.DTC.S	Complies with DTC	Sound
<b>MM58</b> 5.152p M18	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		
United Kingdom Onshore Oil and Gas (UKOOG)	3997/0118/MM58/DNS		DNS
<b>MM58</b> 5.152p M18	The regulation of wastewater management, including ensuring adequate capacity exists is within the remit of Environment Agency. Any reference to ensuring adequate capacity should be removed, however the local MPA does have a remit over traffic frequency.		
Ryedale Liberal Party	3846/0156/MM59/LC.DTC.U	Complies with DTC	Unsound
<b>MM59</b> 5.152p M18	Wells leak, more so if it is a complex one as in fracking. Wells continue to become faulty long after decommissioning. A recent ruling by the Oil and Gas Authority in a Judicial review determined that the responsibility for restoration lies with the operator, should the company not be in the position to fund the clean-up or have folded, the responsibility should fall to the landowner 'until such time as the landowner or descendants become insolvent.'		

Ryedale District Council	0116/0020/MM59/LC.DTC.S	Complies with DTC	Sound
<b>MM59</b> 5.152p M18	Have previously raised some concerns about some aspects of the policy framework around assessing the impacts of hydraulic fracturing (shale gas extraction). The Council was concerned about the unknown, long term impacts of hydraulic fracturing in relation to seismicity and hydrology. The additional detail within policies M16, M17 and M18 is welcomed, as is the additional wording and clarification to the supporting text.		
Barugh (Great & Little) Parish Council	0412/0170/MM59/DNS		DNS
<b>MM59</b> 5.152p M18	Feel that the changes made to the original more precise wording of the plan have weakened the strength of protections for residents, dwellings, landscapes etc. Also have concerns regarding the cumulative impact of these industries.		
Ryedale Liberal Party	3846/0156/MM60/LC.DTC.U	Complies with DTC	Unsound
<b>MM60</b> 5.157	There is a need for clarity from the outset as to who would be liable for the restoration and ongoing responsibility for the well. The hierarchy of responsibility must be clear, company, landowner, County Council, Secretary of State etc.  The Oil and Gas Authority has deemed the responsibility in the case of the company not being able to pay for restorations that the responsibility then falls to the landowner, 'until such time as they become insolvent.'		
Ryedale District Council	0116/0024/MM61/LC.DTC.U	Complies with DTC	Unsound
<b>MM61</b> 5.159	As this is a Minerals and Waste Joint Plan this paragraph implies waste water management is subject to other regulatory controls. The District Council is aware of the different licencing regimes involving DEFRA and the Environment Agency, including the Water Framework Directive (as transposed into UK Legislation. Would suggest an amendment to the introductory text for MM61 to read  'that waste water management is ADDITIONALLY subject to other regulatory controls' hence accepting that certain functions will be the joint authorities responsibility i.e. transport movements of waste water to distant treatment facilities. Otherwise there could be grey area falling outside any specific control.		

Ryedale Liberal Party	3846/0157/MM61/LC/DTC.U	Complies with DTC	Unsound
<b>MM61</b>	Wastewater management should take into account that changing chemistry of the water following its underground experiences.		
5.159	The MWJP should reflect the responsibility that the Mineral and Waste Authority has for the transport and movement of waste water. It will work with other regulatory authorities but not devolve its responsibility.		

**016: Coal**

Friends of the Earth - Yorkshire & Humber and the	2753/0068/MM62/LC.,DTC.S	Complies with DTC	Sound
<b>MM62</b>	Fully support the modification which provides for an additional climate change consideration in Policy M20.		
5.163p	Note that such a specific climate change consideration is not specifically provided for in the relevant coal paragraphs in NPPF 2012 (para 149). However since its original publication in 2012 various national and global climate change 'key moments' have occurred which further emphasise the urgent need to keep coal and other fossil fuels in the ground. These include		
M20	<ul style="list-style-type: none"> <li>- 2015 The Paris Protocol;</li> <li>- 2019 Government's amended net zero 2050 target;</li> <li>- 2021 UK Government's adoption of 6th Climate Budget;</li> <li>- 2021 IEA's Net Zero by 2050 report;</li> <li>- 2021 UK Government announces it will end coal fired electricity generation by 2024;</li> <li>- 2021 IPCC Special Report 'Global Warming of 1.5oC.</li> </ul> <p>As a commercial body the International Energy's findings/pathway recommendations are highly relevant. 'Beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway, and no new coal mines or mine extensions are required.'</p> <p>With the IPCC's recent findings also requiring a drastically reduced role for coal in order to keep us on the 1.5 degree pathway and the UK Government also ending coal use by 2024, it's clear there are very relevant academic, political and even commercial justifications to modify Policy M20 in this way, in terms of requiring consideration of the impacts of new deep coal mine proposals upon climate change. While it appears in light of the above evidence that the policy does not go far enough, in the context of the most up to date NPPF coal policies (para 217) that the modification is still welcome.</p> <p>Therefore view the proposed modification as justified considering available evidence and considers it meets the tests of soundness within NPPF 2012 which this plan is assessed against.</p>		

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0119/M20/DNS

DNS

**MM62**

5.163p

M20

UKOOG operators will consider the impact of onshore oil and gas development on climate change is required.

