

Local Plan Working Group

10 October 2016

Report of the Director of City and Environmental Services

Minerals and Waste Joint Plan – Publication Draft

Summary

1. Work has been progressing on the preparation of a Minerals and Waste Plan. The new Plan is being prepared jointly with North Yorkshire County Council and the North York Moors National Park Authority. Following extensive Issues and Options consultation during 2014 and a Preferred Options consultation in 2015/16, approval is now sought to publish the Joint Plan (attached as Annex A to this report) to provide an opportunity for representations to be made on the soundness of the Plan and whether it is legally compliant.
2. It is anticipated that comments made at this stage will be brought to Local Plan Working Group and Executive in March 2017. Approval for the Plan for submission for Examination in Public is a function of Full Council which is expected to be sought at the City of York Full Council meeting on 30 March 2017. The timetable for the progression of the Joint Plan follows that approved by Executive in June 2016 as part of the Local Development Scheme (LDS).
3. This report is being presented to Members of Local Plan Working Group for discussion and to make recommendations to Executive. Draft minutes from this meeting will be circulated to Members ahead of the Executive meeting on 13 October. In addition, it will be reported to Members at North Yorkshire County Council on 18 October and Members at the North York Moors National Park on 20 October. Dependent on the outcome from the three Joint authorities, further discussion and amendments may be required.
4. In addition to the main document (Annex A to this report) several supporting documents will also be made available as part of the consultation and members may wish to consider them when making a judgement on the content of the main document. These are attached as annexes to this report and comprise:

- Annex B – Allocated Sites
- Annex C – Safeguarded Sites
- Annex D – Monitoring Framework **[Online]**
- Annex E – Saved Policies **[Online]**
- Annex F – Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA) incorporating SFRA and HRA **[To follow]**
- Annex G – SA/SEA Non-Technical Summary **[To follow]**
- Annex H – Duty to Co-operate Statement **[Online]**
- Annex I – Consultation Statement **[Online]**

Background

5. The City of York Council as a unitary authority is also a waste and minerals planning authority and to satisfy the provisions in Planning Policy Statement 10 and the National Planning Policy Framework, it must develop the necessary policies for minerals and waste. This statutory responsibility effectively involves identifying all waste arising in the area from all sources, such as, household, commercial, hazardous and agricultural, and demonstrating how this is dealt with spatially. With regard to minerals it is necessary to identify the requirement for minerals including aggregates and how these will be sourced. Both these tasks have to be addressed for the lifetime of any development plan.
6. City of York is currently preparing a Local Plan with strategic policies on minerals and waste and a separate joint minerals and waste development plan document with North Yorkshire County Council and the North York Moors National Park Authority. This is known as the Minerals and Waste Joint Plan.
7. The Joint Plan addresses a range of issues relating to the future supply of minerals and needs for waste infrastructure over the period to 31 December 2030. Key issues include:
 - Planning for the future supply of aggregates minerals such as sand and gravel and crushed rock, as well as other minerals currently worked in the area;
 - Developing policy to respond to newer forms of development such as shale gas;
 - Identifying requirements for additional waste management capacity needed to fill any capacity ‘gaps’ in the existing network of facilities;

- Addressing requirements for safeguarding minerals resources and important infrastructure;
 - Developing a range of new development management policies to help determine planning applications for minerals and waste development;
 - Identifying a range of site allocations for minerals and waste development where development would be regarded as acceptable in principle (see Appendix 1 to the Preferred Options consultation document).
8. It is proposed that, subject to member approval within the three Authorities, the Joint Plan be published for representations to be made on soundness and legal compliance. In due course the Plan will need to be submitted for independent Examination in Public prior to adoption by the three Authorities.
9. A decision to prepare a joint plan for minerals and waste was taken in 2013, recognising the benefits and efficiencies that can arise through joint working, including in terms of helping to satisfy the statutory Duty to Cooperate in plan making. Since then a substantial amount of work has taken place, including development of the evidence base, the undertaking of a detailed 'Issues and Options' consultation commencing in Spring 2014 and, following approval by Executive in October 2015, a 'Preferred Options' consultation in Winter 2015/6. Although not a formal statutory requirement, the Preferred Options stage of plan making has provided an opportunity to present and seek views on a first full draft of the proposed new Joint Plan, prior to its finalisation for submission for independent examination in public.
10. The next formal step in preparing the Joint Plan is the Publication stage. The purpose of this is to provide a statutory 6 week period for interested parties to make representations on the soundness of the Plan. Representations made at this stage will be submitted for consideration by an Inspector alongside the Joint Plan when it is submitted for Examination in Public.

