





Minerals and Waste Joint Plan

Schedule of Further Proposed Changes to Publication Draft

November 2017

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

Introduction

- 1. As planning authorities for minerals and waste in each of their areas, North Yorkshire County Council, City of York Council and the North York Moors National Park Authority have a responsibility to take decisions on planning applications for related development. The three Authorities, (referred to as 'the Authorities'), also have a duty to produce planning policies to help to take those decisions.
- 2. The Authorities have worked jointly to prepare a Minerals and Waste Joint Plan, referred to as the 'Joint Plan', containing planning policies to help us to take decisions about matters such as where, when and how minerals and waste developments should be planned and controlled up to 31 December 2030.
- 3. Work commenced on the Joint Plan in May 2013, with further rounds of consultation taking place through an Issues and Options consultation in February 2014, followed by a Supplementary Sites consultation in January 2015 and a Preferred Options consultation in November 2015. After considering all the responses received at all stages, together with other available evidence, the Publication Draft Plan and Policies Map were published, in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide an opportunity for representations to be made regarding legal compliance and the 'soundness' of the Joint Plan, before it is submitted for examination in public by an independent planning inspector. The Joint Plan was made available for a period of representations for six weeks from 9th November to 21st December 2016.
- 4. Representations received at the 'Publication' stage were assessed and as a result a number of amendments to the Joint Plan were proposed, compiled in an 'Addendum of Proposed Changes to the Publication Draft', and made available from 12th July to 6th September 2017, to provide an opportunity for representations to be made regarding legal compliance and 'soundness'. The Publication Draft Plan, along with the other submission documents including the Addendum of Proposed Changes, will be submitted to the Planning Inspectorate for Examination in Public.
- 5. As a result of the passage of time between the finalisation of the 'Addendum of Proposed Changes to the Publication Draft Plan' (July 2017) and the Submission of the Joint Plan to the Planning Inspectorate (November 2017), a Schedule of Further Proposed Changes to the Publication Draft Plan has been compiled to reflect up-todate information and discussions with representors which have occurred.
- 6. It is considered appropriate to submit this 'Schedule of Further Proposed Changes to the Publication Draft' to the Planning Inspectorate as a 'Supporting Document' to inform the Inspector as the Joint Plan is taken through the Examination in Public. However, these 'Further Proposed Changes' have not been published prior to submission, and therefore consultees have not had the opportunity to comment upon their legal compliance nor 'soundness'.
- 7. It is the case that a number of the changes detailed below are regarded by the Joint Plan Authorities to be minor changes and therefore do not necessarily need to be provided at Examination in Public. However, for the sake of completeness these proposed changes have been included.
- 8. The Schedule of Further Proposed Changes clearly indicates the proposed change and the corresponding part of the Publication Draft Plan that would be amended.

Explanation of the Schedule of Further Proposed Changes

- 9. This **Schedule of Further Proposed Changes to the Publication Draft Plan** is being published to submit as a 'Supporting Document' alongside the Minerals and Waste Joint Publication Draft Plan and other submission documents, for Examination in Public.
- 10. The Schedule clearly indicates the proposed change and the corresponding part of the Publication Draft Plan that would be amended. A brief summary and explanation of the proposed changes on a topic basis is provided below. The acronym F (for Further) and a numbered suffix refer to a specific proposed change as set out in Parts A and B of this Schedule.

General

11. The proposed changes do not alter the overall policy approach in the Joint Plan. The majority of the amendments are to reflect factual and typographical changes and to add clarity to text justifying policies.

Plan area

12. As a result of the extension of Yorkshire Dales National Park, on 1st August 2016, to include new areas in Cumbria and a small part of Lancashire, the changes propose revising a large number of figures (e.g. Figure 1) within the Joint Plan to reflect this amendment to the boundary.

Hydrocarbons

13. The proposed change to Policy M16 seeks to clarify the approach to hydrocarbon development in National Parks/AONBs and associated 3.5km buffer zone.