Friends of the Earth - Yorkshire & Humber and the

2753/0069/MM63/LC.DTC.S

Complies with DTC

Sound

**MM63**

5.167p

M21

Fully support the modification which provides for an additional climate change consideration in Policy M21.

Note that such a specific climate change consideration is not specifically provided for in the relevant coal paragraphs in NPPF 2012 (para 149). However since its original publication in 2012 various national and global climate change 'key moments' have occurred which further emphasise the urgent need to keep coal and other fossil fuels in the ground. These include

- 2015 The Paris Protocol;
- 2019 Governments' amended net zero 2050 target;
- 2021 UK Government's adoption of 6th Climate Budget;
- 2021 IEA's Net Zero by 2050 report;
- 2021 UK Government announces it will end coal fired electricity generation by 2024;
- 2021 IPCC Special Report 'Global Warming of 1.5oC.

As a commercial body the International Energy's findings/pathway recommendations are highly relevant. 'Beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway, and no new coal mines or mine extensions are required.'

With the IPCC's recent findings also requiring a drastically reduced role for coal in order to keep us on the 1.5 degree pathway and the UK Government also ending coal use by 2024, it's clear there are very relevant academic, political and even commercial justifications to modify Policy M21 in this way, in terms of requiring consideration of the impacts of new deep coal mine proposals upon climate change. While it appears in light of the above evidence that the policy does not go far enough, in the context of the most up to date NPPF coal policies (para 217) that the modification is still welcome.

Therefore view the proposed modification as justified considering available evidence and considers it meets the tests of soundness within NPPF 2012 which this plan is assessed against.

**017: Potash Polyhalite & Salt**

Anglo American Woodsmith Limited

4206/0120/MM64/DNS

DNS

**MM64**  
5.171p  
M22

Welcome the latest text changes to Policy M22, in particular the additional clarity provided under sub-criteria (i) regarding the level of harm to the special qualities of the National Park.

CPRE (North Yorkshire Region)

2173/0086/MM64/LC.DTC.S

Complies with DTC

Sound

**MM64**  
5.171p  
M22

Fully support all of the proposed additions to Policy M22.

**MM65**

5.173

In the interest of avoiding any future confusion over what project the MWJP is referring to request that the name of the project is updated in this, and all other sections of the MWJP from 'The North Yorkshire Polyhalite Project' to 'The Woodsmith Project'.

Welcome the additional background text provided at the end of paragraph 5.173, in particular the recognition that the project represents a 'transformational economic opportunity at a regional and local level'. However, strongly object to the conclusion that the need for the mineral did not represent exceptional circumstances and that the mineral was available in significant volumes at the nearby Boulby Potash Mine.

The planning application for the Woodsmith Project was supported by robust supporting evidence that confirmed there was a demonstrable need for fertiliser and that the Project represented exceptional circumstances for several reasons including, economic benefits, alternative options would not meet the same economic needs, the resource is the most significant polyhalite resource in the world, at full production would supply 4% of the world potassium based fertilizer market, the mine has capacity to make a long lasting contribution to the economy.

Whilst there was no policy requirement to demonstrate a national need for the development or the mineral, the planning application confirmed there was a clear international, national, regional and local economic need for the Project; the scale of the benefits substantially outweighed the harm; and that the Project clearly demonstrated exceptional circumstances.

**PROPOSED CHANGES**

The Project name be amended from The North Yorkshire Polyhalite Project to The Woodsmith Project and that the following text deleted:

'It is important to note that the need for the mineral was not considered to represent exceptional circumstances as this form of potash did not have an established market globally, and in case was available in significant volumes at the nearby Boulby Potash mine.'

**031: Minerals and Waste Transport Infrastructure Safeguarding**

Selby District Council

0074/0162/MM90/DNS

DNS

**MM90**  
8.034 Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

**006: Waste**

**023: Meeting Future Waste Management Needs**

W Clifford Watts & Co Ltd

1157/0061/MM75/LC.DTC.S

Complies with DTC

Sound

**MM75**  
6.073p Did not make any specific comments.  
W05

**007: Transport and Infrastructure**

**027: Minerals Ancillary Infrastructure**

CPRE (North Yorkshire Region)

2173/0087/MM78/LC.DTC.S

Complies with DTC

Sound

**MM78**  
7.012 Fully support the proposed additional text which provides clarity regarding waste water for hydrocarbon activity.

