

MINERALS AND WASTE JOINT PLAN - SUMMARY OF MAIN REPRESENTATION ISSUES AT THE ADDENDUM OF PROPOSED CHANGES TO THE PUBLICATION DRAFT (Regulation 22 (1))

Introduction

Following the Publication Draft of the Minerals and Waste Joint Plan in November 2016 a number of Proposed Changes were identified to the Plan. As a result, it was considered necessary to present the changes, in accordance with regulation 19: Publication of a Local Plan, for representations on Legal compliance and soundness. The additional period for receiving representation ran from 12th July 2017 for eight weeks until 6th September 2017. The following table provides a focussed summary of the main issues raised and the response by the Authorities. Any 'Actions' are highlighted in **bold** text.

As a substantial number of representations received relate to the Proposed Changes to the Hydrocarbons (oil and gas) policies in the Joint Plan, the table is divided into four main parts:

- 1) Key issues raised by the hydrocarbons industry;
- 2) Key issues raised by environment/amenity groups and individuals relating to hydrocarbons
- 3) Other key policy issues
- 4) Site allocations issues

Hydrocarbons key issues - industry

| Representation main issues | Main representors | Response by the Authorities |
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| PC56: Amends the 'Summary of the process of hydrocarbons development' section, to clarify the expected nature of development at the exploration stage. <ul style="list-style-type: none"> • Additional text should be added to clarify that activity will be subsequent to drilling. | Zetland Group | The proposed change was made in the 1st bullet of para. 5.107 regarding unconventional hydrocarbons from exploratory 'drilling' to exploratory 'activity' to address that whilst drilling activities are similar for conventional and unconventional hydrocarbon sources, which is reflected in the sentence before the proposed change, there may be differences in the timing of exploratory activities associated with unconventional sources. No further change proposed. |
| PC59: Amends the 'Summary of the process of hydrocarbons development' section to clarify the role of the Environment Agency. <ul style="list-style-type: none"> • The change does not fully reflect the role of the Environment Agency and should be expanded. | Zetland Group, Third Energy Ltd | The additional sentence in the Addendum is not a summary of the whole role of the Environment Agency, but was proposed in response to representations regarding the Agency's role as a regulator regarding the management and disposal of returned water and NORM. No further change proposed. |
| PC61: Amends the 'Other regulatory regimes' section under 'Hydrocarbons' to more closely align the text with national | Third Energy Ltd | National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and |

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| <p>policy and guidance.</p> <ul style="list-style-type: none"> This change is not effective as it reduces the scope of other regulatory bodies by only making reference to 'control of processes or emissions' with regard to what MPAs do not have to focus on. | | <p>indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues arise which may be relevant to both assessing the land use impacts of a proposed use and the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. No further change proposed.</p> |
| <p>PC62: Amends the 'Definitions' section under 'Hydrocarbons', to clarify distinctions between development activity associated with conventional and unconventional resources.</p> <ul style="list-style-type: none"> Para 5.119 (g) should be removed as it is unjustified. The nature of activities required to extract conventional or unconventional hydrocarbons will vary and there is no difference in policy terms between extracting conventional and unconventional hydrocarbons. This change is conjecture, as opposed to a definition, which has not been validated by the Oil & Gas Authority nor industry. Amend the change to remove the implication that unconventional hydrocarbon extraction is more complex and requires a greater number of well pads/individual wells than conventional hydrocarbons, Focus on the potential scale and impact of development. Object to the definition of 'hydraulic fracturing' in para 5.119 (f) as it is contrary to Section 50 of the Infrastructure Act 2015. Incorrect and irrelevant terminology needs to be corrected | <p>UKOOG, Egdon Resources (UK) Ltd, Cuadrilla Resources Ltd, Third Energy Ltd, INEOS Upstream Ltd</p> | <p>Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (e.g. some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is 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 pressure of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. No further change proposed.</p> |

