

Statement on behalf of the Mineral Products Association(MPA)

N Yorkshire Joint Mineral & Waste Local Plan; Examination in Public

SILICA SAND

- 34 **With respect to Policy M12 (Continuity of supply of silica sand), the MWJP at paragraph 5.66 says that the resource at Blubberhouses Quarry overlaps with internationally important nature conservation designations. Bearing this in mind and also the national importance of silica sand, should part 2) of the policy make reference to potential impacts on integrity and potential “Imperative Reasons of Overriding Public Interest” (IROPI) subject to securing compensatory measures that ensure the overall coherence of the Natura 2000 network in accordance with The Conservation of Habitats and Species Regulations 2017?**

MPA Response

The application and ES submitted to NYCC in 2011 has addressed all representations and matters of clarification sought by NYCC with no statutory objections on conservation matters. The EC guidance on Natura 2000 for the non-energy extractive industry (NEEI) states that new mineral extraction plans and projects can be undertaken in Natura 2000 sites as long as they do not adversely affect the integrity of the site. The guidance states there is no automatic exclusion of NEEI activities in and around Natura 2000. The proven mineral reserve within the 2011 Blubberhouses Quarry application boundary is excluded from the internationally important nature conservation designations. Further proven mineral resources to the north east of the application boundary are also excluded from the nature conservation designations. The measures proposed in the current planning application have raised no objection from Natural England. The 2017 Regulations seek primarily to consolidate previous regulations.

- 35 **NPPF paragraph 146 (3” bullet) requires at least a 10-year stock of permitted reserves to support individual silica sand sites. Is the reference to a “10-year landbank” in paragraph 5.68 of the Plan consistent with national policy?**

MPA Response

The reference within paragraph 5.68 is not consistent with paragraph 146 (3” bullet) nor with the subsequent requirement of “at least 15 years.....for silica sand sites where significant new capital is required” (our underlining).

- 36 **MWJP paragraph 5.64 states that further reserves of silica sand may need to be released for Burythorpe Quarry (foundry sand) during the Plan period. Given the national importance of silica sand in this area for foundry usage and its national scarcity, should Burythorpe Quarry be allocated in Policy M12? Was Burythorpe Quarry ever put forward for allocation?**

MPA Response

The requirement for a stock of permitted reserves at individual silica sand sites is necessary to accord with the NPPF. The MPA has no specific detail of Burythorpe Quarry. If a specific site allocation cannot be taken forward within the plan, NYCC should consider a “preferred area” or “area of search”. If insufficient geological information is available to inform a site specific allocation, Preferred Area or AoS, a criteria-based policy would be appropriate.

- 37 With respect to the omission site at Blubberhouses Quarry (MJP15), should it be allocated in Policy M12, given the national importance of silica sand in the area for glass manufacture and its national scarcity?

MPA Response

Yes, the site allocation at Blubberhouses Quarry is justified. There are no sustainable grounds to exclude the site allocation from the plan. In an email from NYCC dated 14th August 2015, relating to the current Blubberhouses Quarry planning application, the planning officer cited that “in the absence of existing evidence of need, the silica sand reserves can be protected for the future through allocation in the forthcoming Minerals and Waste Joint Plan,” (our underlining). Strong evidence of need was submitted to NYCC on 27th January 2016 following a meeting with NYCC on 5th January 2016. In a plan led system, it would be appropriate for the site to be allocated.

- 38 Are the reasons for discounting Blubberhouses Quarry set out in the Discounted sites summary document, October 2016 (SD18) justified?

MPA Response

No. The mineral reserve was **specifically** excluded from the SPA, SAC and SSSI in recognition of its importance in terms of mineral supply. Whilst proximity to designations is a key consideration, there is no objection by Natural England to the current, yet undetermined Blubberhouses Quarry planning application. In the discounted sites document, Historic England supports discounting the site on the grounds that “development could (our underlining) harm the elements which contribute to a number of heritage assets in the area including the buildings at Redshaw Hall. This contradicts Historic England’s (and its predecessor agency English Heritage) “No objection” to the current Blubberhouse Quarry planning application, having been consulted on three separate occasions. The Cultural Heritage assessment included within the ES indicated that Redshaw Hall is 800m away. The assessment concluded at “Section 5.7 - Mitigation of indirect impact upon Redshaw Hall. Assuming that the northern boundary of the extraction is screened through the use of peripheral bunds, there will be no indirect impacts upon the setting of Redshaw Hall and its associated three buildings, and no additional measures are required.” With regards to an Appropriate Assessment under the Habitat Regulations, the applicant has submitted extensive information in support of the current Blubberhouses Quarry planning application to address all matters raised by statutory consultees, and has met with the NYCC officers. NYCC has failed to progress the planning application despite having all the information requested for 2 years.