Anglo American Woodsmith Limited

4206/0122/MM79/DNS

DNS

**MM79**

7.051p

I02

Welcome the additional clarification provided at paragraph I02 and continue to trust that as the planning permission for the minehead and 3 intermediate shaft sites was fully implemented on 4th May 2017, that this paragraph relates not only to the minehead site but also the intermediate shaft sites.

**008: Minerals and Waste Safeguarding**

**028: Safeguarding Mineral Resources**

CPRE (North Yorkshire Region)

2173/0088/MM83/LC.DTC.S

Complies with DTC

Sound

**MM83**

8.024p

S03

Fully support the proposed new policy S03 in order to provide distinction between surface and deep mineral safeguarding. It is considered to be a helpful and effective policy supported by the policies map.

Anglo American Woodsmith Limited

4206/0123/MM83/DNS

DNS

**MM83**

8.027p

S03

Policies on fracking have hardened in recent years and PEDL licenses granted within the National Park are now extremely unlikely to secure planning permission.

Therefore, given that planning permission is unlikely to be supported within the Woodsmith Mine planning area, request that the Potash/Polyhalite Safeguarding Area shown on the 'potash Minerals Map is extended south to include the full extent of the Woodsmith Project's planning area.

**PROPOSED CHANGE**

That the Potash Safeguarding Area (as shown on the Potash Minerals Map) is extended southwards to include the balance of the Woodsmith Project Planning Area.



CPRE (North Yorkshire Region)

2173/0089/MM84/LC.DTC.U

Complies with DTC

Unsound

**MM84**

8.020

Support the majority of the amendments to the supporting text proposed for MM84.

However, the final paragraph, labelled 8.20, should provide additional clarity setting out whilst the PPG Minerals does require planning authorities to be satisfied other operating regimes will work effectively, meaning they do not always need to carry out their own assessments, this does not prevent them from carrying out their own assessment and concluding that they are 'not satisfied' with planning matters, even if other regimes have responded to a proposal in support of schemes when considering their remit in isolation. The MPA should not simply rely on the responses of other bodies to be satisfied.

This proved to be the case by the appeal Inspector responding to APP/Y2003/W/17/3173530 and APP/2003/W/17/3/3180606 at land at Lodge Farm, Clapp Gate, Appleby, Scunthorpe, when the planning committee in Inspector disagreed with the Environment Agency.

Anglo American Woodsmith Limited

4206/0124/MM85/DNS

DNS

**MM85**

8.016

As noted under MM83 MWJP policies on fracking have hardened and PEDL licences granted within the National Park are now extremely unlikely to secure planning permission.

The Potash Minerals Map is therefore unnecessarily restrictive in this instance. Given that planning permission is unlikely to be supported within the Woodsmith Mine Planning area, request that the Potash/Polyhalite Safeguarding Area shown this map is extended south to cover the balance the Woodsmith Project's planning area.

**PROPOSED CHANGE**

That the Potash Safeguarding Area is extended southwards to include the balance of the Woodsmith Project Planning Area.

Selby District Council

0074/0158/MM86/DNS

DNS

**MM86**

8.027p

S03

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

Selby District Council

0074/0159/MM87/DNS

DNS

**MM87**

8.029

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

Selby District Council

0074/0160/MM88/DNS

DNS

**MM88**

8.030

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

**031: Minerals and Waste Transport infrastructure Safeguardin**

Selby District Council

0074/0161/MM89/DNS

DNS

**MM89**

8.032p

S04

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

The company that owns the Olympia Park site have indicated that that they have long term ambitions to remove the railhead as it is no longer needed. Access from this site will be onto the A63 via the roundabout to the east of the site.

**032: Minerals Ancillary Infrastructure Safeguarding**

Selby District Council

0074/0163/MM91/DNS

DNS

**MM91**

8.037p

S05

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

Selby District Council

0074/01654/MM92/DNS

DNS

**MM92**

8.041

Support the Main Modification as seeks to clarify that subject to viability the policies do not unduly restrict development beyond minerals and waste uses at the various relevant sites in Selby including Olympia Park, Kellingley Colliery and Gascoigne Wood.

**009: Development Management**

**038: Protection of Important Assets**

Ministry of Defence / Defence Infrastructure Orga

0114/0167/MM96/DNS

DNS

**MM96**

9.025

Part of this main modification states 'Other significant major developments have also been located in the National Park such as RAF Fylingdales and there is growing pressure on the southern part of the Park from the hydrocarbons industry.'

**PROPOSED CHANGE**

The MOD would ask that reference to RAF Fylingdales in the context of policy be removed. The site is in military use, and any future potential development at the site is adequately covered by the North York Moors National Park Local Plan. If there was any minerals and waste development proposed at the site, this would be covered by Policy D04 in the MWJP.

