

## **9. Other Issues**

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### **9.1 Monitoring the Context for Aggregate Provision**

#### 9.1.1 Bearing in mind:-

- i) the increasingly dated factual base and assumptions in MPG6;
- ii) the requirement to ensure an adequate and steady supply of minerals at the best balance of social, environmental and economic cost;
- iii) the substantial contribution which the County makes to regional aggregates demand;
- iv) the fact that 45% of North Yorkshire is designated as National Park or an Area of Outstanding Natural Beauty;
- v) the consequent future concentration of extraction on the un-designated areas of the County; and
- vi) the need to ensure that extraction and development are consistent with the principles of sustainable development;

it has to be doubted whether the County can year on year supply the increased absolute quantities of crushed rock implied by the RAWP apportionment.

9.1.2 While the environmental capacity of the County to absorb quarrying cannot be measured in any agreed quantitative manner, public concern about quarrying is particularly evident. The projections of demand for aggregates are dependent upon a number of assumptions about the relationship between future economic activity and primary aggregates usage. There are grounds for questioning these assumptions and sustainable development objectives suggest that there may in future be an increasing need for re-appraising policies with a view to managing demand as well as supply.

9.1.3 Demand management, and the greater use of secondary materials, are measures which lie beyond the scope of the Town and Country Planning system alone. At the same time there are doubts about the capacity of North Yorkshire to achieve the doubling of crushed rock output envisaged.

9.1.4 The County Council will, therefore, monitor the performance of the Plan as a whole in the context of national policy, will cooperate in the collection of data in keeping with current advice and encourage the greater use of secondary and recycled aggregate materials. While it will always seek to ensure an adequate and steady supply of primary minerals, the County Council will also take account of the development of policy on road construction, engineering specifications, fiscal measures and environmental protection as a basis for reviewing the Plan and the release of land in later years.

### **9.2 Monitoring of Mineral Workings**

9.2.1 Monitoring of mineral workings is essential to ensure that operations are being carried out in accordance with approved planning conditions and agreements. Alleged breaches of

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planning control and complaints about operations require investigation. Mineral planning authorities have a range of powers to monitor and enforce. It is now common practice for major new planning permissions to be subject to conditions requiring regular monitoring and review of certain aspects of site operation. The County Council will, if necessary, exercise its power to serve enforcement or stop notices, or serve injunctions, in respect of a contravention of planning conditions.

*Policy 9/1  
Monitoring*

The County Council will monitor mineral operations and restoration and aftercare schemes to ensure compliance with planning conditions and legal agreements.

### **9.3 The Minerals Review**

- 9.3.1 The 1981 Town and Country Planning (Minerals) Act placed a statutory duty on mineral planning authorities to review mineral working sites. This duty is now embodied in Section 105 of the 1990 Act. The procedure has not been commenced in North Yorkshire.
- 9.3.2 The Government is now pursuing additional measures which could be more effective. The first of these is the registering of Interim Development Orders (IDOs). Secondly, the Government has introduced in the Environment Act 1995 the review of early planning permissions, many of which are subject to inadequate conditions.

#### *Interim Development Orders (IDOs)*

- 9.3.3 The registering of IDOs, which were originally granted between 1943 and 1948, was introduced by the 1991 Planning & Compensation Act. Since they pre-dated the introduction of the modern Town and Country Planning system, the existence and extent of many IDOs was in doubt. Also planning conditions were generally non-existent or inadequate. The 1991 provisions required IDOs to be formally registered and working schemes submitted so that modern planning conditions could be applied. Within the Plan Area 17 IDOs were lodged by the due date, 16 were registered and 1 was rejected. Working schemes have now been submitted

and approved with up to date conditions for a number of these IDO sites.

#### *Reform of Old Mineral Permissions*

- 9.3.4 The Environment Act 1995 has recently placed a duty on mineral planning authorities to revise and improve operating and environmental standards for all minerals permissions. Schedule 13 introduces a new duty of review in respect of permissions granted between 1948 and 1982. New conditions will have to be submitted and agreed over the next 6-7 years for all sites currently working under such old planning permissions. Where sites are dormant no working is to be allowed to re-

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commence before a revised scheme of conditions has been agreed and there is no entitlement to compensation for any conditions imposed. Thereafter, Schedule 14 provides for all planning permissions to be subject to a 15 year rolling programme of review.

- 9.3.5 While there should be full scope to secure new environmental measures, where there are conditions other than restoration or aftercare conditions approved by the mineral planning authority which are different from those submitted by operators, and where the effect of these conditions would prejudice adversely to an unreasonable degree either the economic viability of operating the site or the asset value of the site, then the operator would be entitled to seek compensation.

## ***9.4 The Habitats Regulations***

- 9.4.1 The recently published Conservation (Natural Habitats etc) Regulations 1994 require local planning authorities to review extant planning permissions which have not been fully implemented and which are likely to have a significant effect on existing and future Special Protection Areas and Special Areas of Conservation. Where the integrity of a site would be adversely affected, the planning authority must take action to remove the potential for harm, either through the use of planning obligations, modifying or revoking the permission or making a discontinuance order. The County Council will have regard to the policies in the development plan in reviewing any sites under these 1994 Regulations.