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| (e.g. conventional drilling, unconventional techniques). | | |
| <p>PC63: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to more accurately reflect the regulatory position of the Government's Surface Protections for hydraulic fracturing.</p> <ul style="list-style-type: none"> Section 4B(1) of the Petroleum Act 1998 does not contain the definition of associated hydraulic fracturing. It is unnecessarily restrictive that the planning restrictions under the Infrastructure Act 2015 for the purpose of 'associated hydraulic fracturing' should also apply to other oil and gas activity. | <p>Zetland Group, UKOOG</p> | <p>The definition of "associated hydraulic fracturing" was inserted into the Petroleum Act 1998 Section 4, as Section 4B (1), by the Infrastructure Act 2015.</p> <p>The changes proposed in the Addendum reflect the current regulatory position relating to the Government's current position with regard surface protections for hydraulic fracturing, but the changes also recognise there are some distinctions between development activity associated with conventional and unconventional resources. No further change proposed.</p> |
| <p>PC66: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to clarify the approach and ensure appropriate flexibility.</p> <ul style="list-style-type: none"> This change does not address the fundamental problem with Policy M16 which seeks to apply restrictions to hydraulic fracturing for conventional gas resources. The change implies that there may be restrictions on unconventional fracturing operations over and above the Infrastructure Act 2015. The term 'unreasonably' in the change is not considered acceptable because it replaces objectivity with subjectivity in decision making. The application of new regulations and proposed surface protections to only high volume fracturing is contrary to the earlier statement that it is not considered appropriate to distinguish between this and lower levels of activity. This is contrary to Section 50 of the Infrastructure Act 2015. | <p>Egdon Resources (UK) Ltd, INEOS Upstream Ltd, Cuadrilla Resources Ltd,</p> | <p>It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and the clarification in para 5.124 aims to ensure appropriate flexibility in the Plan. No further change proposed.</p> |
| <p>PC67: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to reflect the potential position.</p> | <p>INEOS Upstream Ltd</p> | <p>It is considered that the text illustrates and reflects the potential position where circumstances may arise such that the presence of equipment and activity on site may vary over time and which is therefore relevant to the consideration of, for example, impact on</p> |

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| <ul style="list-style-type: none"> The change creates uncertainty for the decision maker rather than allowing for objective assessment. | | amenity. No further change proposed. |
| <p>PC70: Clarifies the proposed approach in Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> This change fails to address the fundamental issue that there is no justification for setting a well pad density limit within a PEDL area. Cumulative impacts would be taken into account when planning applications are determined. | Egdon Resources (UK) Ltd | An objective within Policy M17 is ensuring that unacceptable cumulative effect does not arise. However, it is recognised that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The text in 5.137, including the Addendum, regarding well pad density provides an indication of the approach that could be taken to preventing unacceptable cumulative impact, but, as acknowledged in the last sentence of the paragraph PEDL boundaries are based on an OS grid and do not reflect other considerations and constraints. Therefore, the location of existing or planned developments in the vicinity of a proposal will also be considered in assessing cumulative impact under this Policy. No further change proposed. |
| <p>PC71: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> This change restates controls that are within the remit of other regulators. If the MPA wishes to explain how these are applied to hydrocarbon development this should be done through a Supplementary Planning Document. | INEOS Upstream Ltd | National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. No further change proposed. |
| <p>PC72 & PC73: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to clarify the approach to</p> | Third Energy Ltd, INEOS Upstream Ltd, Egdon | Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise |

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| <p>preventing unacceptable cumulative impact.</p> <ul style="list-style-type: none"> This change is not effective as this arbitrary limit on well pad density is unnecessarily restrictive and without justification. The geographical spacing, scale, type of development and topographical and surface characteristics should be considered in the assessment of a proposal. | <p>Resources (UK) Ltd, Cuadrilla Resources Ltd, UKOOG, Zetland Group</p> | <p>development model which industry may seek to follow and that a range of local circumstances are likely to arise and that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact, including the location of existing or planned developments in the vicinity of a proposal, may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue. No further change proposed.</p> |
| <p>PC76: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to more accurately reflect the available evidence.</p> <ul style="list-style-type: none"> The reference to 'induced seismic activity' should be deleted as this is the responsibility of the OGA. The change is not effective as any development will be required to demonstrate that the geology is suitable via a technical study. | <p>INEOS Upstream Ltd, Egdon Resources (UK) Ltd, Third Energy Ltd, UKOOG,</p> | <p>Whilst it is acknowledged that the Oil and Gas Authority has in place specific measures relating to the control of seismic risk, there is potential for this issue to give rise to wider considerations of local amenity, which is a matter relevant to planning and is therefore appropriately referenced in the Plan. No further change proposed.</p> |
| <p>PC79: Amends Policy M18: Other specific criteria applying to hydrocarbon development, to more accurately reflect the relevant regulatory requirements relating to decommissioning of wells.</p> <ul style="list-style-type: none"> This change is not effective as the decommissioning of wells is undertaken in line with regulatory requirements of the HSE, EA and OGA. | <p>Third Energy Ltd,</p> | <p>The wording of the Policy was revised to delete the reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position and help ensure consistency with other legislative processes. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and that they should focus on the impact of the use. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as a starting point for the determination of applications, contains relevant policies. This is</p> |

| | | particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. No further change proposed. |
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| Hydrocarbons key issues - environment/amenity groups and individuals | | |
| Representation main issues | Main representors | Response by the Authorities |
| <p>PC56 & PC57: Amends the 'Summary of the process of hydrocarbons development' section to clarify the expected nature of development at exploration and production stages.</p> <ul style="list-style-type: none"> • Exploratory work should be limited to a defined period otherwise excessive nuisance could be caused. | Frack Free Ryedale | Whilst this concern is noted it is considered that the suggested approach would lack flexibility to reflect a wide range of potential circumstances that apply to a specific proposal in the Plan area and it is considered that, in combination, the policies provide for a high degree of protection of local communities, taking into account also the role of other relevant regulators. No further change proposed. |
| <p>PC58: Amends the 'Summary of the process of hydrocarbons development' section to clarify the expected nature of development that could come forward.</p> <ul style="list-style-type: none"> • This change appears to contradict the description of the exploration stage in para 5.107, which states that this is an 'intense activity' which for unconventional hydrocarbons may take 'considerably longer' than '12 to 25 weeks'. Therefore, the proposed change should be amended to reflect this. | Frack Free Ryedale | This is not agreed. It is considered that the text, together with other relevant paragraphs, including 5.107 make it clear that some activities can be short-term, some intensive, some temporary, some intermittent and some may last for longer periods. The activities will vary with the nature of the development and the circumstances of the individual site. No further change proposed. |
| <p>PC59: Amends the 'Summary of the process of hydrocarbons development' section to clarify the role of the Environment Agency.</p> <ul style="list-style-type: none"> • The change should be expanded to include reference to para 112 of the Minerals PPG, stating that onsite storage of returned water and associated traffic movements is a matter for the MPA. | Frack Free Ryedale | The suggested addition is not necessary as paragraph 5.112 already refers, in the last sentence of the paragraph, to 'where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process'. No further change proposed. |

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| <p>PC61: Amends the 'Other regulatory regimes' section under 'Hydrocarbons' to more closely align the text with national policy and guidance.</p> <ul style="list-style-type: none"> Expand the change to state that 'the MPA must be satisfied that issues will be adequately addressed by the relevant regulatory body'. | Frack Free Ryedale | National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. No further change proposed. |
| <p>PC62: Amends the 'Definitions' section under 'Hydrocarbons' to clarify distinctions between development activity associated with conventional and unconventional resources.</p> <ul style="list-style-type: none"> This change should be removed and the previous text which defines conventional and unconventional hydrocarbons, as provided in the Publication Draft, should remain as this provided greater clarity to the decision maker. Utilise the Minerals PPG definition of conventional hydrocarbons setting out that higher geology reservoirs often mean sandstone and limestone. Define the terms 'long term' and 'short term' as set out in the Minerals PPG, in addition to 'significant harm'. Expand the change to para 5.119 (d) to include 'for example where the reservoir is sandstone or limestone' to be in accordance with national policy. | Individual, CPRE (North Yorkshire Region), Frack Free Ryedale | Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is 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 for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. Given the nature of hydrocarbons and that development can vary on a site by site basis, it is not considered appropriate to provide separate definitions for short-term or long-term to those used in the Minerals PPG and it is not necessary to further expand 5.119 d) regarding the nature of the geological reservoirs. No further change proposed. |
| <p>PC63: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to more accurately reflect the regulatory position of the Governments Surface Protections for hydraulic fracturing.</p> | Frack Free Ryedale, Individuals | The changes proposed in the Addendum reflect the current regulatory position relating to the Government's current position with regard surface protections for hydraulic fracturing, but the changes also recognise there are some distinctions between development activity associated with conventional and |