Natural England

0119/0029/MM96/DNS

DNS

**MM96**

9.025

Natural England notes the last paragraph of this modification and advises that it should be made clear that the proposals should protect and enhance the special qualities of the National Park. Existing impacts on the special qualities should not be used as a justification for further damage.

CPRE (North Yorkshire Region)

2173/0090/MM96/LC.DTC.S

Complies with DTC

Sound

**MM96**

9.025

Strongly Supports the additional paragraph which provides clarity on the requirement to avoid adverse impacts in a National Park or AONB.

Natural England

0119/0030/MM99/DNS

DNS

**MM99**

9.049p

D07

Natural England notes and welcomes the updated policy wording.

**MM99**

9.049p

D07

Support the proposed revision to Policy D07 particularly the inclusion of bullet point 5, which specifically refers to geomorphological sites of importance. Concur that where a development will result in unacceptable impacts to locally important sites, it should not be permitted. Agree that minerals and waste developments have the potential to impact adversely on biodiversity and geodiversity. Additionally agree that minerals development, particularly through the process of quarry reclamation, is well placed to provide longer term enhancement of both biodiversity and geodiversity.

Therefore recommend that Policy D07 (supporting paragraph 9.52) is updated to highlight the need for developers to include a restoration plan in their application, and the restoration plan should seek to redress problems associated with past physical modification, engineering and /or diffuse pollution, in order to meet the Water Framework Directive objectives and maximise the benefits to biodiversity. Ideally restoration plans should be designed using 'working natural processes' principles and, where necessary, should be informed by a geomorphological assessment.

Often mineral (sand and gravel) quarry sites attempt to restore pits by creating lake or wetland habitats. This type of restoration aims to improve biodiversity value of the site following the quarrying activity. However, in some locations, particularly where the quarrying site is within the floodplain and/or adjacent to a laterally active river channel the creation of lakes can result in conflict between ecology and flood risk drivers. This type of restoration plan can also result in a failure to recognise the importance of river floodplain interaction in dynamic environments. Where this is the case, there is a tendency for developers to want to keep the river and restored pits separate from each other. In certain settings (i.e. when the restored pit (lake) is in close proximity to a laterally active river system this can lead to problems and may result in the need for long-term physical modification of the river (e.g, hard bank protection, flood embankments etc.). Where mineral extraction occurs in a floodplain, restoration plans should attempt to provide improved floodplain connectivity and river-floodplain interaction, rather than solely focusing on the creation of open water habitat which may require the position of a river channel to remain static over long time scales in order to limit the risk of breach/flooding.

**041: Sustainable Design and Construction**

CPRE (North Yorkshire Region)

2173/0091/MM102/LC.DTC.S

Complies with DTC

Sound

**MM102**

9.097p

D11

Strongly support the additional text in the final paragraph of Part 1 of Policy D11. This is essential in light of the climate change emergency.

**MM102**

9.097p

D11

Fully support this modification which ensures that climate change assessments are required for hydrocarbon development and that such assessments also address adaptation measures.

In the absence of such requirements in the NPPF 2012 (para 149) such a local policy stance is very much justified in light of the UK Government's adoption of a Net Zero 2050 target and its recent adoption of the 6th Climate Budget pathway (including the need for a 78% reduction in greenhouse gases on 1990 levels by 2035.) Further to this the international Energy Agency's 'net zero by 2050' pathway document is also highly relevant, especially as it represents commentary from an international private sector body: 'Beyond projects already committed as of 2021, there are no new oil and gas fields approved for development in our pathway and no new coal mines or coal mine extensions are required.'

With the above in mind it is worth reflecting on the IPCC's Special Report findings released in August 2021 which sees a drastically reduced role for all fossil fuels in order to stay on the 1.5 degree pathway.

There are very relevant academic, political and commercial justifications to modify the policy in this way. While it may appear in light of the above evidence the policy still does not go far enough, in the context of the most up to date NPPF wording for coal (para 217) the modification is welcome.

Therefore view the proposed modification as justified considering available evidence and considers it meets the tests of soundness within NPPF 2012 which this plan is assessed against.

**042: Protection of Agricultural Land**

Natural England

0119/0031/MM103/DNS

DNS

**MM103**

9.104p

D12

Natural England notes the modification and advises that the policy should refer to 'blanket bog' and 'peatland habitat' rather than 'blanket peat. Welcome the additional prohibition on development which could contribute to ecological connectivity and carbon storage.

**Air Quality**

Ryedale District Council

0116/0025/MM104/LC.DTC.S

Complies with DTC

Sound

**MM104**

Welcome the inclusion of a specific policy around air quality.