Waste

- 14. As a result of the Environment Agency releasing the 2015 Waste Data Interrogator in September 2016 it was considered necessary to conduct an update to the Waste Capacity Model, the data source utilised to inform the North Yorkshire sub region Waste Arisings and Capacity Requirements Update Report. The update, which was based on data available in March 2017, involved the inclusion of new waste facilities and changes to the methods of waste management, and the type and amounts of waste streams managed at existing waste facilities.
- 15. The update to the Waste Capacity Model has ultimately had an impact upon the existing and projected waste management capacity in the North Yorkshire sub-region, and subsequently the projected waste capacity gaps/surpluses throughout the plan period. This has been reflected in the proposed changes detailed in the Schedule below.

Safeguarding Policies

- 16. Proposed changes to the text supporting Policies S03 and S04 clarifies that these policies do not unreasonably restrict development of land, including future proposals, within safeguarded waste management sites and their buffer zones.
- 17. The proposed change to the safeguarding exemption criteria clarifies that allocations in emerging local plans, in addition to allocations in adopted local plans, where the Minerals and Waste Planning Authority has no safeguarding concerns during

consultation on the emerging Plan do not require consideration under the relevant safeguarding policies in the Joint Plan.

Site Allocations (Appendix 1)

18. The proposed changes to the 'Key Sensitivities' and 'Development Requirements' information supporting site allocation MJP14 are presented to correct a factual error and to provide clarification on issues such as ecology, water and the mitigation of any potential impacts.

Safeguarded Sites (Appendix 2)

19. The proposed change to the Knapton Quarry Safeguarding Plan more accurately reflects the size of the Site, with the inclusion of existing additional facility types not included within the Publication Draft Plan.

Schedule of Further Proposed Changes to the Publication Draft Plan

Key Example: New Text Example: Deleted Text Example: Text in bold is Policy wording

Part A – Further Proposed Changes Initiated by the LPAs:

F	Page	Policy Ref/Paragraph	Change proposed	Reason
No.	Number	Number/Reference		
		point		
F01	6	Policy W10	Revise Policy Title:	To correct omission of the word
			Policy W10: Overall locational principles for provision of waste management	'management' from the Policy
			capacity	title
F02	10	Figure 1	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F03	11	Figure 2	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F04	27	Figure 4	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F05	27	Figure 5	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP
				boundary.
F06	28	Figure 6	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP
				boundary.
F07	32	Figure 7	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP
				boundary.
F08	45	Waste Key Diagram	Amend plan to reflect the additional safeguarded waste site detailed at	Corrects an omission to the
			'Addendum of Proposed Changes to Publication Draft Plan':	Waste Key Diagram as a result of

			Showfield Lane, Malton	the 'Addendum of Proposed Changes'.
F09	48	Figure 9	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F10	58	Table 1	Revise text: 4.3mt <u>3.5mt</u> (Land at Pennycroft and Thorneyfields, Ripon Site MJP14)	To correct tonnage following withdrawal of the Manor Farm West part of MJP14.
F11	66	Figure 10	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F12	69	Figure 11	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F13	75	Figure 12	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F14	84	Policy M16, d) i)	 Revise text of Part d): d) All-Additional criterion applying to surface hydrocarbon development: 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 associated 3.5km buffer zone identified on the Policies map, or are otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area(s). This includes views of and from the associated landscape from significant viewpoints 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. 	Clarifies the approach to hydrocarbon development in these areas.
F15	96	Policy M18, Key links to other relevant policies and objectives	Amend Key Links section to include: <u>W08</u>	Reflects the links between Part 1) of Policy M18: Waste Management and reinjection of

