

# North Yorkshire Minerals and Waste Plan

Minerals and Waste Development Scheme  
Sixth Review – 2016



## 1 Introduction

### The plan making system

The Planning & Compulsory Purchase Act 2004 (the Act) established the current system for the preparation of development plans. Changes to the Planning system were introduced through the Localism Act 2011, with the key changes brought into effect through revision in The Town and Country Planning (Local Planning) (England) Regulations 2012.

### The Minerals and Waste Development Scheme

This Minerals and Waste Development Scheme (MWDS) has been produced in accordance with the requirements of the Acts. It sets out a summary project plan for preparation of new minerals and waste planning policies, which are being produced jointly with the City of York Council and the North York Moors National Park Authority. This is the sixth revision to the MWDS to be produced and sets out a project plan for the period 2016 to 2018.

Previous versions of the MWDS are available on the website [www.northyorks.gov.uk/article/26215/Minerals-and-waste-development-scheme](http://www.northyorks.gov.uk/article/26215/Minerals-and-waste-development-scheme)

As well as identifying the key milestones, this MWDS will set out how:

- i) the minerals and waste local plan will be structured including a summary profile of each Local Development Document to be produced within the period covered by the current MWDS;
- ii) the evidence base will be managed, specifying the main background technical studies;
- iii) the programme of production will be managed and resources allocated;
- iv) policies and proposals are to be saved from the current plans; and
- v) monitoring and review will occur.

This Scheme has been approved by the County Council's Executive on 18<sup>th</sup> October 2016 and will take effect from 21<sup>st</sup> October 2016.

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## 2 Saved policies

Decisions on applications for planning permission for minerals and waste development are currently made in accordance with the policies contained within the National Planning Policy Framework, the National Planning Policy for Waste and saved policies of the North Yorkshire Minerals Local Plan and Waste Local Plan.

The **North Yorkshire Minerals Local Plan** was adopted in 1997. The policies were due to expire on the 27

September 2007, but the Secretary of State has allowed some policies to be extended, or 'saved' until new local policies being developed supersede them. The saved policies can be found in Appendix 1. The **North Yorkshire Waste Local Plan** was adopted in May 2006. The policies were due to expire in May 2009 but the Secretary of State has authorised some policies to be 'saved' until new local policies supersede them. The list of saved policies can be found in Appendix 1.

### 3 The North Yorkshire Context

The County of North Yorkshire contains seven District and Borough Councils and two National Park Authority areas, all of which also have responsibilities for local planning. The main responsibilities for local planning in North Yorkshire are as follows:

**North Yorkshire County Council (NYCC)** - responsible for minerals and waste planning policies within North Yorkshire outside the Yorkshire Dales and North York Moors National Parks.

**District/Borough Councils** - responsible for local planning policies (except minerals and waste) for those parts of North Yorkshire outside the Yorkshire Dales and North York Moors National Parks.