NEW

D14

**010: A1-Site Allocations**

**045: Appendix 1- Allocated Sites**

Historic England

0120/0034/MM115/DNS

DNS

**MM115**

Acknowledge that main modification MM115 recognises that the proposed changes to the site boundary of MJP17 are not agreed by Historic England.

5.035s

M07

MJP17

Natural England

0119/0032/MM116/DNS

DNS

**MM116**

Natural England notes this modification and welcomes the updated text regarding Ripon Parks SSSI and River Ure Bank, Ripon Parks SSSI and the correction that High Batts is a nature reserve rather than an SSSI.

5.053s

M07

MJP14

Yorkshire Wildlife Trust

0128/0039/MM118/LC.DTC.U

Complies with DTC

Unsound

**MM118**

5.061

M12

MJP15

Comments relate to allocation of Blubberhouses Quarry and outstanding concerns about the site, which have been expressed through the consultation process for the application NY/2011/0465/73. Therefore support the policy wording that any proposal would need to demonstrate a very high standard of mitigation of environmental impacts and high quality restoration, including protection of resources.

So far the material submitted with the planning application has failed to give confidence that the peat handling strategy and restoration strategy will protect the peat resource. Stored partially dried peat is likely to degrade and increase CO2 emissions.

Would like to see that Biodiversity Net Gain on at least 10% can be achieved through any scheme proposed at the site.

Pleased that concerns, particularly those regarding loss and damage to peat have been included at MM118. It is imperative that a project level HRA is undertaken to a high standard with the full details of the scheme.

PROPOSED CHANGE

Include reference to calculations required on the effect of the development on carbon emissions.

Yorkshire Wildlife Trust

0128/0177/MM121/LC.DTC.S

Complies with DTC

Sound

**MM121**

6.073s

W05

WJP01

The proposed allocated waste site lies immediately adjacent to a delete SINC site, Pasture at Harmby which could form an idea opportunity for restoration. This site also lies within YWT Mid River Ure and Tributaries Living Landscape and therefore lies within a priority area of restoration and habitat creation as part of a Nature Recovery Network.

PROPOSED CHANGE

The presence of the adjacent SINC site and its favourable location for restoration should be identified within the plan as a potential restoration site.

W Clifford Watts & Co Ltd

1157/0062/MM124/LC.DTC.S

Complies with DTC

Sound

**MM124**

5.042s

M09

MJP12

Did not make any specific comments.



**MM124**

5.042s

M09

MJP12

Details of the reasons for considering the main modification of the MWJP is not legally compliant, or is unsound as fails to comply with the duty to cooperate.

The decision to allocate Whitewall quarry has been described as finely balanced based on the predicted needs for crushed Jurassic Limestone and building stone to meet national policy requiring provision of a steady and adequate supply of aggregates to supply the construction industry and other users of aggregate materials.

Arguments against the allocation of Whitewall Quarry were varied and numerous and it is contended that these were not accorded sufficient consideration during the EiP and the proposed modifications has failed to address the concerns raised as to the efficacy of allocating the site .

There are issues of non-compliance with existing planning consents, including the tipping of waste outside the existing planning application site on two occasions. The operators are currently operating an unauthorised commercial waste recycling operation being dealt with under a retrospective planning application.

The quarry has an extant permission that is effective until 2023. The allocation will in effect grant the on-going operation of the quarry for a further 10 years. The proposal and the allocation overlook the fact the quarry could continue past 2023. The future of quarry should be decided through a planning application as this would allow the local democratic process to decide whether the quarry is an asset or whether it will have an adverse impact on the vitality and future of the town centre, highway and traffic impacts. Impact on the local economy and environment including racing establishments which employ more people and generates more economic benefits to the local economy than the quarry.

The non allocation of Whitewall Quarry would not have any impact on the supply of Jurassic limestone or building stone, the need beyond 2023 could be better addressed against those issues that have not been adequately addressed through the EiP.

It is contended that the evidence presented at the EIP by the Operator provides no clear or robust evidence to support the allocation of Whitewall Quarry. References to the unsound nature of the MWJP regarding the strategic need for Jurassic Limestone in the east of the County is not substantiated by hard data or information. References to the supply of other products supplied from the quarry are not relevant as these are subject to other extant permissions. It is argued that any shortfall can be met from other Jurassic Limestone quarries in North Yorkshire or from other quarries located just outside the boundary and this has not been explored.

The NPPF permits considerable flexibility in terms of facilitating the sustainable use of minerals, however it does specifically require that all quarries are allocated in the preparation of new mineral local plans. Based on evidence submitted it is considered maintaining the status quo by allocating this site is not proven in terms of the EiP or the main modifications

document.

Whitewall Quarry is operated on a leasehold basis, it is understood this expires in 2023 along with the extant permission. The extension of the lease needs to be verified by the Inspector before the site is allocated.

