

North Yorkshire Minerals & Waste Joint Local Plan

Examination in Public – Hearings Statement by W Clifford Watts

Matter 1 – Minerals (Minerals Allocations in General)

Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate

Minerals allocations in general

4. *Besides the SA and Notes from Site Panel Assessment Sessions, October 2016, are there any other overall assessments in the evidence base relating to each of the individual sites put forward?*
5. *In general how have mineral sites been assessed for allocation in the MWJP? In a few paragraphs please provide a brief overview including the methodology, how constraints and opportunities have been considered, and how allocations have been chosen over omission sites. References (with page and paragraph numbers) may be given to relevant evidence.*
6. *Are the reasons for selecting allocated minerals sites/preferred areas/areas of search over reasonable alternatives made clear in the SA? Have all reasonable alternatives been assessed and are reasons for rejection set out?*
7. *Should the policies state in which area (district/borough/national park/city) the allocation/preferred area/area of search is located to provide clarity and to facilitate its location within Appendix 1?*
8. *Are all allocations shown on the Policies Map, and to be effective should the Policies Map be referred to in the various policies that allocate minerals sites/areas?*
9. *Where it has been agreed by the Authorities to amend the boundaries of minerals allocations (such as MJP17 and MJP21) are the new boundaries shown in Appendix 1?*
10. *How does the evidence demonstrate that the allocations in each of Policies M07 (Concreting sand and gravel), M08 (Building sand), M09 (Crushed Rock), M13 (Clay) and M15 (Building Stone) are appropriate to meet identified requirements?*
11. *In general how does the Plan seek to ensure that any significant constraints/adverse impacts of development of these allocations are overcome/mitigated to an acceptable level?*
12. *Are any of the specific allocations likely to result in significant adverse impacts that could not be sufficiently mitigated? In such cases how have the benefits of allocation been demonstrated to outweigh the detriment?*
13. *Do any of the regulatory bodies have outstanding concerns about any of the allocations? If so, what are these concerns and how have they been addressed?*

W Clifford Watts Statement

1. In terms of **Question 4** there appear to be a range of documents in addition to the SA site selection process and the Panel Assessment. These seem to include introduction to site and area assessment background papers, site identification assessment methodology and scope, initial screening of submitted sites and areas, discounted sites summary document, identification of areas of search for concreting sand and gravel, impact of site submissions on agricultural land and traffic assessment.

2. **Question 5** - However, in none of these documents is it clear to us how the sites were selected. We take as an example, comparison between the allocation of an extension to Settrington Quarry (MJP08) and the discounted site at Whitewall Quarry (MJP12). In the 'initial screening of submitted sites and areas' document both scored well and were selected to be taken forward to stage 2. The detailed assessment of sites is contained in the SA Report Appendix 3 parts 1 & 2. The qualitative method the mpas used in assessing sites does not lend itself to direct comparisons between those sites. The two candidate sites are located in close proximity to one another, work the same material and have similar types of environmental impacts. But it is not clear to us why one was chosen over the other and the factual basis of the assessment is questionable, (we will have more to say on this issue with respect to question 33). The Panel Assessments, Traffic Assessment and Discounted Sites Summary also add information but there appears to be no comparative analysis of sites. The information which is alluded to is in some cases misleading and incomplete. Constraints and opportunities have been ignored in certain cases, or downplayed.

3. The following Table 1 sets out the company's assessment of the principal differences between the two sites in the SA Appendix 3 part 2 (g-l) and the inaccuracies we have found in the SA. References to the sites are contained at pages 3-20 for Settrington and 46-60 for Whitewall. It is clear that although these sites are similar in many respects, there is in addition to the inaccuracies, omitted information and copying errors which reduce the confidence in the appraisals and a distinct bias in the way the impacts of the sites are described. In our view this results in a lack of objectivity in the assessments such that they cannot be relied upon. However, it is also evident that the scoring of the assessment (such as it is), does not indicate a case for either site not to be allocated. Most of the impacts are to be expected of any mineral working, and all are capable of mitigation to acceptable levels or by condition or legal agreement. We see nothing in these appraisals which would be fatal to either site.