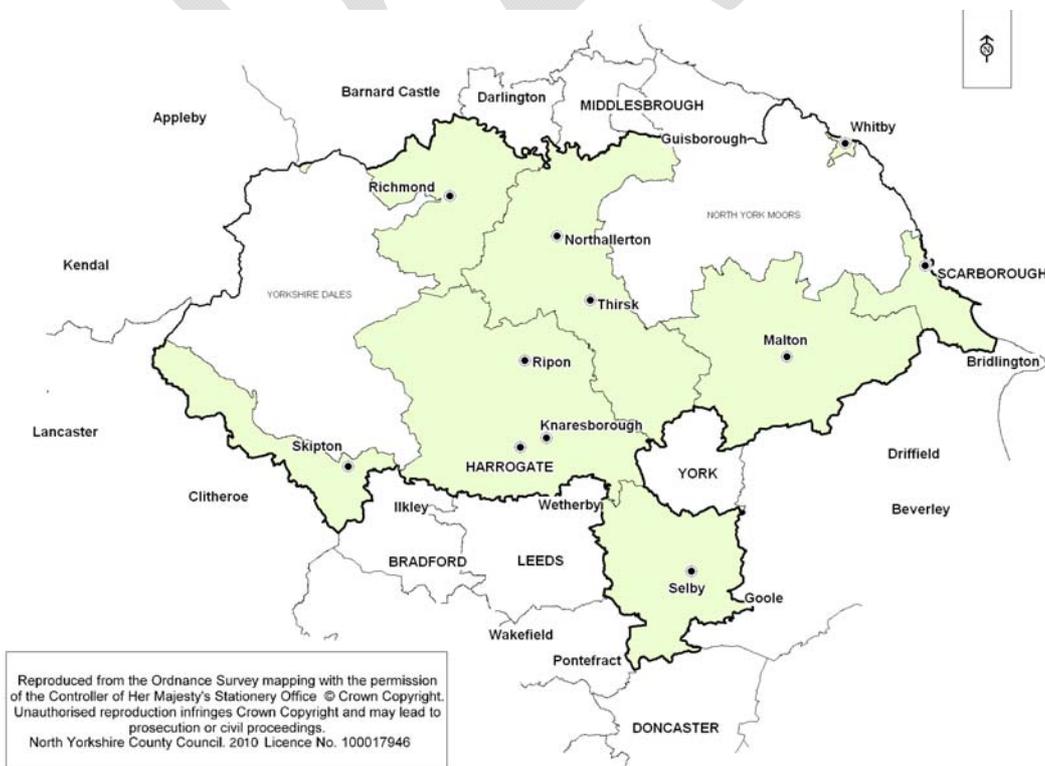
**Yorkshire Dales and North York Moors National Park Authorities** - responsible for all local planning policies within their areas.

As an adjacent unitary authority area, the City of York Council is responsible for all local planning policies in York.

In exercising these various responsibilities, North Yorkshire County Council, City of York Council and the North York Moors National Park Authority have agreed to produce a joint local plan for minerals and waste. The Yorkshire Dales National Park Authority is producing a separate local plan containing minerals and waste policies for that authority area.

This MWDS relates only to the exercise of local planning responsibilities by NYCC. Separate local development schemes are maintained by the other planning authorities in North Yorkshire and the City of York in order to reflect their varying local planning responsibilities.

A map of the NYCC area is provided below.



## **The minerals and waste local plan**

The local planning documents for minerals and waste that NYCC intends to prepare are:

- 1) A Minerals and Waste Joint Plan. This will form a key part of the minerals and waste local plan for the NYCC area. As indicated above, the Joint Plan is being prepared in partnership with City of York and the North York Moors National Park.
- 2) A joint Policies Map to support the Minerals and Waste Joint Plan.
- 3) Supporting documents in the form of a Statement of Community Involvement (SCI) and Authorities Monitoring Report (AMR).

Collectively the above will documents comprise the minerals and waste local plan for the NYCC area. A summary of the different types of documents that comprise the minerals and waste local plan is set out below:

### Local Development Documents (LDD)

These spatial planning documents are afforded statutory status and are prepared through a process of community involvement and consultation and are subject to independent examination. Parties making representations seeking changes have a right to be heard at an independent examination. The documents are adopted following receipt of the Inspector's report. The Minerals and Waste Joint Plan and accompanying Policies Map will be LDDs.

### Statement of Community Involvement (SCI)

This sets out the overall approach to community involvement in the preparation of all local development documents and in development control decisions. It does not form part of the development plan and is not subject to independent examination.

### Authorities Monitoring Report (AMR)

The AMR provides up to date information on the implementation of the MWDS and the success with which the adopted policies are implemented. The AMR is published annually. AMR relates specifically to the NYCC area only. The other relevant planning authorities referred to above are responsible for preparing equivalent supporting documents in their areas.

### Supplementary Planning Documents (SPD)

These provide guidance on a range of issues and supplement policies and proposals of the Development Plan Documents. They are not part of the development plan nor are they subject to independent examination. It is not currently proposed by NYCC to prepare any SPDs in support of the Minerals and Waste Joint Plan, although the need for this will be kept under review.

### **Links to Other Strategies**

In preparing the minerals and waste local Plan other relevant policies and strategies, including those at the national, regional and local level, will need to be taken into account if the most efficient and sustainable use of land is to be achieved.

