

Minerals and Waste Joint Plan



Addendum of Proposed Changes to Publication Draft

July 2017

Introduction

1. As planning authorities for minerals and waste in each of their areas, North Yorkshire County Council, City of York Council and the North York Moors National Park Authority have a responsibility to take decisions on planning applications for related development. The three Authorities, (referred to as 'the Authorities'), also have a duty to produce planning policies to help to take those decisions.
2. The Authorities have worked jointly to prepare a Minerals and Waste Joint Plan, referred to as the 'Joint Plan', containing planning policies to help us to take decisions about matters such as where, when and how minerals and waste developments should be planned and controlled up to 31 December 2030.
3. Work commenced on the Joint Plan in May 2013, with further rounds of consultation taking place through an Issues and Options consultation in February 2014, followed by a Supplementary Sites consultation in January 2015 and a Preferred Options consultation in November 2015. After considering all the responses received at all stages, together with other available evidence, the Publication Draft Plan and Policies Map were published, in accordance with regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide an opportunity for representations to be made regarding legal compliance and the 'soundness' of the Joint Plan, before it is submitted for examination in public by an independent planning inspector.
4. The Joint Plan was made available for a period of representations for six weeks from 9th November to 21st December 2016. Representations received at this stage have been assessed and as a result a number of amendments to the Plan are being proposed.
5. This **Addendum of Proposed Changes** is being provided as an opportunity to consider, and make comments on the proposed amendments before the Publication Draft Plan is submitted, along with the other submission documents including the Addendum, for examination in public.
6. The Addendum clearly indicates the proposed change and the corresponding part of the Publication Draft Plan that would be amended. The Publication Draft Plan and supporting documents are available to view at www.northyorks.gov.uk/mwjointplan. The Addendum of Proposed Changes, and any submitted representations, will be reviewed by the planning inspector during the examination in public.
7. Representations can be made over an eight week period on matters of soundness and legal compliance with relevant legislation.

Explanation of the Proposed Changes

8. This **Addendum of Proposed Changes** is being provided as an opportunity to consider, and make comments on the proposed amendments before the Publication Draft Plan is submitted, along with the other submission documents including the Addendum, for examination in public.
9. The Addendum clearly indicates the proposed change and the corresponding part of the Publication Draft Plan that would be amended. The Addendum of Proposed Changes, and any submitted representations, will be reviewed by the planning inspector during the examination in public.

10. It is recognised that many of the proposed changes are technical in nature and it may not be immediately obvious what this change means in terms of applying the policies to planning applications in the future.
11. A brief summary and explanation of the proposed changes on a topic basis is provided below to assist you. The acronym PC and a numbered suffix refers to a specific proposed change as set out in Parts A and B of this Addendum.

General

12. The proposed changes do not alter the overall policy approach in the Plan. The majority of the amendments are to reflect factual and typographical changes and to add clarity to policies which have been highlighted through representations received at Publication stage and by officers.

Minerals (PC50-PC53)

13. The change to Policy M06 Landbanks for Crushed Rock provides clarity on the time period that the policy applies over for the separate landbank for Magnesian Limestone. This will be throughout the plan period. The change to the supporting text corrects a factual error.
14. The changes to the supporting text in relation to silica sand clarifies the current situation in the other two minerals planning authorities in England with reserves for silica sand and provides an update on the realignment of the A59.

Hydrocarbons (oil and gas) (PC03-PC06, PC54-PC81)

15. As the majority of the representations received were in relation to the hydrocarbon section of the Plan, the number of changes proposed to this section is quite extensive. The changes initiated by the LPAs in Part A of the Addendum of Proposed Changes are just to correct typographical errors. The proposed changes in Part B in response to representations are more significant. The proposed changes to the background section relate to the process, regulatory regime and definitions related to hydrocarbons.

Background text

16. On the whole, these are to clarify what the processes are, for example by changing 'drilling' to 'activity' clarifies that it is aspects of unconventional gas development other than drilling which may mean that development activity takes place over longer periods of time. In addition, the changes provide clarity as to the expected nature of development such as level of activity at different stages of development, the fact that the production stage of development may involve the re-fracturing of existing wells.
17. The changes in relation to the regulatory regime text are to clarify what the specific roles are for the Minerals Planning Authorities, Environment Agency, Health and Safety Executive, Department for Business, Energy and Industrial Strategy (formerly DECC) so it is clear who has responsibility for the different aspects of hydrocarbon development.
18. Changes to the definitions section reflect more accurately the distinctions between the development activity associated with conventional and unconventional hydrocarbon resources. Further definitions are provided in the glossary. Conventional hydrocarbons are oil and gas where the reservoir is in porous rock such as sandstone or limestone and can be extracted using traditional drilling techniques. Unconventional hydrocarbons refer to the type of oil and gas that cannot be extracted using traditional drilling techniques and include underground coal gasification, coal bed and coal mine methane and shale gas.

Policy M16

19. The changes to the supporting text to Policy M16 reflect the latest Government position

(the original text referred to a consultation document which has now been introduced as policy). The implications of this change will mean that additional restrictions will be applied to operations using more than 1,000 cubic metres of fluid.

20. Text has been added which highlights that the minerals planning authorities are not seeking to unreasonably restrict activity typically associated with the production of conventional resources. In practice this will mean that well-established industries will not suddenly be subject to much tighter restrictions.