Table 1: Comparison of SA Site Assessments between Settrington & Whitewall Quarries

SA Objective	Settrington Appraisal Summarised	Whitewall Appraisal Summarised	SA Score	WCW Comments
1. Biodiversity – habitat diversity	No impacts on designated areas or sites. Protected species affected by development. Biodiversity included in restoration.	Alleges ‘concerns raised over pollution of groundwater’ during a failed planning application in 2012. SINC located on verge just north of site.	Settrington – min- Whitewall – mod-	Settrington has potential to affect protected species. WCW agrees with assessment score.
				WCW cannot find any reference to the alleged concerns at Whitewall. Neither NE, nor the EA nor the County Ecologist objected to the 2012 proposals, which was for a different development. There is no evidence of quarry traffic impact on SINC. WCW considers the assessment should be min -
2. Enhance water quality	Site in NVZ, not in SPZ. Risks to water pollution readily avoidable. Effect neutral. Environmental permits will operate successfully.	Site in NVZ, not in SPZ. Minor risks to groundwater are mitigatable	Settrington – no effect Whitewall – min-	The Settrington assessment fails to observe that the site works below the water table and the site is under water for much of the year. See WCW Appendix 2 . WCW considers the assessment should be mod -
				The Whitewall assessment does not match with the assessment for Objective 1. Whitewall is worked dry and there is less risk to groundwater than there is at Settrington where the aquifer is exposed. WCW agrees with the assessment.
3. Reduce transport miles	Access to B1248 and through Norton noted. Quotation from traffic assessment that traffic would be unlikely to be perceptible.	Good access to A64. Access to north would be through Norton. Quotation from traffic assessment that traffic would travel through centre of Norton.	Settrington – min- Whitewall – mod-	Quotation for Settrington is misleading. Does not emphasise that the quarry traffic takes the B1248 to the A64 like Whitewall. WCW agrees with the assessment.
				Quotation for Whitewall is misleading. Traffic Assessment goes on to say “...typically result in an additional 5-6 HGVs per hour passing through Norton. This is unlikely to be

				<i>perceptible when considered as a standalone site and as the site is operational, trip generations from the site would be included when examining the effects of the future HGV restriction.” WCW consider the assessment should be min-</i>
4.To protect and improve air quality	Nearest residence is 100m from the site. Traffic would be continuation of existing levels. No local receptors for air pollution other than local residence. If traffic is routed through Norton may add to air pollution, but the low numbers of vehicles make this effect small.	Located 2 km from an AQMA. Nearest residence 230m from the site. Quotation from traffic assessment that traffic would travel through centre of Norton.	Settrington – min- Whitewall – mod-	<p>Settrington uses the same route in the centre of Norton as Whitewall but this merits little comment. The B1248 into Norton is much less suitable for HGVs than is Welham Road is for Whitewall. The alternative access is via rural villages on bad roads. Low traffic levels means 4-5/hr. WCW agree with the assessment.</p> <p>Assessment for Whitewall ignores the proposal that only the northern half of the site would be worked, making the nearest residence 320m from working, and upwind of the site. It also ignores the fact that this too is a continuation of existing working and traffic is low At 5-6/hr. For traffic quotation see above. WCW consider the assessment should be min -</p>
5.Use soil and land efficiently	Extension unlikely to have major effects (0.009% of national loss of BMV land considered very small)	ALC grade 3. Loss of 9ha of ‘possible’ BMV land. Could be cumulative impact of loss of land on national food capacity.	Settrington – min- Whitewall – min-	<p>Agreed that Settrington unlikely to have any significant effect on soils and land. WCW agree with the assessment.</p> <p>Hyperbolic to suggest that Whitewall could have a significant cumulative impact on food capacity. This is 9ha loss over 10 yrs or 0.038% of annual national loss.</p>
6.Reduce causes of climate change	Some loss of hedgerows but this is insignificant. Depending on where stone is used this may increase climate change impacts.	A small amount of woodland would be lost to development. Mentions traffic levels.	Settrington – min- Whitewall – min-	<p>Agreed that Settrington unlikely to have any significant effect but considers this is also true of Whitewall.</p> <p>The woodland is in the southern part of the Whitewall site which would be retained for landscaping & nature conservation mitigation as per the notes accompanying the site</p>