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| <ul style="list-style-type: none"> Expand change to include text stating that as similar environmental impacts occur when hydraulic fracturing occurs below the defined threshold all proposals in protected areas will be treated the same in policy terms. The use of a '1,000 cubic metres of fluid' threshold is not effective and the Plan's policies should apply to all hydraulic fracturing proposals Query what criteria will be used to judge how an operator may 'persuasively demonstrate why requiring such a consent would not be appropriate'. Defined, robust and objective criteria should be used to ensure consistency. This change should be clear that the Plan will utilise the definition of hydraulic fracturing in para 5.119 (f) which is consistent with National Policy and not that provided in the Infrastructure Act 2015. | | <p>unconventional resources. It is not necessary to replicate in paragraph 5.122, matters addressed in other paragraphs, such as 5.124. No further change proposed.</p> |
| <p>PC66: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to clarify the approach and ensure appropriate flexibility.</p> <ul style="list-style-type: none"> This change should not be included, and the Plan should utilise the definition of hydraulic fracturing in para 5.119 (f) which is consistent with National Policy. | Individual | <p>It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and the clarification in paragraph 5.124 aims to ensure appropriate flexibility in the Plan. No further change proposed.</p> |
| <p>PC68: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to reflect the presence of other potentially relevant designations in district local plans.</p> <ul style="list-style-type: none"> The text of this change should be included in the wording of Policy M16 or M17. The change should be amended to refer to the 'appropriate body responsible' rather than NYCC to ensure the National Infrastructure Planning body takes account of these policies if responsible for determining the proposal. | <p>Malton Town Council, South Hambleton Shale Advisory Group, Individuals, Barugh (Great & Little) Parish Council, Habton Parish Council, Frack Free Malton & Norton, Frack Free Ryedale</p> | <p>It is not considered that specific reference is required within Policy M16 as Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates</p> |

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| <ul style="list-style-type: none"> • The change should be amended to refer specifically to employment and economic policies in a local plan because under any other planning context surface development for hydraulic fracturing would be classed as employment or economic development. • The change should be expanded to include having regard to Landscape Character Assessments. • Clarify what is intended by the term ‘regard will be had to the requirements of associated local plan policy’. • Ensure areas high in landscape value (i.e. Vale of Pickering and Yorkshire Wolds) are protected. | | <p>that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. No further change proposed.</p> |
| <p>PC70: Clarifies the proposed approach in Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> • The change should not be accepted as it removes the need to consider planned well pads, which is important when considering the overall plan for the area and cumulative impacts of both planned and permitted sites. • The wording of the Policy should be more robust to consider the density of hydraulic fracturing sites. | <p>Individuals</p> | <p>An objective within Policy M17 is ensuring that unacceptable cumulative effect does not arise. However, it is recognised that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The text in 5.137, including the Addendum, regarding well pad density provides an indication of the approach that could be taken to preventing unacceptable cumulative impact, but, as acknowledged in the last sentence of the paragraph PEDL boundaries are based on an OS grid and do not reflect other considerations and constraints. Therefore, the location of existing or planned developments in the vicinity of a proposal will also be considered in assessing cumulative impact under this Policy. No further change proposed.</p> |
| <p>PC71: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to reflect the potential for vehicle movements to impact on air quality.</p> <ul style="list-style-type: none"> • The text of this change should be included in the wording of Policy M17. | <p>Friends of the Earth (Y&H and the NE)</p> | <p>It is not considered that specific references to matters such as transport and air quality are required within the individual mineral policies, including those relating to hydrocarbons, as the policies of the Plan should be considered as a whole, including Policy D02 (local amenity and cumulative effects) and Policy D03 (transport of minerals and waste and associated traffic impacts). This will enable the consideration of the circumstances of developments such that there will be no unacceptable impact having taken into account any proposed mitigation measures. No further change</p> |