Previous Stages of Consultation

11. The Minerals and Waste Joint Plan has involved a number of key public consultation stages to ensure there is every opportunity for community involvement. The key stages include:
- First Consultation (completed May/June 2013)
 - Issues and Options Consultation (Completed March/April 2014)

- Additional or Revised Sites Consultation (Completed January/February 2015)
 - Preferred Options Consultation (Completed November 2015 -January 2016)
 - **Publication stage** (Scheduled to commence November 2016)
 - Submission stage (Scheduled for April 2017)
 - Examination in Public (Scheduled for May-September 2017)
 - Adoption (estimated November 2017)
12. Reports containing the outcome of these consultations can be found at: <http://www.northyorks.gov.uk/article/26218/Minerals-and-waste-joint-plan>. Due to their size, it is not possible to attach as an Annex to this report.
 13. The first consultation stage took place in May and June 2013. This stage presented initial information about the Plan and sought views on what the Plan should contain. The comments received were assessed, along with relevant evidence, and fed into the Issues and Options consultation documents.
 14. The Issues and Options stage was consulted on in March/April 2014 and was a key stage of the process involving the identification of realistic and reasonable options to address the issues identified and to give other parties an opportunity to suggest alternative options. 2405 responses were received at this stage and these have influenced the subsequent stages.
 15. One of the outcomes from the issues and options consultation was the submission of new and revised sites which were subsequently published for consultation in the supplementary sites document in January 2015.
 16. Following the Further Sites stage of consultation, all of the sites have been subject to a detailed assessment using the site identification and assessment methodology and the Sustainability Appraisal and Strategic Environmental Assessment process.
 17. The Preferred Options was the third main step on the way to preparing the Minerals and Waste Joint Plan. It presented a new draft Vision and Objectives, draft planning policies for minerals and waste, and identified possible new sites for minerals and waste development. The Preferred Options stage was consulted on for 8 weeks from November 2015 – January 2016 and provided an opportunity for the people to view and comment on the draft policies and sites before these representations were assessed and used to inform and help draft the next stage of the Plan process; the Publication draft.

18. Responses were received from 603 individuals or organisations, generating a total of 2,934 specific comments. Annex I contains a summary of the comments received, together with a suggested response by the Authorities. In some cases comments have been grouped into particular themes for convenience.
19. Key matters raised through the consultation were:
 - Oil and gas - concerns about impacts from shale gas development and related fracking in the area
 - Concerns about particular sites proposed for allocation
 - Concerns about the approach to the protection of local communities and the environment
 - The approach to planning for strategic waste management capacity
 - Planning for specific types of minerals such as aggregates, silica sand and potash
20. The responses received have been considered in producing the draft Plan and, where practicable or appropriate, have been reflected in the content of the Plan.

Publication Draft

21. In line with The Town and Country Planning (Local Planning) (England) Regulations 2012, the Publication stage plan should be the document that the local authority considers ready for examination. This Plan must be published for representations by the local planning authority, together with other “proposed submission documents”, before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the Local Plan, which the local planning authority would like to adopt.
22. As a comprehensive local plan for minerals and waste the draft Plan addresses strategic issues for minerals and waste, contains detailed development management policies and identifies sites to meet expected needs for future development.
23. The draft Plan sets out a summary vision that;

Over the period to 31 December 2030 the Joint Plan area will move towards the more sustainable provision of minerals and waste infrastructure and services, maintaining a careful balance between meeting future needs whilst protecting and enhancing the Joint Plan area’s environment, protecting and supporting its communities and strengthening its economy.

24. An important role of the Joint Plan is to identify expected future requirements for minerals and waste development. A range of work has taken place towards developing the evidence base for this, including preparation of a Local Aggregates Assessment and the commissioning of a 'capacity gap' analysis for waste management infrastructure needs. These assessments have both been updated since completion of the Preferred Options consultation to ensure they reflect the most up to date position.
25. Although the Plan necessarily deals with a wide range of issues, a number of key matters are identified below.