								wells and Policy W08: Managing waste water and sewage sludge.		
F16	99	Figure 16	Amend Plan to re	eflect the extend	Reflects the change in the YDNP boundary.					
F17	118	Table 6	Revise figures in	Table 6:				Waste Capacity data updated as a result of released 2015 Waste		
			Waste Managemen t Method	Capacity 2016 (tonnes)	Capacity 2020 (tonnes)	Capacity 2025 (tonnes)	Capacity 2030 (tonnes)	Data Interrogator, inclusion of new waste facilities and changes to methods and waste streams		
			Recycling (C&I, LACW, Agricultural)	644,338 <u>734,450</u>	889,639 <u>979,751</u>	864,639 945,230	<mark>814,639</mark> <u>895,230</u>	managed at existing waste facilities.		
			Recycling (CD&E)	279,160 <u>315,920</u>	204,160 240,920	151,990 <u>177,482</u>	151,990 <u>177,482</u>			
		Recycling (Specialist Material) Treatment Plant Composting Energy from Waste Landfill (C&I, LACW, Agricultural) Landfill (CD&E)	(Specialist	105,049 <u>106,200</u>	105,049 <u>106,200</u>	105,049 <u>106,200</u>	105,049 <u>106,200</u>			
						198,226 272,935	184,780 <u>381,949</u>	177,756 374,925	177,756 374,925	
			Composting	317,877 <u>163,171</u>		342,877 <u>148,171</u>				
				0	320,000	320,000	320,000			
			478,822 525,927	103,822 <u>148,563</u>	85,075 <u>56,816</u>	37,140 <u>0</u>				
					559,961 <u>658,444</u>	289,312 300,406	53,637 <u>131,340</u>	53,637 <u>131,340</u>		
			Landfill (Haz)	<u>610</u>	<u>0</u>	<u>0</u>	<u>0</u>			
				TOTAL	2,583,433 2,777,657	2,454,639 2,640,960	2,101,023 2,260,164	1,989,752 2,140,012		
			Table 6: Total actu							

			management capacity	y in the North Yo	rkshire sub-regic	on (tonnes per an	num)	
F18	118	Footnote to Table 6	North Yorkshire sub reg 2016 (Urban Vision) <u>– C</u> 2015 Environment Ager	apacity information acy Waste Data Inte	n subsequently up			Footnote amended to reflect the update to capacity information subsequent to the publication of the September 2016 Report
F19	120	Table 8	Revise figures in Ta	ble 8:				Projected Capacity Gaps/Surplus updated as a result of updated
			Waste Management Method	Projected Capacity Gap/Surplu s 2016 (tonnes)	Projected Capacity Gap/Surplu s 2020 (tonnes)	Projected Capacity Gap/Surplu s 2025 (tonnes)	Projected Capacity Gap/Surplu s 2030 (tonnes)	waste management capacity.
			Recycling (C&I, LACW, Agricultural)	-228,319 -318,261	-442,284 -532,226	-405,451 -477,369	-342,710 -414,655	
			Recycling (CD&E)	16,672 -20,088	386,458 <u>349,698</u>	4 56,283 422,315	471,418 437,450	
			Treatment Plant	52,534 135,378	90,615 <u>90,959</u>	111,350 <u>111,694</u>	124,564 <u>124,908</u>	
			Composting	-134,199 -136,992	-133,483 -136,276	-117,558 -120,351	-103,265 -106,058	
			Energy from Waste	46,386	-102,961	-95,418	-89,631	
			Incineration (Specialist High Temp)	13,632	13,632	13,632	13,632	
			Landfill (C&I, LACW, Agricultural)	-261,451 -308,556	-64,585 -109,326	<mark>-44,356</mark> <u>-16,097</u>	4 ,983 <u>42,123</u>	
			Landfill (Hazardous)	7,252 <u>6,642</u>	23,464	24,379	25,266	

