

Meeting	Executive
Date	19 October 2017
Present and	Councillors Carr (Chair), Waller (Vice-Chair), Gillies, Lyle, Orrell, Rawlings, Reid Runciman
Other Members participating in the meeting	Councillors D'Agorne and Looker

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## **Part B - Matters Referred to Council**

### **74. Minerals and Waste Joint Plan - Submission**

*[See also Part A minute]*

Members considered a report which provided an update on the outcomes of the consultation on the Addendum of Proposed Changes to the Minerals and Waste Joint Plan. It was noted that a total of 143 specific comments from 36 respondents had been received.

If the Plan and Addendum were submitted to the Secretary of State for the purposes of examination as recommended, it was anticipated that this process would begin in early 2018.

The issues within the report had been debated at the meeting of the Local Plan Working Group (LPWG) on 12 October 2017. Responses had been given to the speakers at the meeting and the draft minutes had been circulated to the Executive for information.

Two additional recommendations were proposed to those outlined in the report, namely:-

1. That the Director of Economy and Place in consultation with the Executive Member for Transport and Planning be authorised to make non-substantive editorial changes to the

Submission Draft and other supporting documents proposed to be submitted alongside the Plan; and

2. That the Director of Economy and Place in consultation with the Executive Member for Transport and Planning be authorised to agree any further or revised responses or proposed changes during the Examination period.

An amendment to include 'in consultation with the Interim Deputy Leader and Executive Member for Environment' was proposed. The additional recommendations, as amended, were agreed.

A member raised issue with the draft minutes of the LPWG referring to a minimum separation distance of 500 m being considered reasonable. The LPWG had agreed that, given government guidelines, 500 m would be accepted. This clarification was acknowledged and it was accepted that the minutes would be submitted to the next meeting of the LPWG for approval and they would have the opportunity to amend.

As to whether potential drilling could be 500 m from potential as well as existing properties, it was noted that if applications were in for that type of activity, the fact allocations existed in the Local Plan would be a material consideration in its' assessment. Whether that would overrule the proposal, would depend on what stage the Plan was at and how solid and significant those allocations were to the Plan. The construction of the Local Plan for York meant that most of the big strategic allocations would have to go ahead for the Plan to succeed, so that would be a significant material consideration.

As to whether drilling could take place within 500 m of a proposed strategic site, it was stated that the approach to the Local Plan sought to avoid over allocation in order to protect the character and setting of York. Given that the bigger allocations were all significant, this would give reason to resist applications for fracking. However, an absolute guarantee could not be given.

It was confirmed that there had been no changes to the proposals presented to the LPWG. The Plan had been through considerable stages of development and if changes were to be made, partner organisations may not agree and it was likely that further consultation would have to be undertaken, which would delay progression of the document. The other authorities involved were

keen to get a framework in place at the earliest opportunity to judge any potential applications.

If central government were to change national policy and suggest a wider buffer zone at the examination stage, it would be drawn to the examiner's attention and the Council would seek to implement changes in policy. If after examination, there would be an opportunity at the review stage of the Joint Plan to incorporate any changes in national policy.

If national policy changes and the Joint Plan becomes out of line with that, then the new national policy will be a material consideration in determining applications.

With regards to radiation, it was clarified that naturally occurring radioactive materials (NORM) were present in the ground and it would be the elements that would come up with the flow back fluid that would have levels of NORM. The Environment Agency and other regulators would be party to the information from analysis of that NORM and the fluid would be subject to treatment process if the NORM was at a level that required treatment.

Officers were requested to provide a written response to the points raised by the speaker for consideration at the meeting of full Council on 26 October 2017 (*Note: This response will be circulated to Members by officers in advance of the Council meeting.*)

Executive noted the representations received on the Addendum of Proposed Changes Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park. It was:-

Recommended:

1. That Full Council approve the Submission Draft of the Minerals and Waste Joint Plan for York, North Yorkshire and North York Moors National Park (comprising the Publication draft Plan (2016) accompanied by the Addendum of Proposed Changes (2017) for submission for examination;
2. The Director of Economy and Place in consultation with the Executive Member for Transport and Planning and Interim Deputy Leader & Executive Member for Environment , be authorised to make non-substantive editorial changes to the Submission Draft and other supporting documents proposed to

be submitted alongside the Plan; and

3. The Director of Economy and Place in consultation with the Executive Member for Transport and Planning and Interim Deputy Leader & Executive Member for Environment , be authorised to agree any further or revised responses or proposed changes during the Examination period.

Reason:

So that a National Planning Policy Framework compliant Joint Waste and Minerals Plan can be progressed.

Cllr D Carr, Chair

[The meeting started at 5.30 pm and finished at 7.00 pm].