Minerals

26. Planning for minerals is addressed mainly in Chapter 5 of the Plan. Key issues arising are summarised below.

Hydrocarbons (oil and gas)

27. The Joint Plan area contains resources of onshore gas and members will be aware that in December 2015 new Government licence areas in North Yorkshire for oil and gas exploration and development were announced, leading to an expectation of increased commercial interest in the area, including for shale gas extracted using 'fracking' techniques. Executive will be aware that the significance of this issue has evolved rapidly during preparation of the Plan. Since completion of the Preferred Options consultation stage this area of policy has been reviewed to ensure that a comprehensive approach is in place. Whilst the scope of the Plan is necessarily limited by national planning policy and guidance, the relevant policies in the draft Plan, particularly Policies M16, 17 and 18, provide robust protection whilst recognising that national policy requires a positive approach to planning for development.
28. At the City of York Full Council Meeting on Thursday, 11 December, 2014 6.35 pm, Cllr Semlyen proposed the following Motion about Hydraulic Fracking in the York area:

"This council believes that:

- Climate change is real and is resulting in deaths and cross border migration;
- That fracking (hydraulic fracturing for shale gas) contributes to climate change.
- This council recognises the over 2,100 name petition submitted by Frack Free York requesting a City of York Council decision on fracking. The petition asks that Councillors' vote that York should, where possible, publicly state their resistance to planning applications

for drilling for shale gas as it is believed that this could deter applications from drilling companies.

- We believe that it would be better to reduce the need for extra energy supplies and will seek to promote an increase in energy efficiency, sustainability and self-sufficiency.

Council asks the Leader to send a copy of this motion to the Secretary of State for Energy and Climate Change and the Minister of State for the Department for Energy and Climate Change and to all York's MPs."

On being put to the vote, the motion, was CARRIED and it was it was resolved that the motion be approved.

29. National planning policy states that both conventional and unconventional hydrocarbons (oil and gas) are minerals of national and local importance and that minerals plans should include policies for their extraction. Development plans which do not deal with fracking or simply seek to restrain it will at best be accorded little weight by the Secretary of State on appeal leaving applications to be judged purely against the general policies of the NPPF.
30. Given the context above, the Council will need to address Shale Gas and other unconventional gas through the Joint Minerals and Waste Plan. At Issues and Options stage, Members discussed at a Local Plan Working Group on 13 January 2014, the inclusion of shale gas policies in the Plan and recognised the need for a full range of options to allow for the public to make representations after viewing all the potential options available.
31. The Preferred Options draft policies on Hydrocarbons included an overall spatial policy which generally stated where such developments will and will not be supported. Further hydrocarbon policies addressed the different phases of oil and gas development (exploration, appraisal and production) citing the requirements that need to be met for example, assessment of potential impacts.
32. Taking account of the responses received at Preferred Options stage, and changes arising at the national policy level the draft hydrocarbon policies and supporting text in the Publication draft have been amended considerably. The policies address all stages of the process rather than splitting the different stages into different policies, there is also more emphasis on the criteria that need to be considered and satisfied as part of a hydrocarbon development application. The Publication draft contains a draft policy which sets out key spatial principles for hydrocarbon development across the Plan area. A further draft policy sets out detailed criteria for hydrocarbon development in relation to accessibility and

transport, cumulative impact, local economy, and local amenity considerations. A final draft policy covers specific issues relating to waste management and injection wells, and decommissioning and restoration.

33. A petition was submitted to City of York Council in June 2016 and additional signatures to the same petition were submitted in September 2016. With a total of 611 signatures, this petition ‘recognises that national laws and regulations mean that the authorities can not exclude gas drilling completely from the Joint Plan but believe that the local authorities have influence to set conditions to protect residents and the outstanding countryside of North Yorkshire’ The petition therefore “calls on the City of York Council to include in the Joint Waste and Minerals Plan:

- Buffer zones of one mile between residential development, schools and hospitals and natural gas extraction infrastructure (e.g. well pads, compressor stations, pipelines etc);
- Buffer zones of three miles between national parks, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, World Heritage Sites, groundwater source protection zones and natural gas extraction infrastructure;
- A minimum distance of six miles between drilling sites, as asked for by Kevin Hollindrake MP for Thirsk and Malton in a Westminster Hall debate in 2015, to prevent the ‘industrialisation of the North Yorkshire countryside’.

34. The draft Joint Plan attached at Annex 1 does include buffer zones to avoid significant harm to National Parks and AONBs and a separate buffer which would enable the development to take place without giving rise to unacceptable impacts on residential amenity as well as a density limit for well pads/individual wells to ensure that unacceptable cumulative impact does not arise. Policies M16 and M17 and the supporting text contained at Annex A set out the details of this but in summary, the Joint Plan policies propose:

Proposed Buffer/Density	Basis for the buffer/density
A 400 m buffer between surface hydrocarbon development involving activity over 24 hour periods and residential buildings or other sensitive receptors	Distance identified to be generally consistent with the definition of a ‘protected building’ as defined by the GPDO. Is also recognised as an ‘established distance of impact’ in terms of impact on residential amenity.
A 3.5km buffer around National Parks and AONBs	Based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to ‘screen out’ consideration of a 35m tall and relatively linear structure

	beyond a distance of 3.5km from the receptor.
A limit of 10 well pads per 100km ² PEDL area	Suggested by the industry as a viable density figure. This is lower than elsewhere in the world and will also depend on the location of the wells within the PEDL area.