			Landfill (CD&E) Table 8: Main project (tonnes per annum). I surplus are negative.					
F20	120	Para. 6.46 1 st sentence	Revise 1 st sentence: Based on this appro recycling of CD&E w incineration of wast waste.	ach, capacity ga aste, treatmen	t of waste (phy	sical and chem	ical),	Updated text to reflect the changes to capacity gaps/surplus in table 8.
F21	120	Para. 6.46 2 nd sentence	Revise 2 nd sentence A capacity gap <u>for re</u> <u>Plan period and for</u> period.	ecycling of CD&				Updated text to reflect the changes to capacity gaps/surplus in table 8.
F22	120	Para. 6.46 3 rd sentence	Revise 3 rd sentences There is potential fo agricultural waste a	or a very small c		landfill of C&I,	LACW and	Updated text to reflect the changes to capacity gaps/surplus in table 8.
F23	120	Footnote to Table 8	Revise footnote: North Yorkshire sub regi 2016 (Urban Vision) – Ca 2015 Environment Agen	apacity information	subsequently up			Footnote amended to reflect the update to capacity information subsequent to the publication of the September 2016 Report
F24	123	Para. 6.56 final sentence	Revise final sentenc There is potential fo end of the Plan peri	or a very small g	ap in non-haza	rdous landfill c	apacity at the	Updated text to reflect the changes to capacity gaps/surplus in table 8
F25	123	Para. 6.59 3 rd sentence	Revise 3 rd sentences Permission was also facility at the forme has not yet which h	granted in 201 r North Selby N	line site in the	City of York, <mark>al</mark> l	though this too	Updated text to reflect the implementation of the North Selby AD planning permission in November 2016

F32	131	Para. 6.79 3 rd sentence	Revise 3 rd sentence:	To correct a typographical error
F31	129	Para. 6.75 4 th sentence	Revise 4 th sentence: Policy W10 addressing Overall locational principles for provision of waste <u>management</u> capacity	To correct omission of the word 'management' from the Policy title
F30	127	Para. 6.73 3 rd sentence	Revise 3 rd sentence: If rates of recycling nearer to that modelled in the higher recycling scenario included in the waste arisings and capacity assessment are achieved, then the requirement for capacity for landfill of non-hazardous CD&E waste could be significantly less, reaching a maximum of around <u>96,000</u> <u>18,000</u> tonnes per annum by 2030.	Updated text to reflect the changes to capacity gaps/surplus
F29	127	Para. 6.73 1 st sentence	Revise 1 st sentence: There is a forecast shortfall in capacity for landfill of non-hazardous CD&E waste, particularly from around 2022, as a result of the expiry of a number of time limited permissions, with a maximum annual gap of around <u>186,000</u> <u>108,000</u> tonnes per annum by 2030 in the highest case scenario.	Updated text to reflect the changes to capacity gaps/surplus in table 8
F28	127	Para. 6.70 5 th sentence	Revise 5 th sentence: However, the Waste Arisings and Capacity Assessment (2016) (updated March 2017) identifies an expected capacity gap for recycling under all scenarios considered, up to a maximum of approximately 470,000 437,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only.	Updated text to reflect the changes to capacity gaps/surplus in table 8 and the update to capacity information subsequent to the publication of the September 2016 Report
F27	125	Para. 6.63 5 th sentence	Revise 5 th sentence: An unimplemented <u>A</u> planning permission also exists for a substantial anaerobic digestion facility at the former North Selby Mine site in York.	Updated text to reflect the implementation of the North Selby AD planning permission in November 2016
F26	125	Para. 6.61 6 th sentence	Revise 6 th sentence: Policy W10 addressing Overall locational principles for provision of waste <u>management</u> capacity	To correct omission of the word 'management' from the Policy title