Key reference points for the minerals and waste local plan will include the National Planning Policy Framework and the National Planning Policy for Waste. Regard will also be had to the North Yorkshire Community Plan, and the York and North Yorkshire Municipal Waste Management Strategy<sup>1</sup>.

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<sup>1</sup> Prepared in conjunction with the District Councils and City of York Council

## 4 Profile of the minerals and waste local plan

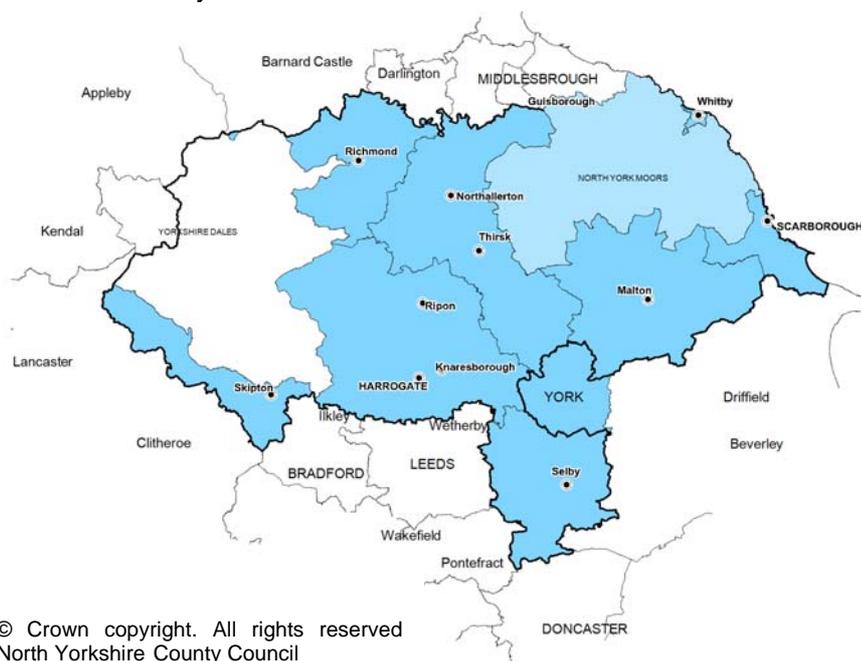
The tables below provide a summary of the general content of the documents the Council is intending to produce or maintain during the period covered by this MWDS.

<b>Statement of Community Involvement (SCI)</b>	
<b>Geographical Coverage:</b>	<p>North Yorkshire County Council (the whole of North Yorkshire outside those areas administered by the North York Moors and Yorkshire Dales National Park Authorities).</p>  <p>© Crown copyright. All rights reserved North Yorkshire County Council</p>
<b>Subject Matter:</b>	Explains to local communities and stakeholders how they can be involved in the preparation, alteration, adoption and on going review of all local development documents and the determination of planning applications
<b>Timetable for Production</b>	<b>Adopted in 2006. Reviewed February 2013</b>
<b>Review Period</b>	No Review Required within this MWDS Period

**Minerals and waste Joint Plan (LDD)**

**Geographical Coverage:**

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



**Subject Matter:**

- Establishes the overall planning strategy for minerals related development taking into account national and local requirements and objectives. It will contain a number of strategic policies to deliver the overall strategy.
- Sets out the overall planning strategy for sustainable waste management taking into account national and local requirements and objectives. It will contain a number of strategic policies to deliver the overall strategy.
- Sets out the indicative quantities of waste expected to require managing over the plan period and identifies locations and criteria to indicate where waste development may be acceptable in principle.
- Sets out the indicative quantities of minerals expected to be required over the plan period to 31 December 2030 and identifies locations and criteria to indicate where mineral working may be acceptable in principle.
- Identifies site allocations where the need for this can be justified and appropriate sites identified.
- Addresses the safeguarding of important mineral resources and minerals and waste related infrastructure.
- Sets out a limited number of development management policies establishing the main criteria against which minerals and waste related development will be considered.
- Will be prepared to be in general conformity with the National Planning Policy Framework and other national policy and guidance including the Local plans of the District and Borough Councils within the North Yorkshire plan area.
- Will be prepared in accordance with the requirements of the Duty to Cooperate

**POLICIES MAP (LDD)**

- On an Ordnance Survey base it identifies those areas to which the various policies and proposals apply. Inset Maps will be produced for certain areas at a larger scale where necessary.
- It covers the whole of North Yorkshire, outside the area administered by the

Yorkshire Dales National Park Authority, and includes the City of York Council administrative area.