Policy M17

21. The proposed change to Policy M17 which seeks to replace 'planned' with 'permitted' in the context of the status of well pads that the policy applies to. 'Planned' could be interpreted in different ways and leaves the policy open to uncertainty whereas 'permitted' clearly means those well pads with planning permission (either implemented or not).
22. A proposed change has been made which recognises the potential impacts on air quality as a result of increased vehicle movements in relation to hydrocarbon development.
23. The remaining changes to the supporting text of M17 more accurately reflect the direction of national policy, guidance and available evidence.

Policy M18

24. The proposed change to policy M18 which removes the need to decommission wells that are to be suspended pending further hydrocarbon development is in line with the relevant regulatory requirements which state that wells which have reached the end of their operational phase should be decommissioned.
25. The change to the text in reference to water returned to the surface via a borehole has been amended to reflect that water arising on site may not always constitute waste. In practice this will mean that operators will need to have in place methods of testing the content of water arising on site and methods for dealing with genuine waste water as well as other water arising on site.

Potash and salt supply (PC07 – PC11, PC82)

26. Changes have been made to policy headings to relate to potash (in its general form) and rock salt rather than referencing polyhalite as there are other forms of potash. Amendments have then been made to the supporting text to define these different forms of potash which is considered necessary as there are different policy requirements depending on the form of potash and the national need for the mineral. Also each form of potash requires different levels of infrastructure requirements and as such it is important to make these distinctions.

Waste (PC12-PC14, PC83)

27. The proposed change to policy W11 1) recognises that it will be acceptable in principle to site new waste management facilities next to existing waste management sites where it can be demonstrated that co-locational benefits would arise. This is in line with the direction of policy W10 which sets out the overall locational principles for the provision of waste capacity.

Transport and Infrastructure (PC15-PC16, PC86-PC88)

28. The proposed change to policy I02 is to clarify that the whole policy applies to City of York not just part 2.

Safeguarding polices (PC17-PC19, PC84-PC88)

29. Proposed changes to Policy S01 and the supporting text clarify the status of the potash and polyhalite areas. Other additional text in the safeguarding section recognises that a pragmatic approach needs to be taken when implementing safeguarding requirements where an overlap with other types of proposed development occurs and emphasises that minerals and waste transport infrastructure is also safeguarded in the Plan.

Development Management Policies (PC20-PC23, PC89-PC97)

30. Many of the proposed changes are to correct typographical errors, provide clarity or more closely reflect the requirements of national policy. Several of the policies have more specific reasons for the proposed changes.
31. The proposed change to supporting text to Policy D03 is to reflect the potential for vehicles movements to impact on air quality. The proposed change to the supporting text for Policy D04 is to further clarify the purposes of the AONB designation. The proposed change to the supporting text of Policy D06 is included to reflect the presence of other potentially relevant designations in District local plans and to ensure appropriate links are made. The proposed change to the text in Policy D12 is to provide further flexibility in the policy recognising that all soils could make some contribution to ecological connectivity or carbon storage.

Site Allocations (Appendix 1) (PC24-PC26, PC98-PC109)

32. The proposed changes to the key sensitivities for sites that are proposed for allocation are to reflect the potential significance of a constraint that has been identified through the site assessment process, such as the proximity of a site of nature conservation interest.
33. The changes to development management requirements and site area are a mix of seeking to reduce the potential harm to an identified asset (such as a listed building) and drawing attention to the potential opportunities that may arise through development of a site.

Safeguarded Sites (Appendix 2) (PC27-PC39, PC110-PC113)

34. The changes in Appendix 2 correct typographical errors, provide updated information and add an additional site.

Policies Map (PC41-PC42)

35. Proposed changes to the policies map are to correct an omission and to make the text consistent with the text in the Plan.

How to get involved

36. Representations submitted at this stage must only be made against the Addendum of Proposed Changes and on grounds of legal compliance or soundness (see below) and be supported with evidence to demonstrate why these tests have not been met. Any representations received will be considered by the inspector as part of the examination in public.

Legal Compliance

37. To be legally compliant the Joint Plan has to be prepared in accordance with the Duty to Cooperate and legal and procedural requirements including the 2011 Localism Act and Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

Tests of Soundness

38. The National Planning Policy Framework states that a Local Plan should be:
- Positively prepared – the plan should be based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
39. The Addendum of Proposed Changes and supporting documents, as well as full details of how to make representations on the Addendum, are available on our website: www.northyorks.gov.uk/mwconsult. Paper copies of the documents will be available to view at Council offices and libraries throughout North Yorkshire and the City of York.
40. We recommend that you use the response form provided as this will enable us to record your representations correctly, which is particularly important at this stage. All representations should relate to, and include within the response, a Proposed Change (PC) number to ensure the representation is recorded against the correct text.
41. You can send us your completed response form either by post to:
- Minerals and Waste Joint Plan Team
Planning Services
Business and Environmental Services
North Yorkshire County Council
County Hall, Northallerton
DL7 8AH
- Or by email to: mwjointplan@northyorks.gov.uk
42. The closing date for representations is **5pm on 6th September 2017**.
43. **PLEASE NOTE THAT WE ARE UNABLE TO ACCEPT REPRESENTATIONS RECEIVED AFTER THE DEADLINE.**
44. If you would like to speak to someone about the Addendum of Proposed Changes please contact us using the contact details below:
- North Yorkshire County Council: Tel: 01609 780780
- City of York Council: Tel: 01904 552255
- North York Moors National Park Authority: Tel: 01439 772700

Addendum of Proposed Changes to Publication Draft of the Minerals and Waste Joint Plan

