

## North Yorkshire County Council - Joint Minerals and Waste Local Plan (JMWLP)

### Examination in Public

Sibelco response to Inspectors Draft Matters, Issues and Questions (MIQs) (dated 18 January 2018)

#### **Matter 4: Development Management Policies**

**Issue: Whether the vision, objectives and development management policies strike a sound balance between seeking to provide appropriate development and protecting the environment and sensitive receptors**

**157.**

**With respect to the exceptional circumstances for development in the National Park and AONBs in Policy D04 (Development affecting the North York Moors National Park and the AONBs) Part 1) a) is the wording “will” usually include a “national need” and contribution to the “national economy” too restrictive?**

The wording is too restrictive and also goes further than the NPPF which at paragraph 116 says “*Planning permissions **should** .....*” (our emphasis).

**158.**

**Should Policy D04 Part 1) b) and/or c) be more flexible by increasing the scope of economic considerations and taking account of economic sustainability?**

Policy D04 should be more flexible and in line with NPPF paragraph 116 (2nd bullet point which states “*Consideration ..... should include an assessment of .....The cost of, and scope for, developing elsewhere outside designated area, or meeting the need for it in some other way .....*”.

There is no explicit reference in Policy D04 to the cost of developing elsewhere outside designated areas even though the economic aspect is an important element of the three pillars of sustainability.

**159.**

**Is there any difference in the scope or application of Policy D04 Part 1 d) to that set out in the NPPF paragraph 116 third bullet point?**

This would need to be assessed on a case by case basis. In terms of the Blubberhouses site, the site was operational prior to the designation of the AONB and the reasons for designation would need to be available and understood.

**161.**

**Is Policy D04 Part 3 too restrictive? Should some flexibility be introduced by amending “will not” be permitted to, for example, “will not usually” be permitted?**

This is too restrictive and exceeds the requirements of NPPF paragraph 116 which makes no reference to setting. Applications outside designated areas should be dealt with on a case by case basis against plan policies. The temporary nature of mineral operations should be recognised.