Norton-on-Derwent Town Council

0672/0041/MM124/U

Does Not Comply With DTC

Unsound

**MM124**

5.042s

M09

MJP12

The allocation of this site does not comply with the NPPF July 2021.

The allocation of the quarry does not comply with paragraph 86 of the NPPF concerning the long term vitality and viability of Norton Town Centre. Forecast traffic movements are 242 per day. Assuming 50% travel north there will be 121 vehicles per day travelling through Norton Town Centre down Commercial Street. This street is the main retail area for the town and currently limited to 20mph. The forecast does not include the ready-mix and concrete products operations which under planning application NY/2013/0058/FUL forecast 60 HGV movements per day.

The allocation of the quarry does not comply with paragraphs 104, 105, 106, 107, 110, 111, 112 and 113 of the NPPF. Current development plans include a housing estate of 672 dwellings in East Norton. This will add some 1000 private vehicles to the town who will add to the traffic using the supermarkets and town centre where parking is inadequate. The 4 way junction at the intersection of Welhame Road and Church Street has a railway line through its centre which closed for approximately 15 minutes every hour. Additional development results in increased congestion. The allocation is not supported by a travel plan.

Whitewall Quarry is not situated in a area designated for either industrial or housing development and should be designated Green Belt.

The Yorkshire Wolds is currently under consideration as an AONB and the allocation of Whitewall Quarry become contrary to the requirements of paragraph 177 of the NPPF. Consideration should be given to the need for development when there are other Jurassic Limestone quarries in the area. Furthermore consideration should be given to the landscape when the extension takes excavation over the brow of a hill.

Under paragraph 211c of the NPPF the allocation has not considered the impact of noise on the adjoining horse racing industry. In the past this has been the cause of multiple complaints. Under paragraph 213 of the NPPF the allocation has not shown Whitewall Quarry as being essential to meet the forecast future demand for limestone aggregates when taking into consideration the output from quarries from Newbridge, Wath, Settrington and Huggate.

**MM124**

5.042s

M09

MJP12

The inclusion of Whitewall Quarry for crushed rock has not:

- Not been subject to Sustainability Appraisal;
- Not been consulted upon within the District and Town Councils when the District actively support the exclusion of the site.
- A series of constraints have been identified by Statutory Consultees and no mitigation has been identified to address those constraints;
- The sites inclusion has been described as being justified on the basis of 'Inclusion of allocated site at request of Inspector with text adjustment to reflect concerns raised at the EiP and by Statutory Consultees'

It is therefore considered that the basis on which the site has been included is unsound as its inclusion has not been robustly evidenced by the Minerals and Waste Authority responsible for the Ryedale area. No evidence is presented which explains why this site is now incorporated as part of the work undertaken during the examination process - just that it is at the request of the Inspector. Inspectors can steer/recommend additional sites or the removal of sites, but not actively direct their inclusion.

**PROPOSED CHANGE**

Whitewall Quarry should not be accepted without detailed appraisal of traffic movements and the impact on congestion and air quality, specifically the AQMA, which would be contrary to statutory objectives.

The Minerals and Waste Authorities have complied with the Duty to Cooperate at Publication. Representation made by Ryedale District Council actively supported the exclusion of Whitewall Quarry. No discussion have taken place in relation to the Main Modifications, discussions should have taken place with the Local Planning Authorities subject to the addition of these sites prior to the Main Modifications being published.

Ryedale District Council are also very concerned that no consultation since the last hearing sessions in 2019 has been sought to engage in a communication with either the District Council or Malton and Norton Town Councils concerning the active inclusion of Whitewall Quarry site for a) building stone extraction, b) crushed rock extraction and c) as a construction and waste recycling site. These organisations are statutory consultees, dealing with strategic issues and prior to the consultation on these modifications the views of these bodies should have been ascertained as a requirement of plan-making and as part of the Duty to Cooperate. The supply of building stone was identified as a strategic cross boundary matter to the Duty to Cooperate in the consultation statement p17 Section 5. We are aware that this is not a mandate on which to seek agreement, but is to engage in discussions.

**MM125**

5.042s

M09

MJP13

The inclusion of Whitewall Quarry for crushed rock has not:

- Not been subject to Sustainability Appraisal;
- Not been consulted upon within the District and Town Councils when the District actively support the exclusion of the site.
- A series of constraints have been identified by Statutory Consultees and no mitigation has been identified to address those constraints;
- The sites inclusion has been described as being justified on the basis of 'Inclusion of allocated site at request of Inspector with text adjustment to reflect concerns raised at the EiP and by Statutory Consultees'

It is therefore considered that the basis on which the site has been included is unsound as its inclusion has not been robustly evidenced by the Minerals and Waste Authority responsible for the Ryedale area. No evidence is presented which explains why this site is now incorporated as part of the work undertaken during the examination process - just that it is at the request of the Inspector. Inspectors can steer/recommend additional sites or the removal of sites, but not actively direct their inclusion. It was not a previously allocated site for waste in the 2006 Waste Local Plan. The current consent expires in 2023 for minerals extraction. It is currently undertaking activities without a planning permission in place. This site should not be accepted without detailed appraisal of traffic movements and the impact on congestion and air quality, specifically the AQMA, to do so would be contrary to statutory objectives.