Key

Example: New Text

Example: Deleted Text

Example: Text in bold is Policy wording

Part A - Proposed changes initiated by the Local Planning Authorities

PC No.	Page Number	Policy Ref/Paragraph Number/Reference point	Change proposed	Reason
PC01	2,3	Sub-heading 'About this Document'	Delete sub-heading About this Document and all subsequent text on pages 2 and 3.	To reflect the closure of the publication phase of the Plan
PC02	25	Para. 2.54 16 th line	...were publisjhed by...	To correct a typographical error
PC03	78	Para. 5.108 2 nd line	Please note that the references to 'DECC' in Figure 13 should now be read as references to DBEIS as its successor	To correct a typographical error
PC04	84	Policy M16 d) i) 3 rd line	... the policies map or is are otherwise considered...	To correct a typographical error
PC05	86	Para. 5.121 5 th sentence	... reference to their special qualities can be found in the relevant m M anagement Plan for the area.	To correct a typographical error
PC06	87	Para. 5.125 5 th Sentence	This includes the need to take account of any Impact Risk Zones identified by Natural England for SACs, SPAs, Ramsar sites and S S SSIs, via the requirements ...	To correct a typographical error
PC07	102	Potash, Polyhalite and Salt Section	Replace section heading Potash, Polyhalite and Salt with Potash and Salt	For consistency with proposed modifications to paras. 5.171 and 5.172
PC08	102	Para 5.171	Replace current para. 5.171 " There are various forms of potassium-bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is	To clarify terminology relevant to potash and salt mineral resources

			<p>mainly used as a fertiliser. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York Moors National Park."</p> <p>with: <u>Potash is the generic term for potassium bearing minerals and has an important economic value for fertiliser. Within the Plan area it takes the form of sylvinites, which can be processed to create 'muriate of potash', and polyhalite, which although lower in terms of potassium content, also includes other important plant nutrients, particularly sulphur. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the Plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York Moors National Park.</u></p>	
PC09	102	Policy M22 1 st para. 1 st line	Revise first line: Proposals for the extraction of potash, <u>and salt</u> or polyhalite from new sites....	To clarify terminology relevant to potash and salt mineral resources
PC10	102	Policy M22 2 nd para. 2 nd line	Revise second line: Proposals for new surface development and infrastructure associated with the existing permitted potash, polyhalite and salt mine sites in the National Park,	To clarify terminology relevant to potash and salt mineral resources
PC11	103	Para 5.172	<p>Replace current para. 5.172</p> <p>Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for its extraction. There is however no requirement within national policy to maintain a certain level of potash reserves. Potentially viable and accessible resources of potash are understood to lie mainly beneath the North York Moors National Park. Where proposals for new potash (including polyhalite) mining activities are located within the National Park they will need to be considered in accordance with the requirements of the major development test (Policy D04). This includes extensions to the operating period or renewal applications for the existing mine sites at Boulby and Doves Nest Farm.</p>	To clarify terminology relevant to potash and salt mineral resources

			<p>For these reasons it is not considered appropriate to allocate proposed sites in the Joint Plan but to consider any new proposals against the policy requirements set out above.</p> <p>with:</p> <p><u>In planning terms, the differentiation between the two forms of potash is important, in relation to the policy requirements of the major development test relating to need assessment. There is an existing national requirement for the sylvinite form of potash, whereas polyhalite is new to the global fertiliser market and is not yet an established product. Planning permission for Boulby Mine allows for the extraction of 'potash', covering both sylvinite and polyhalite (and also rock salt), whereas the 2015 permission for Sirius Minerals at Doves Nest is restricted to polyhalite only. Another important distinction is the fact that sylvinite requires processing and therefore has significant additional infrastructure requirements, whereas when polyhalite is mined the entire ore is used with only the need for granulation. In Policy M22, the term 'potash' means all forms of the mineral unless where otherwise explicitly stated.</u></p>	
PC12	115	Policy W02 4)	... where they would be in line with the requirements of Policies <u>Policies</u> W10 and W11.	To correct a typographical error
PC13	121	Policy W03 2)	... with the site locational and identification principles in Policies <u>Policies</u> W10 and W11 will be permitted.	To correct a typographical error
PC14	135	Para. 6.94 last sentence	... under Policies W10 and W11 and other relevant policies <u>policies</u> in the Joint Plan as appropriate.	To correct a typographical error
PC15	145	Para. 7.12 3 rd Sentence	... constitute permitted development under the Town and Country Planning (General Permitted Development) <u>(England) 2015</u> Order 1995 <u>(as amended)</u> .	To update sentence to refer to the current legislation
PC16	146	Policy I02 2)	<u>In addition, within the City of York area, development of ancillary minerals infrastructure will also only be permitted provided the following criteria are met:</u>	To clarify the meaning of the policy.
PC17	149	Policy S01	Potash and <u>(including polyhalite)</u> resources within the Boulby Mine	To clarify the status of the