- 39 The Discounted Sites summary document indicates that it is not sufficiently clear through a strategic level assessment whether site MJP15 could be developed and whether policy protection of the Nidderdale AONB and North Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) could be achieved. However, I note from this document that a planning application has been submitted for the site, which presumably included more detailed information. Please confirm the current position and whether more detailed information is available to inform the allocation process.

MPA Response

The applicant submitted extensive supporting information including a fully scoped ES and has responded to several requests by NYCC for further information in a comprehensive and timely manner. The online planning register indicates that the Council has not determined the Blubberhouses Quarry planning application despite appearing to have all its concerns addressed over 2 years ago.

- 40 **If the site were to be allocated, could this conflict with The Conservation of Habitats and Species Regulations 2017 Part 6 (Assessment of plans and projects)? What information is available on whether the site is likely to have a significant effect on the North Pennine Moors SPA or SAC? Has an Appropriate Assessment been carried out on the site and, if so, with what results? Could any impact on the integrity of the SPA or SAC be justified by IROPI and the securing of compensatory measures that ensure the overall coherence of the Natura 2000 network?**

MPA Response

Natural England (NE)'s response to the current application is clear. In a letter dated 15th July 2015 it has no objection to the application being "satisfied that there would be no adverse effect on the integrity of any European Site...." and that the "application, as submitted, will not damage or destroy the interest features for which the site (SSSI) has been notified". NE assessed the site and potential for effects on the SAC/SPA under the Habitats Regs 2010 (as amended) using the Appropriate Assessment and other information provided subsequently (Peat management plan/further restoration details) supporting the planning application. NE withdraw its initial concerns. In terms of an assessment it is understood that there is little difference between the 2010 Regs and the 2017 Regs. The 2017 Regs consolidated several changes that had been done and also provide a holding position until the UK leaves the EU.

- 41 **Whilst great weight should be given to conserving landscape and scenic beauty in AONBS and planning permission for major development should only be granted in exceptional circumstances (NPPF paragraphs 115 and 116), silica sand resources are of national importance and great weight should be given to the benefits of mineral extraction (NPPF paragraph 144 15" bullet)? Taking account of the PPG (ID: 27-008-20140306) has the right balance been reached in not allocating Blubberhouses Quarry site?**

MPA Response

No. As the inspector has highlighted "great weight" is relevant to both the landscape consideration and the mineral of national importance. In its Duty to Cooperate document, the NYCC has cited existing silica sand deposits in Norfolk and Surrey. The latter site is notably partly within AONB. In recognising PPG (ID: 27-008-20140306), the SSSI was designated after development commenced at Blubberhouses Quarry. Setting the quarry in the context of the AONB, the quarry consent covers an area 83.4ha of which 38.7ha is proposed for extraction. The Nidderdale AONB covers an area of 233 square miles or 60,300ha. The consent boundary represents approximately 0.14% of the AONB area, with the extraction area equating to 0.06%. Whilst a criteria-based approach may be appropriate where a proposed site allocation within an AONB has not been supported by a comprehensive assessment, this is clearly not the case for Blubberhouses Quarry where, a comprehensive landscape assessment, and mitigation and restoration

scheme was submitted to NYCC as part of the ES, with additional information submitted to address all issues raised during the consultation process.

- 42 I note that there is potential for the realignment of the A59 at Kex Gill to overlap with the Blubberhouses Quarry site. However, given that there is no definitive route for this road and no land has been safeguarded for its development, should this potential realignment influence the allocation of Blubberhouses quarry? What are the views of North Yorkshire County Council Highways Authority? Does Highways England have any remit for this and, if so, what are its views?

MPA Response

Neither Highways England or NYCC's own highway department has raised an objection to the Blubberhouses Quarry planning application currently being considered by NYCC. This has not been raised by NYCC as a reason for discounting the site allocation.

- 43 Should Burythorpe Quarry and/or Blubberhouses Quarry be allocated to give certainty to when and where development may take place (PPG ID: 27-D09-20140306)?

MPA Response

Unlike Blubberhouses Quarry, it is not known if sufficient information to support a site allocation at Burythorpe Quarry has been submitted. In the absence of such, a criteria-based approach may be appropriate. However, a comprehensive ES was submitted to NYCC, in support of the Blubberhouses Quarry planning application. Further information has also been submitted by the applicant, upon request. In its discounted sites summary document of October 2016, NYCC appears to have overlooked the extensive information submitted in the ES and the proposed phasing of operations at Blubberhouses Quarry.

- 44 In relying on criteria-based policies rather than allocations, and taking account of development management policy D04: (Development affecting the North York Moors National Park and the AONBs), does the MWJP provide adequate opportunities to ensure there are reasonable prospects of producing sufficient supplies of silica sand to maintain adequate stocks of permitted reserves as per NPPF paragraph 146?

MPA Response

No. As referenced above, a criteria-based policy may be appropriate where there is an absence of detailed information relating to the working of a site, or indeed the need for the mineral. The extensive information submitted in the ES and the proposed phasing of operations at Blubberhouses Quarry more than justify the site's allocation.