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| <p>PC73: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to clarify the approach to preventing unacceptable cumulative impact.</p> <ul style="list-style-type: none"> Expand the change to include, in addition to green belt, areas of local landscape importance designated in District/Borough Local Plans. | Frack Free Ryedale | <p>proposed.</p> <p>This matter is already addressed in Policy D06 of the Plan, which states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. In the two-tier part of the Plan area the District and Borough Local Plans form part of the statutory development plan and therefore where areas of local landscape importance are identified in local plans and are relevant to a proposal under consideration these will need to be taken into account in determining the acceptability of the proposals. No further change proposed.</p> |
| <p>PC75: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to improve consistency with national policy and guidance.</p> <ul style="list-style-type: none"> The change is not in conformity with national guidance as developers should aim to reduce noise levels to a minimum level, below the thresholds set out in guidance, not meet them as the change suggests. In accordance with para 21 of the Minerals PPG, the change should be expanded to require applicants to provide evidence if noise levels cannot be reduced without onerous burden (i.e. noise level monitoring). Expand the change to require all well completions to be 'green' completions (i.e. no flaring allowed) | CPRE (North Yorkshire Region), Frack Free Ryedale | <p>National policy requires that the issue of noise be addressed in the Plan. The Plan sets out a comprehensive range of criteria, including regarding noise and giving consideration to the nature of the proposed development (which could include whether or not flaring is involved), to ensure a robust approach to protection of the amenity whilst providing appropriate flexibility for development in line with national policy. No further change proposed.</p> |
| <p>PC79: Amends Policy M18: Other specific criteria applying to hydrocarbon development, to more accurately reflect the relevant regulatory requirements relating to decommissioning of wells.</p> <ul style="list-style-type: none"> Do not support this change as this will lead to wells | Frack Free Ryedale, Individual | <p>The wording of the Policy was revised to delete the reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position and help ensure consistency with other legislative processes. National policy is clear that local planning authorities should assume that other regulatory regimes will</p> |

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| <p>remaining suspended in the hope of becoming commercially viable, and used as a reason to extend permissions in a speculative way.</p> <ul style="list-style-type: none"> Wells should be decommissioned promptly following completion of the operational phase and should not be suspended pending further planning applications. Flaring at sites, should be considered an onsite waste operation, and not be permitted. | | <p>operate effectively and that they should focus on the impact of the use. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as a starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. No further change proposed.</p> |
| <p>PC80: Amendment to the Justification Text supporting Policy M18: Other specific criteria applying to hydrocarbon development, to clarify that water arising on site may not always constitute waste.</p> <ul style="list-style-type: none"> Do not support this change as removal of the term ‘waste’ implies that water returned via a borehole may be reused instead of disposed of which is contrary to para 110 & 143 of the NPPF (i.e. presents dangers to the environment). The change should be amended to clarify that returned water would require treatment or processing. The change should refer to the potential increase in noise should onsite treatment of waste be permitted. | <p>Individual, Frack Free Ryedale</p> | <p>In view of the uncertainty which exists in relation to future management of waste from any shale gas industry it is considered important to ensure that implications of on-site water management as well as off-site management requirements are properly addressed. The submission of a water management plan provides a mechanism for this. It is recognised that applications may also need to be accompanied by a transport assessment and that there could be some degree of overlap but this is considered reasonable bearing in mind the potential for large volumes of waste water requiring transport off site. Paragraph 5.154 of the supporting text to Policy M18 already indicates that a waste water management plan will need to address arrangements for the safe and sustainable management and transport of waste. Issues such as noise are dealt with by Policy D02. No further change proposed.</p> |
| <p>PC81: Amendment to the Justification Text supporting Policy M18: Other specific criteria applying to hydrocarbon development, to clarify the position.</p> <ul style="list-style-type: none"> The change should reference the additional impacts to noise levels as a result of site operations (i.e. pumping wastewater). | <p>Frack Free Ryedale</p> | <p>Whilst this concern about noise is noted it is considered that, in combination, the policies provide for a high degree of protection of local communities and the environment, taking into account also the role of other relevant regulators. No further change proposed.</p> |
| <p>Other key policy issues</p> | | |