		1 st paragraph of Part 2)	licensed permitted area ...	relevant area
PC18	151	Para. 8.17 6 th line	Revise 3 rd sentence: ...However, it would be appropriate to safeguard reserves and resources within the area licensed for extraction from that part of the Boulby Mine <u>permission area indicated on the Policies Map (the only active potash mine in the Plan area)</u> , along with those resources forming part of the York Potash project that have been identified with a higher degree of confidence (i.e. the indicated and inferred resources). This will ...	To clarify the status of the relevant area
PC19	155	Para. 8.30 3 rd line	... due, for example, to noise, dust, odour or ...	To correct a typographical error
PC20	166	Policy D04 Final sentence of final paragraph of Part 1)	Revise final sentence of final paragraph of Part 1): Appropriate and practicable compensation will be required for any avoidable unavoidable effects which cannot be mitigated.	To correct a typographical error
PC21	175	Para. 9.53 5 th line	Revise sentence: ..the development of enhanced ecological networks to improve reliance <u>resilience</u> and help to ...	To correct a typographical error
PC22	178	Para. 9.63	Add a return at end of paragraph to distinguish from para. 9.64	To improve presentation of the document
PC23	188	Key links to other relevant policies and objectives	Strategic Policies <u>Policies</u> in Chapter 5, 6 and 7 and Policies D07, D09, D10, D13	To correct a typographical error
PC24	194	Text following Para. 10.1	Delete: Note: when providing a response relating to a specific site please ensure the site reference number is included with the relevant comments.	To reflect the closure of the publication phase of the Plan
PC25	30, 45, 82, 85 and 89 of Appendix 1	Reasons for allocating site	... supply of aggregates (Policy M01) and the provision of crushed road <u>rock</u> (Policies M05 and M06) and could contribute to ...	To correct a typographical error on these 5 pages
PC26	137 and 144 of Appendix	'Submitted by' row	Revise: Stephenson & Son (on behalf of Mr W-R-Smith <u>E Wilkin</u>)	To correct a factual error on these 2 pages

	1			
PC27	159 of Appendix 2	Safeguarded Waste Site Contents list	Insert new safeguarded waste transfer (non-hazardous) site into table: Showfield Lane, Malton Revise waste facility type description for Knapton Quarry to : Composting, transfer, treatment and recycling	Consequential change arising from response to consultation
PC28	159 of Appendix 2	Waste Site Name column at start of Appendix 2	Revise ... Unit 8, Marsden Marston Business Park Genta Environmental, Marsden Marston Business Park ... Tofts Road, Kirkby Kirby Misperton ... Dalkia Bio Energy Ltd Stobart Group Burniston Burniston ... Cauclands Caulklands /Thornton-le-Dale ...	To correct typographical errors and an operator name change
PC29	169 of Appendix 2	Site Name on Plan	Unit 8 Marsdon Moor Marston Business Park, Tockwith	To correct a typographical error
PC30	170 of Appendix 2	Site Name on Plan	Genta Environmental, Marsdon Moor Marston Business Park, Tockwith	To correct a typographical error
PC31	182 of Appendix 2	Page 182	Delete page 182 and <u>re-number following pages</u>	To remove a duplicate of the plan already shown on page 181
PC32	198 of Appendix 2	Site Name on Plan	Stonefall, Weatherby Wetherby Road, Harrogate	To correct a typographical error
PC33	201 of	Boundary of safeguarded	Revise boundary to reflect allocated area WJP17	For consistency

	Appendix 2	site for Skipton HWRC		
PC34	209 of Appendix 2	In Site Name column	Dalkia waste site Stobart Group	To update an operator name change
PC35	226 of Appendix 2	Site name on Plan	Whirtby Whitby Port	To correct a typographical error
PC36	227 of Appendix 2	Site name on Plan	Queens Stairhes Staithe	To correct a typographical error
PC37	229 of Appendix 2	In Site Name column	Outgang Lane, Oswaldkirk Osballdwick ... Ricall Riccall Airfield ...	To correct typographical errors
PC38	249 of Appendix 2	Site name on Plan	Outgang Lane, Oswaldkirk Osballdwick	To correct a typographical error
PC39	257 of Appendix 2	Site name on Plan	Ricall Riccall Airfield	To correct a typographical error
PC40	264 of Appendix 3	Indicator 5 'Action Required if Trigger Point hit' column :	Review of provision of crushed rock site allocations if isf necessary	To correct a typographical error
PC41	Policies Map	Map	Include Areas of Search polygons on the policies map	To correct an omission
PC42	Policies Map	Map Key	Revise references in Key to potash or polyhalite in the supporting justification to potash and salt	For consistency with the text of the Plan

Part B - Proposed changes in response to representations

PM No.	Page Number	Policy Ref/Paragraph Number/Reference point	Change proposed	Reason
PC43	18	Para. 2.26 2 rd line	Revise para: The NPPF also places emphasis upon conserving important landscape and heritage assets by requiring that landbanks of non-energy minerals are, <u>as far as is practical</u> , provided outside National Parks, AONBs ...	To reflect consistence with national policy
PC44	18	Para. 2.26 4 th sentence	Revise para: The NPPF advises that in considering planning applications substantial weight should be given to any harm to the Green Belt but <u>inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.</u> It also advises that minerals extraction is not considered to be inappropriate development within the Green Belt, provided the development <u>it preserves openness and</u> would not conflict with the purposes of including land within it. <u>Harm to assets, including landscape and heritage assets, relevant to the purpose of Green Belt designation equate to harm to the purposes of Green Belt designation. Green Belt policy</u> This is addressed further ...	To clarify the national policy context relating to Green Belt.
PC45	25	Para. 2.54 16 th line	Revise para: ...Plan period. Marine Plans for the East Inshore and East Offshore areas, covering the area south of Flamborough Head, were published by DEFRA <u>the Marine Management Organisation</u> in April 2014. These recognise ...	To correct a factual error
PC46	25	Para. 2.54	Add new sentence at end of Para. 2.54: <u>For the area north of Flamborough Head, and pending finalisation of a North East Marine Plan, reference should be made to the national Marine Policy Statement, which also highlights the importance of marine aggregates in supplying the construction industry.</u>	To clarify the status of marine planning in the area
PC47	29	Para. 2.68 last sentence	Revise last sentence of para. 2.68: These imports, <u>other than clear glass</u>	To clarify the specific position