F39	143	Figure 18	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP
F38	137	Policy W10 Title	Revise Policy Title: Policy W10: Overall locational principles for provision of waste <u>management</u> capacity	To correct omission of the word 'management' from the Policy title
F37	136	Figure 17	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
		Figure 17	Amend Plan to reflect updated site data.	released 2015 Waste Data Interrogator, inclusion of new waste facilities and changes to methods and waste streams managed at existing waste facilities.
F35 F36	136	Figure 17	Amend Plan to reflect site data in the North Yorkshire Sub-region Waste Arisings and Capacity Requirements Update Report (September 2016).	Due to an oversight, the Plan in the Publication Draft Plan does not reflect the North Yorkshire Sub-region Waste Arisings and Capacity Requirements Update Report (September 2016). This change corrects this.
F34	133	Para. 6.90 2 nd sentence	Revise 2 nd sentence: In some instances, particularly for larger scale <u>WWTW</u> <u>waste water treatment</u> <u>works</u> , it may be appropriate to co-locate anaerobic digestion capacity at the site as this would reduce the need for transport of waste.	To replace an acronym with the full term, as the term has not previously been used
F33	131	Para. 6.81 4 th sentence	storage, processing and incineration plants for animals by-products. Revise 4 th sentence: National policy indicates that local plans for waste should address the need to for manage this waste stream.	To correct a typographical error
			There is however a range of specialist provision in the area, including specialist	

				boundary.
F40	167	Para. 9.24 3 rd sentence	Revise 3 rd sentence: It should be noted that major development in terms of paragraph 116 of the NPPF is not the same as that defined under the Town and Country Planning Act (Development Management Procedure Order) (England) Order 20102015.	To update to reflect the current regulations
F41	179-180	Water Environment Heading	Ensure the 'Water Environment' and 'Policy Justification' headings are at the head of the page.	To improve presentation of the document
F42	183	Figure 19	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.
F43	Appendix 1 Title Page		Revise Appendix 1 Title: Allocated Sites and Areas of Search	To correct a typographical error.

А	Page	Policy Ref/Paragraph	Change proposed	Reason
No.	Number	Number/Reference		
		point		
F44	155	Para. 8.29	Revise Para: As some waste uses are relatively low-value developments, they are at risk of being replaced by competing, higher-value land uses. Safeguarding facilities can help to guard against this. The purpose of safeguarding certain waste facilities is not to prevent other development from taking place but to ensure that the need to maintain important waste infrastructure is factored into decision- making for other forms of development. Where a site is not in use, viability issues will be relevant to considering whether there is a reasonable prospect of the site being used for waste management in the foreseeable future. This will be particularly important in the two-tier parts of the Plan area, where many development decisions are not taken by the waste planning authority.	To clarify that Policy S03 does not unreasonably restrict development of a safeguarded waste management site.
F45	155	Para. 8.30 (Italics: PC85 in the Addendum of Proposed Changes to Publication Draft (July 2017))	Revise Para: In some cases, the introduction of other forms of development in close proximity to established or allocated waste uses, can lead to conflict given the potential for impacts on local amenity due, for example, to noise, dust odour or bioaerosols. Whilst it is not possible to identify all such forms of development exhaustively, they include residential uses and also commercial and industrial uses that depend on a high quality local environment (for example within the food and health care sectors). The identification of a buffer zone around safeguarded waste facilities ensures that the potential for such impacts can be properly taken into account, whilst also recognising the importance of allowing the waste facility to continue to operate. As a range of types and scales of development could be associated with waste management activity, it is not practicable to define individual buffer zones for each facility. A 250m buffer zone reflects a balance between ensuring that the potential for significant impacts arising from some waste uses is allowed for, whilst limiting the extent	To clarify that Policy S03 does not unreasonably restrict development of land, including future proposals, within the buffer zone of a safeguarded waste management site.

