

North Yorkshire Minerals and Waste Plan

Minerals and Waste Development Scheme Fifth Review – 2015



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 fifth revision to the MWDS to be produced and sets out a project plan for the period 2015 to 2017.

Previous versions of the MWDS are available on the website <u>https://</u> www.northyorks.gov.uk/planning-andconservation/planning-policy/planningpolicy-minerals-and-waste/mineralsand-waste-joint-plan/minerals-andwaste-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 27th October 2015.

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 polices 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 -

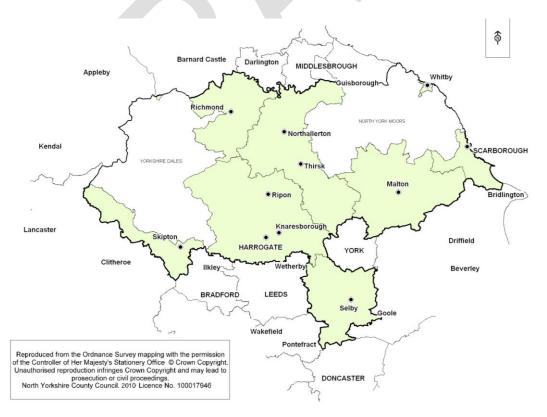
responsible for local planning policies (except minerals and waste) for those parts of North Yorkshire outside the Yorkshire Dales and North York Moors National Parks.

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 process of а involvement community and consultation and are subject to independent examination. Parties representations making seekina 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.

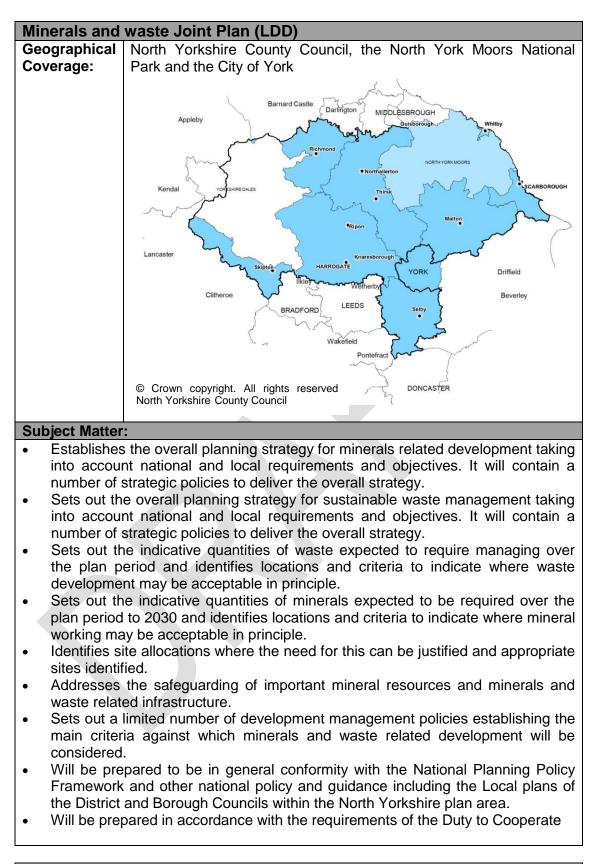
Key reference points for the minerals and waste local plan will include the National Planning Policy Framework and the National Planning Policy for Waste. Regard will also be had to the North Yorkshire Community Plan, and the York and North Yorkshire Municipal Waste Management Strategy¹.

¹ 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.

Statement of Co	ommunity Involvement (SCI)
Geographical	North Yorkshire County Council (the whole of North Yorkshire
Coverage:	outside those areas administered by the North York Moors and
	Yorkshire Dales National Park Authorities).
	Appleby
	Kendal
	Lancaster Skipton HARROGATE YORK Driffield
	Clitheree Weherby Beverley BRADFORD LEEDS Selby Goole
	© Crown copyright. All rights reserved North Yorkshire County Council
Subject Matter:	Explains to local communities and stakeholders how they can be
Subject Watter.	involved in the preparation, alteration, adoption and on going
	review of all local development documents and the determination
	of planning applications
Timetable for	Adopted in 2006. Reviewed February 2013
Production	
Review Period	No Review Required within this MWDS Period



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 (e.g. specific allocations) 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 and Authorities Monitoring Report (AMR) covering the period 1st April to 31st March each year, which will be published on the Councils' website by 31st December each year. Further details on the AMR can be found in Section 11.

5 Progress so far

Work has been progressing generally in accordance with the February 2013 MWDS, Fourth review. This included commencement of work on the Minerals and Waste Joint Plan and undertaking a review of the Statement of Community Involvement.

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.

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

In addition to the above the council has been undertaking work in relation to the evidence base which will be required to help progress 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 the expected future timetable for completion of the remaining stages of preparation of the Minerals and Waste Joint Plan.

6 Revised Project Plan - Timetable for production 2015- 2017

During the period covered by this MWDS the Council will be producing the following documents:

- Minerals and Waste Joint Plan.
- Minerals and Waste Joint Plan
 Policies Map

This revised scheme sets out the timetable to achieve the key milestones for the preparation of the Minerals and Waste Joint Plan and Policies Map. These key milestones are summarised below:

- 1. Preparation of the local plan (Regulation 18)
- 2. Consultation on Sustainability Appraisal scoping report
- 3. Pre-submission Publication (Regulation 19),

- Submission of development plan documents (Regulation 22);
- 5. Commencement of examination (Regulation 24); and
- 6. Adoption of Local Development Documents (Regulation 26).