			<u>grade silica sand</u> , are thought to relate ...	relating to silica sand
PC48	33	Para. 2.88 2 nd bullet point	Revise 2 nd bullet point: Cross boundary supply issues relating to silica sand, which is a mineral of national significance <u>importance</u> .	To more closely align the text with national policy
PC49	46	Para. 4.11 3 rd bullet point, part c)	Add additional text to end of 3 rd bullet point, part c): ... in the Plan area <u>or other significant regulatory changes relevant to the development of local planning policy</u>	To further clarify where review may be required
PC50	55	Policy M06 1 st para.	A minimum overall landbank of 10 years will be maintained for crushed rock throughout the plan period. A separate minimum 10 year landbank will be identified and maintained for Magnesian Limestone crushed rock <u>throughout the plan period</u>.	To clarify the proposed approach
PC51	64	Para. 5.55 15 th line	... East Coast Inshore and Offshore Marine Plans (DEFRA <u>MMO</u> 2014) should help ...	To correct a factual error
PC52	68	Para. 5.68 4 th sentence	Revise 4 th sentence: Neither of <u>Sites within</u> the other two MPAs in England <u>with reserves of silica sand currently has do not have a 10 year landbank as required by the NPPF national policy</u> , although both are ...	To more closely align the text with national policy
PC53	68	Para. 5.72	<p>Replace existing para. 5.72</p> <p>A further relevant consideration in respect of Blubberhouses Quarry is that the Local Transport Plan for North Yorkshire has identified the need to realign the A59 road at Kex Gill, near Blubberhouses Quarry, to avoid recurring issues of land instability. A definitive proposed realignment is not yet available and there is no safeguarded route. However, there is potential for this project to overlap with the Blubberhouses quarry site. In this scenario there would be a need to ensure that the potential for conflict between the road alignment and the quarry is reflected in the design of both schemes and the potential for any cumulative impacts taken into account where necessary.</p> <p>with:</p> <p><u>A further relevant consideration in respect of Blubberhouses Quarry is that the County Council (within its Local Transport Plan 4: strategy and</u></p>	To reflect the evolving situation in relation to proposals for realignment of the A59 near Blubberhouses

			<p><u>strategic transport prospectus) and the York and North Yorkshire & East Riding Local Enterprise Partnerships (within its strategic economic plan) have identified the need to realign the A59 road at Kex Gill, near Blubberhouses quarry, as a key strategic priority. The existing alignment of the A59 in the Kex Gill area is subject to poor land stability issues, resulting in several road closures taking place on this regionally important strategic trans Pennine route over the past 15 years. A definitive proposed realignment is not yet available and there is no safeguarded route. Work is currently on going identifying options, however there is potential for this project to overlap with the Blubberhouses quarry site. In this scenario there would be a need to ensure that the potential for conflict between road realignment and the quarry is reflected in design of both schemes and the potential for any cumulative impact taken into account where necessary.</u></p>	
PC54	75	Para. 5.93 2 nd sentence	<p>Revise 2nd sentence: This is a highly relevant issue for the Plan area following the announcement by Government in late 2015 of new oil and gas exploration and development licences ...</p>	<p>To reflect the fact that PEDL licenses are now awarded by the Oil and Gas Authority</p>
PC55	75	Para. 5.94 1 st sentence	<p>Revise 1st sentence: The Government <u>Oil and Gas Authority</u> awards PEDLs ...</p>	<p>To reflect the fact that PEDL licenses are now awarded by the Oil and Gas Authority</p>
PC56	78	Para. 5.107 1 st bullet	<p>Revise last sentence of 1st bullet point: For unconventional hydrocarbons, exploratory drilling <u>activity</u> may take considerably longer, especially ...</p>	<p>To clarify that it is aspects of unconventional gas development other than drilling which may mean that development activity takes place over longer periods</p>
PC57	78	Para. 5.107 3 rd bullet	<p>Revise last sentence of 3rd bullet point: The production stage <u>may involve re-fracturing of existing wells and</u> is likely to require the periodic maintenance of wells, which may require use of drilling equipment.</p>	<p>To clarify the expected nature of development at production stage</p>
PC58	80	Para. 5.111	<p>Add new text at end of para. 5.111: ...appropriately located. <u>Hydrocarbon development typically involves temporary and intermittent activity particularly during the early stages of</u></p>	<p>To provide further clarification of the expected nature of development that could come</p>

			<u>development. Depending on the nature of the development, it is likely that there will generally be a lesser degree of activity during any production phase.</u>	forward
PC59	81	Para. 5.112	Add new text after end of 5 th sentence: ... health and safety. <u>The Environment Agency has an important regulatory role in relation to the management of returned water and Naturally Occurring Radioactive Materials (NORM).</u> In accordance with ...	To clarify the important regulatory role of the Environment Agency in this matter
PC60	81	Para. 5.116 2 nd line	Replace reference to DBEIS in 2 nd line with <u>Oil and Gas Authority</u>	To correct a factual inaccuracy
PC61	83	Para. 5.118	Revise para. 5.118: Planning guidance and case law makes clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies. <u>focus on the control of processes or emissions themselves where these are subject to approval under pollution control regimes.</u> It states that they can determine planning applications having considered the advice of those <u>the relevant regulatory</u> bodies without having to wait for other approval processes to be concluded.	To more closely align the text with national policy and guidance
PC62	83	Para. 5.119	Revise para. 5.119 d): ‘Conventional hydrocarbons’ include oil and gas found within geological ‘reservoirs’ with relatively high porosity/permeability, extracted using conventional drilling and production techniques. Revise para. 5.119 e): ‘Unconventional hydrocarbons’ include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in-situ coal seams through underground coal gasification. Revise para. 5.119 g): In planning terms it is <u>considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used</u>	To clarify the distinctions between development activity associated with conventional and unconventional resources