- This will be revised when new Development Plan Documents are adopted in order to illustrate geographically the application of the policies in the Local Plan.

#### **Authorities Monitoring Report (AMR)**

- It covers the whole of North Yorkshire, outside the area administered by the Yorkshire Dales National Park Authority, and includes the City of York Council administrative area.
- The Council will produce an Authorities Monitoring Report (AMR) covering the period 1<sup>st</sup> April to 31<sup>st</sup> March each year, which will be published on the Councils' website. Further details on the AMR can be found in Section 11.

## **5 Progress so far**

Work has been progressing generally in accordance with the 2015 MWDS, Fifth review.

the expected future timetable for completion of the remaining stages of preparation of the Minerals and Waste Joint Plan.

A number of consultation activities on the Minerals and Waste Joint Plan (MWJP) have been carried out, under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These are summarised below.

<b>Activity</b>	<b>Date</b>
MWJP first consultation	May 2013
MWJP Issues and Options Consultation	February 2014
MWJP Supplementary Sites Consultation	January 2015

Although not a formal requirement, a 'Preferred Options' consultation was undertaken between November 2015 and January 2016.

In addition to the above the council has been undertaking work to improve and update the evidence base for the Plan.

#### **Reasons for review**

The need to review the MWDS has arisen so as to ensure that the Scheme reflects progress to date and



is intended to integrate the two processes. Strategic Environmental Assessment and Sustainability Appraisal are integral to the process of preparation of the Minerals and Waste Joint Plan and will input at key stages where decisions are being taken about the plan.

The Sustainability Appraisal will be prepared in parallel with production of

the Minerals and Waste Joint Plan and may be subject to change should a need arise to review this MWDS.

Assessment under the Habitat Regulations will take place as necessary in relation to any emerging policies and site allocations. A Strategic Flood Risk Assessment is also being carried out to support the Plan.

## 8 Evidence Base

Work has taken place and will continue to take place on developing the evidence base on which the emerging Minerals and Waste Joint Plan Including Policies Map) can be produced. The focus for the work is on developing a detailed understanding of:

- the current position in respect of minerals production, reserves and supply patterns
- the need for future mineral provision and the potential resources available to meet such need
- the need for future waste management provision
- current methods, capacity and spatial distribution of waste management facilities

- national and local policies and guidance
- Economic, environmental and social information relevant to the

The analysis of this information will assist the generation and refinement of issues and options for addressing the minerals and waste development needs of the area. The need for further evidence base work will be kept under review.

The main tasks that have been, or are expected to be, undertaken in support of the Minerals and Waste Joint Plan are listed in the table below. A more comprehensive list of evidence produced to support preparation of the Plan is available on the Minerals and Waste Joint Plan web pages.

STUDY	DESCRIPTION	<i>Indicative Timetable</i>
Mineral Resource Data	Review of existing Minerals Resources to Identify and help safeguard areas with known potentially valuable mineral resources	<i>British Geological Survey report on minerals safeguarding and sand and gravel resource re-assessment completed December 2011</i>
Local Aggregates Assessment	To gain a greater understanding of aggregates production, flows and requirements	<i>Updated Annually. Last updated 2016</i>
Sustainability Appraisal/ Strategic Environmental Assessment	Appraise Local Development Documents and Supplementary Planning Documents against	<i>Ongoing</i>

	Sustainability Criteria	
Review of Community Plan / other Strategies	Review of the county and districts/ boroughs community plans and other relevant strategies	<i>Completed</i>
Strategic Transport Assessment	Assessment of the potential impacts of minerals and Waste development of the transport network	<i>Completed</i>
Strategic Flood Risk Assessment	Identify strategic level flood risk issues	<i>Ongoing</i>
Habitats Regulations Assessment	Identify strategic level impact on European protected nature conservation sites	<i>Ongoing</i>
Waste and minerals cross boundary movements interpretation	Analysis of the current arisings and flows of non-municipal waste within North Yorkshire	<i>Completed</i>
Waste Capacity and arisings Study	Identify existing waste management capacity and anticipated future requirements.	<i>October 2013. Updated in 2015 and 2016</i>
<i>Marine Aggregate Supply Potential</i>	<i>Establish deliverability of potential for increased supply of marine aggregate.</i>	<i>Completed *</i>