The summary chart below identifies the key milestones achieved to date and those expected to be met within the period 2015-2016. Following submission and commencement of examination (Regulation 24 stage), the timescale for completion of the examination and subsequent adoption of the Plan (Regulation 26 stage) is outside the direct control of the Authority but is expected to be achieved by March 2017 at the latest.

Joint York and North Yorkshire					20)1	3										20)14	4										20)1	5								2	01	6			
and North York Moors Minerals & Waste Plan	J	F	M	٩N	ЛJ	J	A	٩S	6	٦М	1	ς.	JF	- N	N A	N	IJ	J	A	s	0	N	D	J	F	N	١A	N	1J	J	A	s	C	٥N	ID	J	F	N	A	M	J	J	A	s
Preparation of a Local Plan (Reg 18)																																												
SA scoping Consultation						Į																																						
Publication (Reg19)																																												
Submission (Reg 22)																																												
Commencement of Examination (Reg 24)																																												

7 Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA)

EU Directive 2001/42/EC requires that a Strategic Environmental Assessment (SEA) is undertaken on the relevant elements of a local plan. The Planning and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA), considering economic, environmental and social issues, be produced. Following Government guidance and to maximise efficiency, it 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

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

policies and site allocations. A Strategic Flood Risk Assessment is also being carried out to support the Plan.

- 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 technical studies 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	Indicative Timetable
Mineral Resource Data	Review of existing Minerals Resources to Identify and help safeguard areas with known potentially valuable mineral resources	British Geological Survey report on minerals safeguarding and sand and gravel resource re- assessment completed December 2011
Assessment of environmental sensitivities and capacity in relation to surface mineral resources	To gain a greater understanding of environmental constraints relevant to future minerals development	Delivered through the Managing Landscape Change project, April 2012
Local Aggregates Assessment	To gain a greater understanding of aggregates production, flows and requirements	Updated Annually last updated 2015
Sustainability Appraisal/ Strategic Environmental Assessment	Appraise Local Development Documents and Supplementary Planning Documents against	Ongoing

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

*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 - Trading Standards and Planning Services. 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 Core 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 and in facilitating community involvement.

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. It is also intended that the Minerals and Waste Framework Development member working group will continue to help inform the development of new minerals and waste policy. 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 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.

Risk	Impact	Mitigating Measures
Secretary of state (SoS) directs amendments to the MWDS	MWDS Delayed Causes slippage in programme	Prepare Plan in accordance with National Guidance
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	Maintain constructive and ongoing dialogue with key partners Engage with members where necessary Maintain robust audit trail of cooperation activity
Government Re- organisation leads to need to re-structure and/or re-programme work	Causes slippage in programme Slow progress due to uncertainty	Ensure adequate resources are available to maintain progress with Minerals and Waste Plan work
Volume of work greater than anticipated e.g. on submitted representations or work arising from sustainability appraisal.	Causes slippage in programme	Ensure timetable is realistic but has some flexibility Monitor progress against MWDS Consider additional resources Use of project management tools
Final SA Report fails to meet requirements/is delayed	Delays Submission of Plan to SoS Cause Slippages in Programme	Ensure SA/SEA follows guidance/requirements Consider external verification of SA Report
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.	Employ specialised staff on a consultancy basis where necessary
Policy team required to do other unforeseen	Diverts Team form Minerals and Waste Plan	Minerals and Waste Plan made a corporate priority and other work

Risk	Impact	Mitigating Measures
work.	causing slippage in programme	minimised
Insufficient revenue provision to finance the project.	Work cannot be progressed Objectives on quality compromised	Budget/cost to be kept under review Ensure compliance with key milestones in MWDS to meet milestones
Staff turnover	Slow Progress causing slippage in programme	Take prompt action to fill vacancies with staff with the required skills. Flexible use of existing resources. Adopt flexible approach to terms and conditions.
Minerals and Waste Plan programme too ambitious	Key Milestones in Programme not met	Ensure MWDS is realistic. Monitor progress against MWDS Priorities LDDs.
Plan fails test of soundness.	Plan cannot be adopted without additional work	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
Legal Challenge	Adopted Plan quashed Additional Work Load	Ensure Procedures, Act, Regulations etc. are complied with. Use soundness self assessment toolkit.
Failure of key partners to deliver according to programme	Slippage in programme Failure to deliver strategy and objectives	Maintain close liaison with key partners. Monitor and review
Planning Inspectorate unable to meet the time scales for examination/reporting	Key milestones in programme not met	Ensure timescales are realistic and has sufficient flexibility Close liaison with planning inspectorate.

11 Monitoring Review

and

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 detailed 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 local policy is consistent with policy and guidance at the national level and with other local strategies;
- changes in baseline data in respect of minerals and waste;
- the implementation of the policies of the Minerals and Waste Plan; and

• the extent to which targets are being met.

Each year an Authorities' Monitoring Report will be prepared covering the period 1st April to 31st March. These will be published on the Council's website around the end of the relevant calendar year. 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.

APPENDIX 1- Saved Policies

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

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

Minerals Local Plan

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

Waste Local Plan

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

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