**PROPOSED CHANGE**

Whitewall Quarry should not be accepted without detailed appraisal of traffic movements and the impact on congestion and air quality, specifically the AQMA, which would be contrary to statutory objectives.

The Minerals and Waste Authorities have complied with the Duty to Cooperate at Publication. Representation made by Ryedale District Council actively supported the exclusion of Whitewall Quarry. No discussion have taken place in relation to the Main Modifications, discussions should have taken place with the Local Planning Authorities subject to the addition of these sites prior to the Main Modifications being published.

Ryedale District Council are also very concerned that no consultation since the last hearing sessions in 2019 has been sought to engage in a communication with either the District Council or Malton and Norton Town Councils concerning the active inclusion of Whitewall Quarry site for a) building stone extraction, b) crushed rock extraction and c) as a construction and waste recycling site. These organisations are statutory consultees, dealing with strategic issues and prior to the consultation on these modifications the views of these bodies should have been ascertained as a requirement of plan-making and as part of the Duty to Cooperate. The supply of building stone was identified as a strategic cross boundary matter to the Duty to Cooperate in the consultation statement p17 Section 5. We are aware that this is not a mandate on which to seek agreement, but is to engage in discussions.

**MM125**

6.073s

W05

MJP13

The modification relates to factual material presented with the proposed allocation for recycling site at Whitewall Quarry. There are two factual errors on the Table.

The Proposed Life of the Site is listed as 'Until 2023 (permitted lifespan of the quarry)' whilst the Estimated Date of Commencement is also 2023, which makes no sense. The life of the site is tied to any extension of the quarry (see MM1240 and should be consistent with that date. The Table lists the HGVs (two way daily movements) as '25 based on 50% being backhauled using MJP 12 vehicles'. Evidence was given at the EiP (which was not challenged by the Joint Authorities) that this figure is an error in order of magnitude. An output of 20,000 tonnes per annum is equivalent to a daily trip generation of 4 even without backhauling (equation: 20,000 tonnes/ 250 days/ 20 tonnes per vehicle). If 50% backhauling is assumed then daily movements will be 4.

**PROPOSED CHANGE**

Proposed life of site changed to '2031 (permitted lifespan of MJP12)'

HGVs (two-way daily movements) is changed to '4 based on 50% being backhauled using MJP12 vehicles)

**MM125**

6.073s

The allocation of this site does not comply with the NPPF July 2021.

W05

The allocation of the quarry does not comply with paragraph 86 of the NPPF concerning the long term vitality and viability of Norton Town Centre. Forecast traffic movements are 242 per day. Assuming 50% travel north there will be 121 vehicles per day travelling through Norton Town Centre down Commercial Street. This street is the main retail area for the town and currently limited to 20mph. The forecast does not include the ready-mix and concrete products operations which under planning application NY/2013/0058/FUL forecast 60 HGV movements per day.

MJP13

The allocation of the quarry does not comply with paragraphs 104, 105, 106, 107, 110, 111, 112 and 113 of the NPPF. Current development plans include a housing estate of 672 dwellings in East Norton. This will add some 1000 private vehicles to the town who will add to the traffic using the supermarkets and town centre where parking is inadequate. The 4 way junction at the intersection of Welhame Road and Church Street has a railway line through its centre which closed for approximately 15 minutes every hour. Additional development results in increased congestion. The allocation is not supported by a travel plan.

Whitewall Quarry is not situated in a area designated for either industrial or housing development and should be designated Green Belt.

The Yorkshire Wolds is currently under consideration as an AONB and the allocation of Whitewall Quarry become contrary to the requirements of paragraph 177 of the NPPF. Consideration should be given to the need for development when there are other Jurassic Limestone quarries in the area. Furthermore consideration should be given to the landscape when the extension takes excavation over the brow of a hill.

Under paragraph 211c of the NPPF the allocation has not considered the impact of noise on the adjoining horse racing industry. In the past this has been the cause of multiple complaints. Under paragraph 213 of the NPPF the allocation has not shown Whitewall Quarry as being essential to meet the forecast future demand for limestone aggregates when taking into consideration the output from quarries from Newbridge, Wath, Settrington and Huggate.