| Representation main issues | Main representors | Response by the Authorities |
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| <p>PC50: Clarifies the proposed approach in Policy M06: Landbanks for Crushed Rock:</p> <ul style="list-style-type: none"> • Representations have suggested that the Policy is not in accordance with Para 145 of the NPPF, insofar as the Policy uses the wording 'a minimum overall landbank of 10 years' whereas national policy states 'the maintenance of at least 10 years'. • Representations have suggested that the Policy is not in accordance with Para 144 of the NPPF, insofar as the Policy does not include the term 'as far as practical' when referring to sourcing new crushed rock reserves from outside of the National Park and AONBs. | <p>Minerals Products Association, Tarmac</p> | <p>It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and the maintenance of a landbank of 'at least 10 years'. It is not considered necessary to refer, in the second paragraph of the Policy, to sourcing crushed rock from outside the National Parks and AONBs as far as practicable as it is not expected that there will be a need to seek to develop resources in these protected areas during the plan period in order to maintain the landbank and the policy as currently worded provides greater clarity on the approach the relevant Mineral Planning Authorities intend to take. No further change proposed.</p> |
| <p>PC53: Amendments to the Justification Text supporting Policy M12: Continuity of supply of silica sand, to reflect proposals for the realignment of the A59:</p> <ul style="list-style-type: none"> • The wording is not justified, positively prepared or effective and should be revised to clarify that the design of the A59 realignment should take into account Blubberhouses Quarry. | <p>Hanson UK</p> | <p>Progress with determination of the planning application at Blubberhouses Moor is a separate, although relevant, matter to progress with the development of the policies in the Joint Plan. Progress with the Joint Plan has not been an influence on the determination period for the application.</p> <p>The Addendum reflects that realigning the A59 at Kex Gill to the other side of the valley is part of North Yorkshire County Council's strategic transport plan to improve east to west connections between the east coast and Humber ports and Lancashire, and that investigations were occurring towards finding a solution to the existing problems with the stability of the road in the vicinity of Blubberhouses. Subsequent to the closure of the Addendum consultation, in September 2017 the County Council as Highway Authority has launched a public consultation based on four route corridors for the realigned road.</p> <p>Whilst the suggested amendment is noted, it is considered that the Addendum wording provides greater flexibility to deal with the progression of the quarry in the context of both the existing A59</p> |

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| | | and the, as yet, draft proposals for a realignment of the road. No further change proposed. |
| <p>PC84: Addition of link to Policy W10 in the key links to other policies section of Policy S03: Waste management facility safeguarding:</p> <ul style="list-style-type: none"> Policy S03 is too restrictive and does not take account of the fact that waste uses on safeguarded sites may prove unviable. | Harworth Estates | <p>The Policy's purpose is not to prevent to other development on a safeguarded waste site, but to ensure that the presence of the safeguarded site is taken into account in decision making on other forms of development. The Policy states that the need for alternative development may outweigh the need to safeguard the site and the supporting text, at para. 8.29 already clarifies that the purpose of safeguarding sites in the MWJP is not to prevent other forms of development from taking place but to ensure that the need to maintain important infrastructure is factored into decision-making for other forms of development. This represents an appropriate and proportionate approach reflecting the requirements of national policy.</p> <p>However, it is considered that the addition of the suggested sentence “WHERE A SITE IS NOT IN USE, VIABILITY ISSUES WILL BE RELEVANT TO CONSIDERING WHETHER THERE IS A REASONABLE PROSPECT OF THE SITE BEING USED FOR WASTE MANAGEMENT IN THE FORSEEABLE FUTURE.” as a minor modification to para. 8.29, prior to the final sentence, would help further clarify this pragmatic approach.</p> |
| <p>PC85: Amendment to the Justification Text supporting Policy S03: Waste management facility safeguarding, to emphasise the need for a pragmatic approach to implementing safeguarding requirements.</p> <ul style="list-style-type: none"> The proposed change is not effective as it does not adequately address situations where new proposals are proposed or within an emerging development plan, therefore the word 'extant' should be removed. | Harworth Estates | <p>The Addendum change to para 8.30. was proposed to emphasise the need for a pragmatic approach to implementing safeguarding requirements and it is considered that the deletion of 'extant' from the first sentence of the proposed change, resulting in ‘... mine sites in the Plan area, there are other [extant] proposals for redevelopment ...’ would be a minor modification that would enable the authorities involved to take a constructive and pragmatic approach to all proposals whether extant or proposed in the future.</p> |
| <p>PC87: Amendment to the Justification Text supporting Policy S04: Transport infrastructure safeguarding, to emphasise the linkage between marine and terrestrial planning.</p> | Harworth Estates | <p>It is agreed that where a site is not in use, viability issues will be relevant to considering whether there is a reasonable prospect of the site being used for minerals or waste transport in the</p> |

