



Minerals and Waste Joint Plan

York, North York Moors and North Yorkshire County Council Joint Minerals and Waste Plan Working Group Meeting Agenda

Tuesday 24 March 2015, 2pm

North York Moors National Park Offices, Bondgate, Helmsley, YO62 5BP

1. Appointment of a Chair
2. Apologies for Absence
3. Agree minutes of meeting held on 23 January 2015 (Page 1)
4. Discussion on Draft Vision and Objectives, Minerals, Transport and Other Infrastructure and Development Management Preferred Options Policies (Page 5)
5. Duty to Co-operate (verbal update)
6. Date for Next Meeting
7. Any Other Business

Joint Minerals and Waste Plan Working Group Meeting

Notes of Meeting held at the North York Moors NPA Offices, Helmsley on 24 March 2015

Present

David Hugill	North York Moors National Park Authority
Alison Fisher	North York Moors National Park Authority
Cllr Robert Packham	North Yorkshire County Council
Cllr Gareth Dadd	North Yorkshire County Council
Cllr Dave Merrett	City of York Council
Cllr Tony Richardson	City of York Council

In attendance

Rob Smith	North Yorkshire County Council
Vicky Perkin	North Yorkshire County Council
Caroline Skelly	North York Moors National Park Authority
Clair Shields	North York Moors National Park Authority
Chris France (part)	North York Moors National Park Authority
Rebecca Harrison	City of York Council

1. Appointment of Chair

David Hugill appointed as Chair for the meeting

Introductions were made

2. Apologies for absence

All present

3. Agree Minutes of last meeting

Duty to Cooperate – Cllr Merrett pointed out that he has raised an issue with LCR safeguarding railheads. Otherwise minutes accepted as a true and accurate record.

4. Discussion of Draft Plan

There was first a discussion about the recent gas pipeline application made by Third Energy to the North York Moors NPA. Chris France informed the Group of the application and outlined some of the issues raised by Members and objectors regarding the direct pumping of water to release the gas, the water reinjection into a shallower strata, the risk to water contamination and also potential seismic activity.

Vicky Perkin clarified that the use of two wells (extraction and reinjection) is not new technology but it is the reinjection into a shallower strata which is different. The key here is the geology and having a detailed knowledge of the geology to a further distance than provided already. Applicant says that there is no risk of water

contamination because of the existing faults, but these are the same reasons the objectors use to argue that contamination is possible. With regards to contamination and migration, the water make-up of the lower strata is roughly 10 times more salty than sea water. The point at which the rock breaks will be known and therefore they will keep below this level.

Cllr Richardson commented that there are faults in the geology and therefore given the pressures involved this development will impact on the aquifers.

Vicky Perkin stated that the Scarborough drinking water is 35 miles away from the Ebberston well and therefore a lot of water reinjection would be needed.

It was reiterated that this was new technology so there isn't a vast amount of information available and someone has to go first.

David Hugill commented that consideration needs to be given of the risk vs the need for gas and is a National Park the right place to test this technology?

Hydrocarbon Policies

Caroline Skelly introduced the policies and the changed approach to NP's which are now exempt from fracking as a result of late changes to the Infrastructure Act (although fracking can take place outside and frack under the NP).

Cllr Merrett felt that reference in the National Policy Approach should also be made to government policy on carbon reduction Also suggested that in line 5 of paragraph 2.92 mention should also be made to giving more certainty to businesses. Need to make it clear that pre-app discussions are not compulsory reference could be made to United Kingdom Onshore Oil and Gas (UKOOG) guidance. With regards to EIA information it is important not to repeat the information which relates to other regulatory bodies but seek sufficient information to make the decision.

A discussion was had regarding flaring. Officers explained that flaring is only done to assess flow pressure or when there is a fault. It is primarily carried out at low level or with a sheathed flare stack.

Cllr Merrett queried Policy ID29 and the need to recognise national policy to reduce dependency on coal as Policy may become void over the lifetime of the Plan.

Cllr Dadd queried this approach as there is a need to ensure interim energy.

Cllr Merrett requested to add information on safety provisions relating to carbon and gas storage into Policy ID28. Whilst this will be met through the HSE there will be an expectation for decisions to have looked at this.

It was felt that there are lots of departments involved with this aspect such as EA and DECC and therefore this is not a matter for this Group.

Vision & Objectives

Rebecca Harrison introduced the paper.

Cllr Peckham queried the order of this section and that para.4.2 is in wrong position, but overall the section was clearer and easier to read. The text will be re-ordered accordingly.

David Hugill questioned the readability of Objective 1, what does “coating” mean in Objective 3 and Objective 4 implies that marine aggregates are more sustainable than primary land and what are the impacts of marine aggregates extraction?

Rob Smith clarifies that there are large reserves of off-shore aggregates already with permissions for extraction and therefore more potential of using this permitted resource to off-set land aggregates. The text should also be amended to state “road stone coating” or “planings” to make this clearer.

Aggregate Supply

Rob Smith introduced the policies and explained that a geographical approach has been taken to distribution and constraints. The purpose of the policy to focus aggregate extraction on the NYCC area but support ongoing extraction in the AONB's where there is a long established use, or where extraction would contribute to the local economy (if supported by the major development test). Part 3 of the Policy acknowledges that in practice the contribution of the City of York area will be small.