				description. WCW agrees with scoring but assessment is inaccurate because no woodland would be lost to development.
7. Respond & adapt to climate change	Copying error of sand and gravel in assessment. No mention of loss of ag land.	Significant water extraction unlikely. Loss of ag land will have a combined effect with other losses elsewhere.	Settrington – min- Whitewall – min-	No comment on Settrington assessment
				WCW considers the assessment of Whitewall fair.
8. Minimise use of resources	Copying error of sand and gravel	Site will contribute to availability of Ist but may offset recycled materials that could replace them.	Settrington – maj- Whitewall – maj-	No comment on Settrington assessment
				Aggregate recycling is already at over 90% nationally (Defra figures 2014) so further offsetting is unlikely. WCW considers the Whitewall assessment should be mod -
9. Minimise waste generation	May have indirect impacts on the waste hierarchy by affecting recycling of Ist.	Site would not deal with waste. No details of how waste would be managed on site. May have indirect impacts on the waste hierarchy by affecting recycling of Ist.	Settrington – min- Whitewall – min -	Fewer references to potential effects for Settrington not justifiable. Site already takes in inert waste. This is not mentioned as a possible continuation.
				For recycling point, see above. The site utilises high levels of processing waste by producing ag lime from quarry dust. WCW considers the assessment of Whitewall fair.
10. Conserve or enhance historic environment	Unlikely to have a major impact on HLC. Effects on setting of listed bldg nearby. High archaeological potential but mitigation through preservation in situ or by record.	Unlikely to have a major impact on HLC. High archaeological potential but mitigation through preservation in situ or by record. Setting issues must be considered.	Settrington – mod- Whitewall – min-	WCW considers the assessment of Settrington fair.
				WCW considers the assessment of Whitewall fair.
11. Protect & enhance landscapes & character	Could have potential for impact on AHLV. Not likely to affect setting of Settrington village 1 km away. Site well screened. Not likely to be unduly prominent. Landscape will benefit from progressive	The area is 'disturbed' but may affect the setting of Norton 1.3 km away. May also breach Sutton Wold skyline. Moderate level of intrusion for light pollution.	Settrington – min-; uncertain in long term Whitewall – min -; maj – in long term	WCW considers the assessment of Settrington fair.
				Whitewall is screened by landform, buildings and vegetation from Norton and will not affect its setting. Development would not breach the skyline as the Notes confirm. WCW is mystified why a short term min – assessment should

	restoration.			become maj – in the long term. WCW consider the assessment should be min -
12.Achieve sustainable economic growth, create jobs, etc	Lst would make a significant contribution to building sector and boost supply of key material. Support jobs in extraction & freight. Not considered long term industry. Not low carbon development.	Lst would make a significant contribution to building sector & support jobs in extraction & freight. Increased or prolonged traffic & noise may have for some adverse effect on horse training.	Settrington – min+ Whitewall – min-; neut in long term	Assessment is unfair in describing industry as not long term. Underplays economic importance of sector. WCW considers the Settrington assessment should be mod + in view of lower production. Assessment has underplayed the economic importance of lst extraction and contribution to construction sector and overstated the alleged impact on horse training, in light of letters of support for the quarry from that industry, which is also a major customer for the lst. WCW considers the Whitewall assessment should be maj +
13.Maintain & enhance viability of local communities	Site will support a modest amount of jobs in extraction and freight. Also supply useful building materials. Copying error of reference to clay extraction.	Future growth of 1500 houses in Malton/Norton. In area where development will be supported that is necessary for sustainable & healthy local economy. Job opportunities limited.	Settrington – min+ Whitewall – no effect	Assessment has recognised the economic importance of lst extraction and contribution to construction sector, in contrast to the biased downgrading of the Whitewall assessment. WCW considers the Settrington assessment should be mod + in view of lower production. WCW is amazed that having a major source of construction material on the doorstep of where development is planned is not considered a major benefit. No account is taken of the ag lime contribution or of local landowners who are significant customers, or the high productivity of mineral products industry which is 2½ times the average of British industry. WCW considers the Whitewall assessment should be maj +
14.Provide opportunities for recreation, leisure, etc.	Site lies 270m S of SUSTRANS route 166. Site is well screened from cycle route. Users ‘may experience	Site lies 150m NW of SUSTRANS route 166. Potential for increased traffic impacts and loss of amenity.	Settrington – min- Whitewall – min-	Assessment does not mention that the traffic route from the site affects an extended length of over 2,000m of cycle network (see WCW Appendix 3). WCW considers the assessment of