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| <ul style="list-style-type: none"> Policy S04 is not sound as it does not take account of the fact that waste uses on safeguarded sites may prove unviable. | | <p>foreseeable future and the addition of the suggested text WHERE A SITE IS NOT IN USE, VIABILITY ISSUES WILL BE RELEVANT TO CONSIDERING WHETHER THERE IS A REASONABLE PROSPECT OF THE SITE BEING USED FOR MINERALS OR WASTE TRANSPORT IN THE FORSEEABLE FUTURE to the end of paragraph 8.34 would be a minor modification that would enable the authorities involved to take a constructive and pragmatic approach.</p> |
| <p>PC88: Amendment to the Safeguarding Exemption Criteria to reflect the safeguarding of minerals and waste transport infrastructure</p> <ul style="list-style-type: none"> The revised bullet point should include reference to 'emerging plan allocations where the minerals and waste planning authority has raised no safeguarding concerns during consultation' | Harworth Estates | <p>The Addendum change to the 12th bullet point was proposed to reflect that minerals and waste transport infrastructure is also safeguarded in the plan and is considered to still be appropriate. However, it is considered that the addition of the words, OR, IN THE CASE OF AN EMERGING LOCAL PLAN ALLOCATION, WHERE THE MINERALS AND WASTE PLANNING AUTHORITY HAS RAISED NO SAFEGUARDING CONCERNS DURING CONSULTATION ON THE EMERGING PLAN ALLOCATION after the words 'safeguarding requirements' would further support the pragmatic approach to implementing safeguarding requirements where an overlap with other types of proposed development occurs.</p> |
| <p>PC90: Amendment to introductory text for Policy D04: Development affecting the North York Moors National Park and the AONBs, to clarify the purposes of the AONB designation.</p> <ul style="list-style-type: none"> The term 'particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment' should also apply within the AONB buffer zone in Policy M16 (d) (i). | South Hambleton Shale Advisory Group | <p>Whilst this concern is noted, Policy M16 d) i) provides policy to protect against impacts outside but near to AONBs and would operate in association with Policy D04 Part 3) to further protect the setting of such areas. No further change proposed.</p> |
| <p>PC91: Amendment to Justification Text supporting Policy D06: Landscape, to reflect the presence of other potentially relevant designations in District local plans.</p> <ul style="list-style-type: none"> This change does not provide consistent scrutiny. | South Hambleton Shale Advisory Group | <p>Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation</p> |

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| <p>Landscape Character Assessments should be undertaken which include sensitivity assessments considering potential impacts of additional drilling sites and what number could be accommodated without detriment to avoid adverse cumulative impact.</p> | | <p>measures. In the two-tier part of the Plan area the District and Borough Local Plans form part of the statutory development plan and therefore where areas of local landscape importance are identified in local plans and are relevant to a proposal under consideration these will need to be taken into account in determining the acceptability of the proposals. No further change proposed.</p> |
| <p>PC95: Amends Policy D10: Reclamation and Afteruse, to more closely reflect the requirements of national policy.</p> <ul style="list-style-type: none"> The change does not go far enough in terms of consultation with communities and proof of reasonable low impacts on the community and environment. | <p>Individual</p> | <p>Whilst the concerns are noted it is considered that, in combination, the policies set out a robust approach to consultation, information requirements and the protection provided for the environment (including water resources and air quality) and for local communities, taking into account as well the role of other relevant regulators, such as the Environment Agency and the Oil and Gas Authority. No further change proposed.</p> |
| <p>PC96: Amends Policy D10: Reclamation and Afteruse, to clarify the proposed approach and reflect the diminishing significance of biodiversity action plans.</p> <ul style="list-style-type: none"> 'benefits at a landscape scale' can often only be delivered with large areas of land which may not be under the control of a developer and as such this policy cannot be effectively achieved. Therefore, reference to this should be removed. | <p>Minerals Products Association, Tarmac</p> | <p>Whilst it is accepted that delivery of landscape scale benefits may not often be practicable in the Plan area, it is considered that the potential benefits of such an approach, where it can be delivered, justify the inclusion of this element of the Policy. No further change proposed.</p> |
| <p>Site allocation issues</p> | | |
| <p>Representation main issues</p> | <p>Main representors</p> | <p>Response by the Authorities</p> |
| <p>PC102: Revision of site boundary - MJP21: Land at Killerby</p> <ul style="list-style-type: none"> Revision of the site boundary, to exclude land nearest the Killerby Hall Stable Block Listed Building, is opposed. Historic England's assertion, that the previous site boundary would 'be likely to result in harm to elements which contribute to the significance of a Listed Building' (i.e. Stable Block) is not justified. | <p>Tarmac, Minerals Products Association</p> | <p>The Proposed Change of reducing the site area has been proposed to address a specific concern raised by Historic England, as statutory consultee regarding historic issues, concerning the potential harm to the setting on the listed building that could arise from the proposed development of the field closest to the listed building. However, it is acknowledged that, as pointed out by the objector, no objections have been raised by Historic England to the site design proposed in the planning application (ref.</p> |