Cllr Richardson commented that there is no mention of river dredging for sand which is an asset used by the building trade.

Rob Smith informed the Group that these permissions were stopped (circa. 15yrs ago) due to environmental concerns. There are now direct policies against dredging and therefore this is something which would be hard to support.

Cllr Merrett queried why para. 2.52 relating to the major road networks doesn't make reference to rail and water? How does the Safeguarding Policy work with built up areas?

Vicky Perkin clarified that built up areas should be safeguarded and deep development is unlikely to take place in these locations and that the text will be amended to include rail and water.

It was also noted that links needed to be provided to highlight other areas of the Plan which are relevant, for ease of use.

Building Stone

Rob Smith introduced the policies and highlighted the important link with the historic environment and the need to look towards protected areas to source best quality stone and the need for a geological match. The Policy allows the principle of mining with caveats.

Potash

Caroline Skelly introduced the policies and informed the Group that the NPA has been awaiting guidance from DCLG to clarify NPPF which states that sites should be allocated within NPs but not preferred areas of search. However in order to identify sites for allocation the major development test needs to be applied. DCLG have confirmed it is up to us how we take this forwards and our conclusion is to omit the site from the plan but have criteria based policy for assessing applications.

Alison Fisher raised the need for consistency – Policy ID23 goes into a lot of detail linking to other policies, proximity to NPs and AONBs, cumulative impacts, setting. Policies ID29 & 30 relate to mining and are therefore relevant to potash.

Cllr Packham raised consistency issues regarding Sherburn mine and requested that it is changed to Sherburn in Elmet. Also Policy ID41 which states that the mineral should not to be transported on the public highway seems to stringent – could this be a preferred approach? Officers agreed to amend the policy.

A discussion was had regarding the 2km buffer zone in Policy ID38 and where this figure came from, as major faults can extend for miles. Officers advised that Cleveland Potash had advised on this. An option is to go out for consultation including this figure to see if it is appropriate.

Now that the approach to potash had been agreed the potash policies needed to be firmer and include extra criteria. Include work from the BGS and rearrange the deep minerals and potash sections so that they are not split by gypsum.

Transport and Local Amenity

Rebecca Harrison introduced the Policies highlighting the desire to strengthen existing infrastructure and look towards more sustainable transport.

A discussion was had on what role low carbon vehicles can have in the mining industry. Cllr Dadd questioned whether this approach would stand up at appeal - mining needs to be economically viable and the Plan needs to recognise commercial viability.. Mining also involves heavy haulage and therefore it would be hard to require low carbon vehicles.

Cllr Merrett clarified that we should be looking to encourage low carbon measures rather than insist.

Cllr Packham concluded that we are looking at major developments so there is a need to get the balance right, which he felt the policies do.

Green Belt

Rob Smith introduced Policy ID62. The policy approach for minerals is well tested and this policy is thought to reflect that position. The new waste guidelines are more restrictive. The Policy sets out acceptable in principle development (e.g. small scale uses, or established uses) to provide a balanced approach.

Cllr Merrett thought that the Policy should include a sequential test, which highlighted the need for cross reference throughout the document as the sequential test is mentioned later on in the Plan.

A discussion was had on the spreading of waste on land and what this consists of. Waste is classed as discarded excavation soils (not rubble) and spreading. With regards to York Potash this would be classed as re-contouring.

Alison Fisher suggested that para.4.27 and substantial weight needed re-phrasing.

Cllr Merrett raised concerns with the altering of land levels and implications on drainage through water run-off and also farm waste.

David Hugill pointed out that consultation on drainage is carried out on all major developments and farm waste should be picked up either at the planning application stage or through CAP schemes.

Cllr Packham felt that Policy ID58 should refer to Greenbelts as well as NPs and AONBs. This was agreed by officers.

Cllr Merrett thought para.4.34 was too loose.

National Parks and AONB's

Caroline Skelly introduced the Policy. It repeats the NPPF and the requirements of the major development test but also outlines what is considered as major development and how the test will be applied in the determination of applications.

Cllr Dadd stressed the impact on the local economy of both permitting and refusing development.

Landscape

Cllr Merrett referred to Policy ID63 paragraph 3 and the need to make it clearer as to what is expected and criteria on which a decision will be made.

Caroline Skelly said that concerns had been raised by the Districts that if development is being steered away from York there will be impacts elsewhere.

Cllr Packham left the meeting.

Reclamation and After-use

Rob Smith introduced the Policy which identifies impacts but also opportunities with an aim to encourage good practice. There has been early consultation with the Minerals Products Association who is happy with the approach.

A discussion identified that recovery works are important but how we can ensure there is money at the end of a development to do the work (some developments last up to 100yrs). Bonds are not seen positively and should only be used in limited circumstances however S106 money is gained through the planning application.

5. Duty to Cooperate

Rob Smith provided a verbal update. Discussions to be had with Leeds City Region (especially West Yorkshire) on aggregates, waste and minerals. There are concerns however with Tees Valley as to whether they are doing enough. A meeting has been arranged with TV authorities.

Activity to continue

6. Date of next meet

Date to be agreed at the end of May but will be held at NYCC Offices, Northallerton.

7. AOB

Waste and sites to be discussed at the next meeting