			<p><u>for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and the management of related wastes.</u> important to distinguish between: i) The use of unconventional techniques to extract hydrocarbons such as hydraulic fracturing, underground gasification and coal bed methane extraction; and The use of more conventional, less complex drilling and production techniques to extract hydrocarbons</p>	
PC63	86	Para. 5.122	<p>ii) Revise para. 5.122: While the Infrastructure Act 2015 and secondary legislation address hydraulic fracturing which occurs underground, the Government has also consulted on <u>introduced</u> further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from taking place <u>being carried out</u> from new or existing wells that are drilled at the surface in specified protected areas, although they are not yet in force. As proposed The restrictions would will principally affect apply to surface development for unconventional hydrocarbons involving high-volume hydraulic fracturing <u>that is used for the carrying out of “associated hydraulic fracturing” the definition of which is contained in section 4B(1) of the Petroleum Act 1998. The Government has stated that, in addition, these restrictions will apply where an operator is required to get consent from the Secretary of State for hydraulic fracturing that is not “associated hydraulic fracturing”, and that the Secretary of State intends to require that such consent be obtained for operations which use more than 1,000 cubic metres of fluid at any single stage, or expected stage, unless an operator can persuasively demonstrate why requiring such consent would not be appropriate in their case.</u> The areas proposed for protection <u>protected</u> through this means are National Parks, AONBs, World Heritage Sites, Groundwater Source Protection Zone 1, SSSIs, Natura 2000 sites</p>	To more accurately reflect the current regulatory position relating to the Government’s Surface Protections for hydraulic fracturing

			(SPAs and SACs) and Ramsar sites. Although these areas all benefit from strong national policy protection in their own right, the proposed restrictions would do not, in themselves, constitute planning policy as they would will be implemented though the oil and gas licensing regime.	
PC64	86	Para. 5.123 3 rd sentence	Furthermore, whilst the proposed surface restrictions would will provide ...	To more accurately reflect the current regulatory position relating to the Government’s Surface Protections for hydraulic fracturing
PC65	86	Para. 5.124 1 st sentence	An additional consideration is that the new Regulations and proposed surface protections <u>restrictions</u> would will only apply to ...	To more accurately reflect the current regulatory position relating to the Government’s Surface Protections for hydraulic fracturing
PC66	86	Para. 5.124	Revise last sentence of para. 5.124 and add new text at end: Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, <u>there is potential for this to give rise to a generally similar range of issues and potential impacts, although it is acknowledged that fracturing for stimulation of conventional gas production would be likely to involve generally lower volumes and/or pressures. In these circumstances it is therefore appropriate that such development is subject to the same policy approach. However, it is not the intention of the Mineral Planning Authorities to unreasonably restrict activity typically associated with production of conventional resources, which is a well-established industry in the Plan area and they will therefore apply the policy accordingly and reasonably based on the specific circumstances of the proposal under consideration</u> this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.	To clarify the intended approach and ensure appropriate flexibility in the Plan

PC67	87	Para. 5.127 15 th line	Revise 7 th sentence: Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently <u>over a period of years at established well pads where successive wells are drilled or refracturing of existing wells takes place.</u>	To reflect the potential position
PC68	88	Para. 5.130	Add new text at end of para. 5.130: <u>In some parts of the Plan area affected by PEDLs, areas of locally important landscapes have been identified in District and Borough local plans. Where these continue to form part of the statutory development plan, and are relevant to a proposal which falls to be determined by North Yorkshire County Council as Minerals and Waste Planning Authority, regard will be had to the requirements of any associated local plan policy.</u>	To reflect the presence of other potentially relevant designations in district local plans and to ensure that appropriate links are made
PC69	88	Footnote 16	Revise text of footnote 16: For the purposes of interpreting this and other Policies in the <u>Plan</u> , the term 'local communities' includes <u>residential areas as well as</u> residential institutions such as ...	To further clarify the intended approach
PC70	89	Policy M17 2) ii) a)	Revise text: The proximity of a proposed new well pad site to other existing, planned permitted or unrestored well pads, ...	To clarify the proposed approach
PC71	91	Para. 5.131 9 th line	Insert new sentence after '... movements.': <u>Vehicle movements also have the potential to impact on air quality, particularly in locations where Air Quality Management Areas have been identified and this will also be a relevant consideration in identifying suitable traffic routes, via a Transport Assessment.</u> It is therefore ...	To reflect the potential for vehicle movements to impact on air quality
PC72	92	Para 5.137	Revise 1 st sentence and add new sentence between 1 st and 2 nd sentences: To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km ² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the policy. <u>Where an area being developed by an operator comprises a PEDL or licence block area of less, or more, than 100km² the density guideline will be applied pro-rata.</u>	To clarify the approach to preventing unacceptable cumulative impact
PC73	92	Para 5.137 7 th line	Revise 2 nd sentence: For PEDLs located in the Green Belt or where a	To clarify the approach to