	increased traffic along the C350 should this route be utilised for vehicle access’.			Settrington an example of significant understatement. Quarry affects a shorter length of this cycle route (430m) on Whitewall Corner Hill (WCW Appendix 3). Since the proposal is an extension and the route recent, the impact of the quarry traffic on the route must have been considered acceptable when designated. Proposal involves no material increase in traffic; just for longer duration. WCW considers the assessment of Whitewall significantly hyperbolic.
15. Protect & improve wellbeing, health etc.	A number of individual properties (including one 100m) lie close to the site. Traffic on local roads likely to continue. Noise and dust could increase. Effects are localised. Some uncertainty if traffic is routed through Norton.	One affected property 200m from site. Others within 700m. Potential for significant moderate impact on Norton and possibly Malton AQMA. Also, concerns on impacts on horses and jockeys due to increased traffic.	Settrington – uncertain effect Whitewall – mod-	Settrington proposed access route goes through Norton, so why is this not a moderate negative impact? Affected properties are closer than at Whitewall. WCW consider the assessment should be mod – due to increased impacts on cyclists and nature of route to Norton. One affected property is 300m from proposed working at Whitewall. WCW disagrees that there is potential for moderate negative impact on Norton and horse training and that this has been exaggerated. WCW consider the assessment should be min -
16. Minimise flood risk.	Site is in Flood Zone 1. No significant effects	Site is in Flood Zone 1. No significant effects	Settrington – no effects Whitewall – no effects	Agreed assessment for Settrington Agreed assessment for Whitewall
17. Address needs of changing population	No conflict with plan allocations. Site would make small contribution to self-sufficiency of 1st supply.	No conflict with plan allocations. Site would make significant contribution to self-sufficiency of 1st supply.	Settrington – min+ Whitewall – min +	Agreed assessment for Settrington. Agreed assessment for Whitewall but not agreed on scoring. WCW considers the assessment should be maj +
Cumulative Effects	No conflicts identified with other active sites or allocations.	No conflicts identified with other active sites or allocations. Cumulative air quality effects ‘observed’.	N/A	WCW considers that omission of reference to groundwater pollution potential at Settrington and impacts of traffic similar to Whitewall is misleading.

		'Strain on the road network towards the A64 is a key consideration'.		WCW considers that air quality issues in relation to Whitewall are exaggerated whilst the traffic assessment shows no strain on the highway network.
--	--	--	--	--

4. In terms of **Question 6** there is to our knowledge no reasons set out why one site has been preferred over another, especially in the two cases we have highlighted, which we submit are so similar as to have equal environmental impacts. Reasons for rejection of discounted sites are of course set out in the summary document of that name. However, in the case of Whitewall to take as an example, they are not fully reflective of the SA assessment, and are disingenuous in their presentation. In addition, there is no comparative presentation of alternative sites, which in this case is Settrington. The Panel Notes for Whitewall make assertions but are not backed up by evidence. They are couched in terms of 'might damage' or 'proximity to' but it is clear that the Panel of experts could only speculate on what might be affected, rather than what would be affected. Moreover, a quality check exercise against assessments made on other sites would have greatly improved the consistency of treatment between sites, which is otherwise absent. This does not in our view present robust evidence which can be used to discount a site from being allocated.

5. In terms of **Question 10** there appears to be no assessment of the requirement for Jurassic rock which would inform the Plan whether there was a need that overrode the claimed disadvantages of the rejected sites. We have presented evidence that since Whitewall Quarry is the largest supplier of Jurassic stone in the eastern part of the plan area, its contribution is unlikely to be taken up by the other two operating quarries which either have limited capacity (in the case of Settrington) or limited reserves (in the case of Newbridge) or do not produce the range of products that come from Whitewall (both). The re-opening of two others in the AONB does not seem to be an acceptable alternative.