*\*NYCC contributing partner and funder for regional level project.*

## 9 Resources

NYCC input into production of the Minerals and Waste Joint Plan and Policies Map, as well as other relevant NYCC documents identified in this MWDS, will be led by the Planning Service of the Council's Business and Environmental Services Directorate. The Service employs a number of professional planners and the majority of the work will be carried out by a small team drawn from this staff resource under the overall direction of the Assistant Director – Growth, Planning and Trading Standards. The team will be managed by the Team Leader, Plans and Technical Services and will include a Senior Policy Officer and three Policy Officers. The Council also has in-house staff with expertise in Sustainability Appraisal and Strategic Environmental Assessment who will contribute to the project. Close liaison will be maintained with staff from other Business Units and

Directorates within the Council, in particular the Council's Waste and Countryside Unit and the Corporate team responsible for preparation of the Community Strategy.

Consideration will be given to bringing in expertise from outside the Council in respect of certain areas of plan preparation. In particular, consideration will be given to the potential for external input relating to certain areas of evidence acquisition.

Budget provision has been agreed to meet the expected cost of work covered by this Minerals and Waste Development Scheme and has been incorporated within the financial plan.

Political leadership to represent North Yorkshire County Council in the preparation of the Minerals and Waste Local Plan will be provided by the

Council's Executive. This body has the responsibility for taking key decisions relating to the development of County Council policy, subject to ratification by the full County Council. In 2014 a new Joint Member Working Group, with representation from North Yorkshire County Council, City of York Council and the North York Moors National Park was established to provide input

into preparation of the Minerals and Waste Joint Plan. It is intended that this Group will continue to meet as necessary during the remaining stages of work on the Plan.

## 10 Risk Assessment

The table below highlights potential risks, together with contingency plans to help ensure progress of work in line

with the timetable identified in this MWDS.

<b>Risk</b>	<b>Impact</b>	<b>Mitigating Measures</b>
Secretary of state (SoS) directs amendments to the MWDS	MWDS Delayed Causes slippage in programme	<i>Prepare Plan in accordance with National Guidance</i>
Inability to secure appropriate cooperation from key party in order to demonstrate fulfilment of Duty to Cooperate	Causes slippage in programme Potential failure at EiP Additional work load	<i>Maintain constructive and ongoing dialogue with key partners Engage with members where necessary Maintain robust audit trail of cooperation activity</i>
Government Re-organisation leads to need to re-structure and/or re-programme work	Causes slippage in programme Slow progress due to uncertainty	<i>Ensure adequate resources are available to maintain progress with Minerals and Waste Plan work</i>
Volume of work greater than anticipated e.g. on submitted representations or work arising from sustainability appraisal.	Causes slippage in programme	<i>Ensure timetable is realistic but has some flexibility Monitor progress against MWDS Consider additional resources Use of project management tools</i>
Final SA Report fails to meet requirements/is delayed	Delays Submission of Plan to SoS Cause Slippages in Programme	<i>Ensure SA/SEA follows guidance/requirements Consider external verification of SA Report</i>
Lack of in-house skills for specialised areas of policy work/sustainability appraisal/background studies	Slow progress causing slippage in programme Objectives on quality compromised Evidence base/SA is challenged/ undermined.	<i>Employ specialised staff on a consultancy basis where necessary</i>
Policy team required to do other unforeseen work.	Diverts Team from Minerals and Waste Plan causing slippage in programme	<i>Minerals and Waste Plan made a corporate priority and other work minimised</i>
Insufficient revenue provision to finance the project.	Work cannot be progressed Objectives on quality	<i>Budget/cost to be kept under review Ensure compliance with key milestones in MWDS to meet</i>