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| | | NY/2010/0356/ENV) for which in April 2017 the Planning & Regulatory Functions Committee resolved to grant planning permission subject to the completion of a S106 agreement (which is currently being prepared). No further change proposed. |
| <p>PC104: Revision of site boundary - MJP17: Land to South of Catterick</p> <ul style="list-style-type: none"> Revision of the site boundary, to exclude land nearest to Rudd Hall and Ghyll Hall Listed Buildings, is opposed. Historic England's assertion, that the previous site boundary would 'be likely to result in harm to elements which contribute to the significance of two Listed Buildings' (i.e. Rudd Hall and Ghyll Hall) is not justified. | Tarmac, Minerals Products Association | The Proposed Change of reducing the site area has been proposed to address a specific concern raised by Historic England, as statutory consultee regarding historic issues, concerning the potential harm to the setting on the two listed buildings that could arise from the proposed development. No further change proposed. |
| <p>PC106: Amendment to Key Sensitivities and Development Requirements - MJP55: Land adjacent to former Escrick brickworks</p> <ul style="list-style-type: none"> A full archaeological assessment should be required prior to development | CPRE (North Yorkshire Region) | The support for the proposed addition, in the Addendum, of the reference to the SINC is noted. With regard to an archaeological assessment, the development requirements listed in Appendix 1 to the Publication Draft is not, as is explained at paragraph 1.9 in the introduction text to that appendix, an exhaustive list. PC98 and PC99 were proposed in relation to known significant heritage assets at those sites. The position at the Escrick MJP55 and WJP06 site is not the same and it is considered that the existing bullet point regarding 'appropriate site design and landscaping to mitigate impact on: heritage assets (archaeological remains, Escrick Conservation Area, Listed Buildings ... Escrick Park) is sufficient, as, at the point of an application any applicant should be following the guidance regarding archaeology as provided in the National Planning Practice Guidance. No further change proposed. |
| <p>PC107: Amendment to Key Sensitivities and Development Requirements - WJP06: Land adjacent to former Escrick brickworks, Escrick</p> <ul style="list-style-type: none"> A full archaeological assessment should be required prior to development | CPRE (North Yorkshire Region) | The support for the proposed addition, in the Addendum, of the reference to the SINC is noted. With regard to an archaeological assessment, the development requirements listed in Appendix 1 to the Publication Draft is not, as is explained at paragraph 1.9 in the introduction text to that appendix, an exhaustive list. PC98 and PC99 were proposed in relation to known significant heritage |

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| | | <p>assets at those sites. The position at the Escrick MJP55 and WJP06 site is not the same and it is considered that the existing bullet point regarding 'appropriate site design and landscaping to mitigate impact on: heritage assets (archaeological remains, Escrick Conservation Area, Listed Buildings ... Escrick Park) is sufficient, as, at the point of an application any applicant should be following the guidance regarding archaeology as provided in the National Planning Practice Guidance. No further change proposed.</p> |
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