			relatively high concentration of other land use constraints exist, including significant access constraints, a lower density <u>and/or number</u> may be appropriate.	preventing unacceptable cumulative impact
PC74	93	Para. 5.143	Revise 1 st sentence: Whilst oil and gas <u>hydrocarbon</u> development has the potential ...	For consistency
PC75	94	Para. 5.147	Revise text to state: In considering appropriate noise limits at sensitive receptors, operators will as a minimum be expected to meet the suggested <u>required</u> limits set out in the <u>NPPF and</u> national Planning Practice Guidance, with the objective of ensuring a high standard of protection for local amenity. Site lighting ...	To improve consistency with national policy and guidance
PC76	94	Para. 5.148 3 rd sentence	Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology.	To more accurately reflect the available evidence
PC77	94	Para. 5.149	Revise 1 st sentence: The potential for emissions to water or air is also a key issue, particularly for proposals involving hydraulic fracturing <u>hydrocarbon development</u> .	To clarify that these issues may also be relevant to other forms of hydrocarbon development
PC78	95	Para. 5.151	Replace reference in 2 nd sentence to DBEIS with <u>Oil and Gas Authority</u>	To correct a factual inaccuracy
PC79	96	Policy M18 2) i)	Revise text of 2) part i): Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and ...	To more accurately reflect the relevant regulatory requirements relating to decommissioning of wells
PC80	96	Para. 5.153	Revise 1 st sentence: A significant issue with hydrocarbon development, particularly development involving hydraulic fracturing, is the need to manage the various forms of waste water that may be returned to the surface via a borehole. Revise 4 th sentence: <u>Water constituting waste and requiring management as waste</u> Such waste can arise in substantial volumes and may contain Naturally Occurring Radioactive Materials (NORM) and	To clarify that water arising on site may not always constitute waste

			other contaminants.	
PC81	97	Para. 5.156 16 th line	Revise text: ... potentially leading to very small scale -induced seismic activity (<u>earth tremors</u>). Proposals for this ...	To clarify the position
PC82	102	Policy M22 2 nd para.	Add new sentence at end of 2 nd paragraph: ... the development. <u>Proposals for new surface development and infrastructure which are considered to represent major development will be assessed against the criteria for major development set out in Policy D04.</u>	To clarify the proposed policy approach in relation to proposals which are considered to represent major development
PC83	140	Policy W11 parts 1), 2), 3) and 5)	Revise text of part 1) to: 1) <u>Siting facilities for the preparation for the re-use, recycling, transfer and treatment of waste (excluding energy recovery or open composting) on previously developed land, industrial and employment land, or at <u>or adjacent to</u> existing waste management sites ...</u> Make equivalent changes to parts 2), 3) and 5)	To improve consistency of the policy with Policy W10
PC84	154	Policy S03 key links to other policies and objectives	Add reference in key links: <u>W10</u>	To clarify this important link
PC85	155	Para. 8.30	Revise Para. 8.30 by inserting new text at end of paragraph: <u>It is acknowledged that in some cases, including at the former mine sites in the Plan area, there are other extant proposals for redevelopment which are matters for determination by the relevant local planning authority and that such proposals could overlap with land proposed for safeguarding in the Joint Plan. In these circumstances the Minerals and Waste Planning Authority will seek to work constructively with the relevant local planning authority and developers to ensure that a proportionate approach to implementing safeguarding of minerals and waste infrastructure requirements is taken.</u>	To emphasise the need for a pragmatic approach to implementing safeguarding requirements
PC86	156	Para.8.33	Add new text at end of Para. 8.33: <u>It is recognised that rail transport infrastructure at former mine sites in the Plan area are important for their potential to serve other existing or proposed rail-linked uses. It is</u>	To emphasise the need for a pragmatic approach to implementing safeguarding

			<u>not the intention in safeguarding them for minerals and waste transport to prevent other such beneficial uses from taking place but to ensure that their potential significance in providing opportunities for modal shift in transport of minerals and waste is taken into account in other development decisions. In these circumstances the Minerals and Waste Planning Authority will seek to work constructively with the relevant local planning authority and developers to ensure that a proportionate approach to implementing safeguarding of minerals and waste infrastructure requirements is taken.</u>	requirements
PC87	156	Para. 8.34	Add new sentence at end of Para. 8.34: <u>The East Coast marine Plan (Policy PS3) supports the protection and expansion of port and harbour capacity.</u>	To emphasise the linkage between marine and terrestrial planning
PC88	159	Para. 8.47 Safeguarding exemption criteria list	Revise 11 th bullet point: Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, and waste <u>and minerals and waste transport infrastructure</u> safeguarding requirements	To reflect the fact that minerals and waste transport infrastructure is also safeguarded in the plan
PC89	164	Para. 9.16	Revise final sentence: Vehicle movements can have a range of impacts, including cumulative impacts, such as on local amenity and in some cases on the landscape and tranquillity. <u>Air quality can also be adversely affected, particularly in locations where Air Quality Management Areas have been identified</u> and other development management policies in the Joint Plan will therefore be relevant in some circumstances.	To reflect the potential for vehicle movements to impact on air quality
PC90	165	Para. 9.21	Add new text after the end of para. 9.21: <u>The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry and other rural industries and of the economic and social needs of communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the</u>	To further clarify the purposes of AONB designation

			<u>needs of agriculture, forestry and other uses.</u>	
PC91	171	Para. 9.42	Add new sentence at end of Para. 9.42: <u>In some parts of the Plan area, areas of locally important landscapes have been identified in other local plans. Where these continue to form part of the statutory development plan, and are relevant to a proposal which falls to be determined by the relevant minerals and waste planning authority, regard will be had to the requirements of any associated local plan policy.</u>	To reflect the presence of other potentially relevant designations in district local plans and to ensure that appropriate links are made.
PC92	167	Policy D05 part 1)	Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where it would be consistent with the purposes of Green Belt identified in national policy and preserve the openness of the Green Belt and, where the proposed development would be is located within the York Green Belt, it would preserve the historic character and setting of York.	To more closely reflect the requirements of national policy
PC93	168	Policy D05 part 2) 2 nd paragraph	Substantial weight will be given to any harm to the Green Belt and inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must <u>will need to be demonstrated by the applicant in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. order to outweigh harm caused by inappropriateness, or any other harm.</u>	To more closely reflect the requirements of national policy
PC94	179	Policy D09 3) 2 nd sentence	Revise 2 nd sentence to read: Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, all sources of flooding (i.e. surface and groundwater flooding and groundwater flooding from rivers and coastal waters) will not be permitted.	To correct a typographical error
PC95	183	Policy D10 1) i)	Replace existing text of D10 1) i) with: <u>Applicants are encouraged to discuss proposals at an early stage with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions in submitted schemes.</u>	To more closely reflect the requirements of national policy
PC96	184	Policy D10 Part 2) viii)	Revise to read: Promoting the delivery of Achieving significant net gains for biodiversity and the establishment of a <u>which help create</u> coherent	To clarify the proposed approach and reflect the diminishing