Part B – Further Proposed Changes in Response to Representations

			to which consultation for safeguarding purposes is required. It is also consistent with the Environment Agency's restrictions on open composting of waste taking place within 250m of residential property. <i>It is acknowledged that in some</i> <i>cases, including at the former mine sites in the Plan area, there are other extant</i> <i>proposals for redevelopment which are matters for determination by the</i> <i>relevant local planning authority and that such proposals could overlap with</i> <i>land proposed for safeguarding in the Joint Plan. In these circumstances the</i> <i>Minerals and Waste Planning Authority will seek to work constructively with the</i> <i>relevant local planning authority and developers to ensure that a proportionate</i> <i>approach to implementing safeguarding of minerals and waste infrastructure</i> <i>requirements is taken.</i>	
F46	156	Para. 8.34	Revise Para: Transport of coal by barge has previously occurred in the Selby area, and some infrastructure remains but needs repair if it is to be used again. Growing interest in the potential for increased supply of marine aggregate into the Yorkshire and Humber area may increase the significance of both water and rail transport of minerals in future, adding to the justification for safeguarding wharfs and railheads ⁴² . Where a site is not in use, viability issues will be relevant to considering whether there is a reasonable prospect of the site being used for minerals or waste transport in the foreseeable future.	To clarify that Policy S04 does not unreasonably restrict development of a safeguarded minerals or waste transport infrastructure site.
F47	159	Para. 8.47 Safeguarding exemption criteria list (Italics: PC88 in the Addendum of Proposed Changes to Publication Draft (July 2017))	Revise 12 th bullet point: Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, waste <i>and minerals and</i> <i>waste transport infrastructure</i> safeguarding requirements, <u>or</u> , <u>in the case of an</u> <u>emerging local plan allocations</u> , where the Minerals and Waste Planning <u>Authority has raised no safeguarding concerns during consultation on the</u> <u>emerging plan allocation</u>	To clarify that the Safeguarding Exemption Criteria list includes reference to allocations in emerging local plans, in addition to those that are adopted.
F48	Appendix 1 p41	MJP14 Key sensitivities	Revise 1 st bullet point: Ecological issues, including impacts on: Ripon Parks and River Ure Bank Ripon Parks SSSIs, SINCs, High Batts SSSI and Nature Reserve and river Ure Corridor,	To correct a factual error and clarify the key sensitivities of the Site

F49	Appendix 1 p41	MJP14 Development requirements criteria	woodland, protected species, <u>lamprey as an Annex ii species of the Humber</u> <u>Estuary SAC and the</u> presence of invasive species <u>including himalayan balsam</u> . Revise 5 th bullet point: Water issues, including: hydrology, dewatering, flood risk (zones 2 and 3), surface water drainage, <u>and</u> potential for flood storage <u>and water quality &</u> <u>geomorphology issues important to the features of the SSSI</u> . Revise 1 st bullet point: Mitigation of ecological issues, in particular with regard to avoiding impacts on the Ripon Parks and River Ure Bank Ripon Parks SSSIs and the River Ure to demonstrate that minerals extraction at this site will not destroy or damage the interest features for which the High Batts <u>Nature Reserve</u> , Ripon Parks and River Ure Bank Ripon Parks SSSIs are designated. <u>This includes designing the</u> development (including any bunds and discharge outfalls) to protect the <u>SSSI</u> <u>ecological features from the impact of haul roads and the impacts of flood</u> <u>events and potential erosion by the river that might lead to river encroachment</u> into the quarry and <u>SSSI</u> (to include a buffer zone between the north western <u>part of the development and the River Ure</u>), or alterations to the stability of the <u>hydrology associated with the SSSI and to protect lamprey as an Annex ii</u> <u>species of the Humber Estuary SAC;</u> and, in respect of protected species, including measures to address and control invasive species Revise last bullet point: An appropriate restoration using opportunities for habitat creation, but which is also appropriate to location within a birdstrike safeguarding zone <u>and which</u> includes long term management arrangements to ensure the protection and <u>enhancement of the SSSI</u> .	To clarify the Development requirements of the Site
F50	Appendix 2 p186	Knapton Quarry safeguarding plan	Revise plan area to reflect the inclusion of the existing additional facility types (transfer, treatment and recycling).	To more accurately reflect the current size of the site

Contact us

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