<b>Risk</b>	<b>Impact</b>	<b>Mitigating Measures</b>
	compromised	<i>milestones</i>
Staff turnover	Slow Progress causing slippage in programme	<i>Take prompt action to fill vacancies with staff with the required skills. Flexible use of existing resources. Adopt flexible approach to terms and conditions.</i>
Minerals and Waste Plan programme too ambitious	Key Milestones in Programme not met	<i>Ensure MWDS is realistic. Monitor progress against MWDS Priorities LDDs.</i>
Plan fails test of soundness.	Plan cannot be adopted without additional work	<i>Ensure Plan is sound, legally compliant, founded on a robust evidence base with well audited stakeholder engagement Use soundness self assessment toolkit Early engagement with PINS Robust approach to Duty to Cooperate Critical Friend review</i>
Legal Challenge	Adopted Plan quashed Additional Work Load	<i>Ensure Procedures, Act, Regulations etc. are complied with. Use soundness self assessment toolkit.</i>
Failure of key partners to deliver according to programme	Slippage in programme Failure to deliver strategy and objectives	<i>Maintain close liaison with key partners. Monitor and review</i>
Planning Inspectorate unable to meet the time scales for examination/reporting	Key milestones in programme not met	<i>Ensure timescales are realistic and has sufficient flexibility Close liaison with planning inspectorate.</i>

## 11 Monitoring and Review

Monitoring and review are essential in ensuring that the minerals and waste local plan remains up to date and is effectively delivering the vision and objectives.

Section 35 of the Planning and Compulsory Purchase Act 2004 requires each local planning authority to publish an Authorities' Monitoring Report (AMR).

In addition a monitoring framework will be set out in the Plan to ensure relevance to the specific topic area. However it is broadly expected that an assessment will be made of:

- the extent to which the Plan remains consistent with policy and guidance at the national level and with other local strategies;
- changes in baseline data in respect of minerals and waste or other significant development challenges facing the area;
- the implementation of the policies of the Minerals and Waste Plan; and
- the extent to which targets are being met.
- Whether a review of the Plan, either in whole or in part, is required.

Each year an Authorities' Monitoring Report will be prepared covering the period 1<sup>st</sup> April to 31<sup>st</sup> March. These will be published annually on the Council's website. The purpose of these documents is to summarise

progress with preparation of the Plan and to monitor progress with the implementation of minerals and waste policies. It is intended that annual reporting will continue in this way in subsequent years, with more frequent updates as necessary.

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## APPENDIX 1- Saved Policies

It is proposed that these saved policies will be replaced by new policies in the Minerals and Waste Joint Plan.

### Minerals Local Plan

Policy	Saved	Not Saved
<b>Chapter 3 Mineral Extraction and Resource Protection</b>		
3/1 – Landbanks		✓
3/2 – Preferred Areas	✓	
3/3 – Areas of Search	✓	
3/4 - Other Areas	✓	
3/5 - Building Sand, Non Aggregate and Energy Minerals		✓
3/6 – Mineral Consultation		✓
3/7 – Mineral Sterilisation		✓
3/8 – Secondary and Recycled Aggregates		✓
<b>Chapter 4 – Environmental Protection</b>		
4/1 – Determination of Planning Applications	✓	
4/2 – Best and Most Versatile Agricultural Land		✓
4/3 – Areas of Outstanding Natural Beauty		✓
4/4 – Heritage Coasts	✓	
4/5 – Other Areas of Landscape Quality		✓
4/6 – Nature Conservation and Habitat Protection – National/International		✓
4/6a – Nature Conservation and Habitat Protection – Local	✓	
4/7 – Archaeological Assessments		✓
4/8 – Archaeological Sites		✓
4/9 – Other Heritage Features		✓
4/10 – Water Protection	✓	
4/11 – River Extraction	✓	
4/12 – Transport		✓
4/13 – Traffic Impact	✓	
4/14 – Local Environment and Amenity	✓	
4/15 – Public Rights of Way	✓	
4/16 – Ancillary and Secondary Operation	✓	
4/17 – Importation of Waste	✓	
4/18 – Restoration to Agriculture	✓	
4/19 – Progressive Restoration		✓
4/20 – Aftercare	✓	
<b>Chapter 5 – Aggregate Minerals</b>		
5/1 – Sand and Gravel Landbanks	✓	
5/2 – Sand and Gravel Provision		✓
5/3 – Sand and Gravel (Southwards) Preferred Areas		✓
5/4 – Crushed Rock Provision		✓
5/5 – Crushed Rock Preferred Areas and	✓	