3832/0133/MM125/U

Does Not Comply With DTC

Unsound

**MM125**

6.073s

W05

MJP13

A current retrospective application has been submitted to regularise unauthorised activities related to the aggregate recycling activities which is still to be determined. This has not been taken into account during the EiP or addressed in the Main Modifications document.

**046: Appendix 2- Safeguarding Sites**

Natural England

0119/0033/MM118/DNS

DNS

**MM118**

5.061

M12

MJP15

Natural England has outstanding concerns regarding the Appropriate Assessment if MJP15 Blubberhouses Quarry and as a result do not consider the plan to be legally compliant with the Conservation of Habitats and Species Regulations 2017 (as amended) at this stage. For more information please see our letter dated 14 July 2021.

**011: Any Other Comments**

Durham County Council

0092/0166/DTC

Complies with DTC

NC

Having previously considered the detailed policies and provisions of the Publication Draft MWJP, the County Council is supportive of the work which is being undertaken. Having considered the detail within the schedule of Main Modifications the County Council can confirm that it does not consider it necessary to make any specific comments as they do not raise any strategic cross boundary implications which have not already been considered and addressed in our previous responses. Can confirm are satisfied that the Duty to Cooperate has been met throughout the preparation of the MWJP.

The Coal Authority

1111/0172

NC

No specific comments to make.

Hambleton District Council

0053/0165

NC

The District Council have no comments to make.

Loftus Parish Council

1084/0171

NC

Do not have any specific concerns but do consider the changes make the plan clearer and easier to understand.

Trans Pennine Trail Office

2812/0173

NC

There is no impact on the Trans Pennine Trail and therefore no need to provide further comments.



The Marine Management Organisation (MMO) 0268/0168

NC

Provided standing advice and had no comments to make on the Main Modifications

Haxby St Mary's Parochial Church Council 4164/0174

NC

Have no comments to make.

Sibelco 1140/0175/HRA

**HRA**

HRA

In terms of the Habitats Regulations Assessment Addendum agree with the conclusions of the Information to Inform the Appropriate Assessment - Blubberhouses Quarry which has been prepared in accordance with the findings of the Habitat Regulations Assessment Addendum. The Appropriate Assessment states:  
'No likely adverse effects are anticipated on the integrity of North Pennine Moors SAC/SPA, at this plan level. The mitigation recommended is considered capable of being achieved and will be included within changes to the Policy wording for the allocations. It is recognised this is a judgement reached at the plan-making stage, not at the application stage. An assessment of any likely significant effects will also be made within any project level HRA.'  
This ensures the proposed allocation of site MJP15 complies with the relevant legislation such as The Conservation of Habitats and Species Regulations 2017. It follows that a project level HRA has been submitted in respect of planning application NY/2011/0465/73.

Yorkshire Wildlife Trust 0128/0176/HRA

**HRA**

HRA

Strongly advocate the completion of a project level HRA fro Blubberhouses Quarry when the full details of the scheme are available, as the conclusion of no residual adverse impacts is made during the plan making stage and without all of the scheme details taken into account e.g. road diversion of North Moor Road. At present have a number of concerns about the proposal which we have submitted through the formal consultation procedure,

Ryedale District Council

0116/0179/SA

**SA**

SA

The inclusion of Whitehall Quarry for 'expansion of area used fro recycling of construction, demolition and soil waste for secondary aggregates within existing quarry void has not been subjected to Sustainability Appraisal, no mitigation measures are identified to ensure no likely significant effects. Propose a site level HRA. There is no sustainability appraisal of the modifications, just an adoption statement.

The Sustainability Appraisal Post Adoption Statement seems premature since the Main Modifications consultation is underway and the Inspector's report into the soundness of the Plan has not been received.

There is no Sustainability Appraisal of the Main Modifications which means there is no evidence that there has been a Sustainability Appraisal and aligned Strategic Environmental Assessment of the Main Modifications as they are set out. This is a procedural error and means the full impacts of the Main Modifications have not been set out.

Ryedale District Council

0116/0178/SA

**SA**

SA

The inclusion of Whitewall Quarry for crushed rock and building stone has not been subjected to Sustainability Appraisal, no mitigation measures are identified to ensure no likely significant effects. Propose a site level HRA. There is no sustainability appraisal of the modifications, just an adoption statement.

The Sustainability Appraisal Post Adoption Statement seems premature since the Main Modifications consultation is underway and the Inspector's report into the soundness of the Plan has not been received.

There is no Sustainability Appraisal of the Main Modifications which means there is no evidence that there has been a Sustainability Appraisal and aligned Strategic Environmental Assessment of the Main Modifications as they are set out. This is a procedural error and means the full impacts of the Main Modifications have not been set out.

## Contact us

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

Tel: **01609 780 780** Email: **[mwjointplan@northyorks.gov.uk](mailto:mwjointplan@northyorks.gov.uk)**

OFFICIAL