			and resilient ecological networks, based on contributing. <u>Where practicable, towards established objectives including the creation of Biodiversity Action Plan habitats proposals should contribute significantly to the creation of habitats of particular importance in the local landscape and seeking to delivering benefits at a landscape scale. This includes wet grasslands and fen in the Swale and Ure valleys and species-rich grassland on the Magnesian limestone ridge.</u>	significance of biodiversity action plans
PC97	190	Policy D12 2 nd paragraph, 2 nd sentence	Revise 2 nd sentence: Development which would disturb or damage soils of high environmental value, such as <u>intact peat or other soil contributing to ecological connectivity or carbon storage</u>, will not be permitted.	To provide further flexibility in the policy recognising that all soils could make some contribution to ecological connectivity or carbon storage.
PC98	17 of Appendix 1	MJP06 Development requirements criteria	Insert new bullet point: <u>Applications should be supported by a comprehensive archaeological assessment</u>	To adequately reflect the significance of heritage assets at this site
PC99	21 of Appendix 1	MJP07 Development requirements criteria	Insert new bullet point: <u>Applications should be supported by a comprehensive archaeological assessment</u> Revise final bullet point: An appropriate restoration scheme using opportunities for habitat creation <u>and reconnecting the henges to their landscape setting</u> , but which is also appropriate to location within a birdstrike safeguarding zone	To adequately reflect the significance of heritage assets at this site
PC100	25 of Appendix 1	MJP33 Development requirements criteria	Revise 5 th bullet point: Appropriate site design to ensure protection of the aquifer <u>and the River Swale which lies immediately adjacent to the site</u>	To reflect the proximity of the site to the River Swale
PC101	34 of Appendix 1	MJP21 Development requirements criteria	Revise last bullet point: An appropriate restoration scheme using opportunities for habitat creation <u>and connectivity</u> , but which is also appropriate to location within a birdstrike safeguarding zone	To recognise the opportunities arising at this site
PC102	35 of Appendix 1	MJP21 Site Plan	Revise site boundary of allocation MJP21 to exclude land nearest to the Killerby Hall Stable Block listed building	To reduce the harm to the setting of the listed building

PC103	37 of Appendix 1	MJP17 Development requirements criteria	Revise last bullet point: An appropriate restoration scheme using opportunities for habitat creation <u>and connectivity</u> , but which is also appropriate to location within a birdstrike safeguarding zone ...	To recognise the opportunities arising at this site
PC104	39 of Appendix 1	MJP17 Site Plan	Revise site boundary of allocation MJP17 to exclude land nearest to Rudd Hall and Ghyll Hall listed buildings	To reduce the harm to elements which contribute to the significance of the listed buildings
PC105	70 of Appendix 1	WJP15 Development requirements criteria	Revise last bullet point: An appropriate restoration scheme using opportunities for habitat creation <u>and connectivity</u>	To recognise the opportunities arising at this site
PC106	78 of Appendix 1	MJP55 Key sensitivities and Development requirements	Revise 1 st bullet point of Key Sensitivities to include <u>York and Selby Cycle Track SINC</u> Revise 1 st bullet point of Development Requirements to include <u>York and Selby Cycle Track SINC</u>	To reflect that the potential significance of this constraint
PC107	120 of Appendix 1	WJP06 Key sensitivities and Development requirements	Revise 1 st bullet point of Key Sensitivities to include <u>York and Selby Cycle Track SINC</u> Revise 1 st bullet point of Development Requirements to include <u>York and Selby Cycle Track SINC</u>	To reflect that the potential significance of this constraint
PC108	140 of Appendix 1	1 st Column text: Estimated date of commencement	Revise this text to read: Estimated <u>date</u> of commencement	To reflect that the planning permission for this development has been implemented
PC109	140 of Appendix 1	2 nd Column text relating to date of commencement	Revise this text to read: By April 2017 (base on requirement for implementation specified in decision notice for planning application 12/03385/FULM) <u>November 2016</u>	To reflect that the planning permission for this development has been implemented
PC110	179 of Appendix 2	Southmoor Energy Centre safeguarded site	Revise plan to only show core site and principal access to the highway	To reflect the fact that there are proposals for other development on the former Kellingley Colliery site
PC111	186 of Appendix	Knapton Quarry safeguarded site	Revise reference to facility type to: Composting, <u>transfer, treatment and recycling</u>	To more accurately reflect the current role of the site

	2	Facility Type		
PC112	217 of Appendix 2	Kellingley Colliery safeguarding plan	Revise plan by deleting area of safeguarded site that lies outside the Plan area	To correct a factual error
PC113	Appendix 2	Safeguarded waste sites	Insert new safeguarded waste transfer (non-hazardous) site: Showfield Lane, Malton	To reflect the significant role currently played by this site in the Ryedale area

Contact us

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