Policy	Saved	Not Saved
Areas of Search		
5/6 – Borrow Pits	✓	
<b>Chapter 6 – Deep Mined Coal</b>		
6/1 – Environmental Statement		✓
6/2 – Deep Mining of Coal	✓	
6/3 – Evaluative Framework Technique	✓	
6/4 – Colliery Spoil Disposal	✓	
6/5 – Colliery Waste Tips	✓	
6/6 – Transport		✓
6/7 – Subsidence		✓
<b>Chapter 7 – Oil and Gas</b>		
7/1 – Noise		✓
7/2 – Exploration Boreholes	✓	
7/3 – Identifying of Geological Structure	✓	
7/4 – Appraisal Boreholes	✓	
7/5 – Production Wells	✓	
7/6 – Development Scheme	✓	
7/7 – Development of new reserves	✓	
7/8 – Gathering Stations	✓	
7/9 – Transport		✓
7/10 – Restoration	✓	
7/11 – Retention of Features	✓	
7/12 – Pipelines	✓	
<b>Chapter 9 – Other Issues</b>		
9/1 – Monitoring		✓

## Waste Local Plan

Policy	Saved	Not Saved
<b>Chapter 4 – Protecting the Environment</b>		
4/1 – Waste Management Proposals	✓	
4/2 – Waste Hierarchy		✓
4/3 – Landscape Protection	✓	
4/4 – Areas of Outstanding Natural Beauty		✓
4/5 – Heritage Coasts	✓	
4/6 – Green Belts		✓
4/7 – Protection of Agricultural Land	✓	
4/8 – International Sites		✓
4/9 – National Sites	✓	
4/10 – Locally Important Sites	✓	
4/11 – European Protected Species		✓
4/12 – Water Protection		✓
4/13 – Flood Risk		✓
4/14 – Historic Environment	✓	
4/15 – Archaeological Evaluation	✓	
4/16 – Archaeological Sites	✓	
4/17 – Transport		✓
4/18 – Traffic Impact	✓	
4/19 – Quality of Life	✓	

<b>Policy</b>	<b>Saved</b>	<b>Not Saved</b>
4/20 – Open space, Recreation and Public Rights of Way	✓	
4/21 – Progressive Restoration	✓	
4/22 – Site Restoration	✓	
4/23 – Aftercare	✓	
<b>Chapter 5 -Reduction, Re-Use, Recovery</b>		
5/1 – Waste Minimisation	✓	
5/2 – Waste Recovery	✓	
5/3 – Recycling, Sorting and Transfer of Industrial, Commercial and Household Waste	✓	
5/4 – Household Recycling – Bring System	✓	
5/5 – Household Waste and Recycling Centres	✓	
5/6 – scrapyards and Metal Recycling facilities	✓	
5/7 – Facilities for the Recycling of Construction and Demolition Wastes	✓	
5/8 – Temporary Recycling Facilities for recycling of Construction and Demolition wastes	✓	
5/9 – Green Waste Composting	✓	
5/10 – Incineration of Waste	✓	
<b>Chapter 6 – Waste Disposal</b>		
6/1 – Landfill Proposals	✓	
6/2 – Land Improvement Schemes	✓	
6/3 – Disposal of Waste by Landraising		✓
6/4 – Leachate and Landfill Gas Management	✓	
<b>Chapter 7 – Other Issues</b>		
7/1 – Incineration, Treatment and Transfer of Special or Clinical Waste	✓	
7/2 – Waste Water Treatment Works	✓	
7/3 – Reworking of Deposited Waste	✓	
<b>Chapter 8 – Implementation, Monitoring and Review</b>		
8/1 – Determination of Planning Applications		✓
8/2 – Review of the Waste Local Plan		✓
8/3 – Monitoring of Development Proposals		✓