35. For clarity, the Policy indicates that the residential buffer could be less than 400m subject to specific locational circumstances or characteristics of the proposed development, including any proposed mitigation. Given the relatively recent introduction of hydrocarbon development in the UK, there is no specific National policy regarding buffering and density for this type of development. Therefore, the figures above are based on similar types of development and experience elsewhere. If National policy changes occur, this will need to be factored in to any decision making and may lead to a review of the Plan in the future.
36. In relation specifically to the York area draft policy M16 (Key Spatial Principles for hydrocarbon development) states that surface proposals for hydrocarbon development will only be permitted outside designated areas which include Scheduled Monuments, Grade I and II* Registered Parks and Gardens, Areas which protect the Historic Character and Setting of York and nature conservation designations including Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest. The policy also states that sub-surface proposals for these forms of hydrocarbon development including lateral frilling underneath the designations referred to above will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur.
37. The supporting text for the hydrocarbon policies looks specifically at the situation in the Plan area in terms of Petroleum, Exploration and Development Licence (PEDL) license blocks and any historic applications and works relating to gas exploration and extraction. The text also explains the application process, highlighting the different regulatory regimes that are responsible for the different stages. This clarifies that Mineral Planning Authorities (the Council) only have control over the planning application stage. The Department of Energy and Climate Change (DECC) are responsible for issuing licences like those announced in August 2015. The Environment Agency and Health and Safety Executive also assess and regulate the environment, water and seismic risks before permits for operation are issued.

Aggregate minerals (sand and gravel and crushed rock)

38. National planning policy requires that areas with minerals resources make an appropriate contribution to supply, including supply requirements which arise in other areas where necessary, for example as a result of supply shortages in those areas. Supply and demand imbalances for aggregate minerals in the Yorkshire and Humber and Tees Valley result in continuing pressure on North Yorkshire (which has relatively abundant resources of aggregate) to maintain supply to both internal and external markets.
39. Plans for economic growth and increased rates of house building in and adjacent to the Joint Plan area suggest that demand for aggregate is likely to continue and will probably increase from the suppressed levels experienced during the recent economic downturn. Forecasting work undertaken to support the Joint Plan suggests that, over the next few years, demand is likely to return to a level similar to that prevailing before the recession. This means that additional provision will need to be made in the Plan, particularly for sand and gravel for which the current supply position is less robust, including through the allocation of sites which are considered to be suitable in principle for development. Appendix 1 to the Joint Plan identifies a number of site allocations to help meet these requirements.

Other minerals resources

40. A range of other minerals resources are present in the Joint Plan area. This includes silica sand, clay, building stone, potash/polyhalite and coal. Materials with the potential for use as alternative sources of supply are also present, such as power station ash and colliery spoil. The Joint Plan contains policies, and where necessary allocates sites, for all these forms of development in order to help ensure that continuity of supply can be maintained.

Waste

41. Planning for waste is addressed mainly in Chapter 6 of the Joint Plan. The position with regard to future requirements for waste management capacity has also evolved during the period over which the Plan has been prepared. This has necessitated updating of the evidence base and suggests that a relatively flexible approach is required in the Plan. It should be noted that, following the progress made with the Allerton Waste Recovery Park, the main focus for consideration of new waste management infrastructure needs in the Plan is around other waste streams, particularly commercial and industrial waste and construction and demolition waste.
42. To provide a basis for planning for these, the Joint Plan makes a number of assumptions about the likely scale of future arisings and the extent to which

such waste is likely to be diverted away from landfill towards more sustainable forms of management. These can be compared against current waste management capacity in the area to allow 'capacity gap' scenarios to be identified. These in turn form the basis for the scale of new provision to be made in the Plan. In summary evidence suggests that, although extensive waste management infrastructure now exists in the area, or has planning permission for development, there are some remaining requirements for increased recycling and treatment capacity for Commercial and Industrial waste and Construction and Demolition waste as well as for the landfill of certain residual wastes. Support for these is contained in the Plan, including through site allocations where necessary, in order to move towards greater 'net self-sufficiency' of the area in the management of waste, in line with strategic policy objectives.

Supporting Infrastructure and Safeguarding

43. These issues are addressed in Chapters 7 and 8 of the Joint Plan. This includes policy support for the delivery of supporting infrastructure needed to facilitate minerals and waste development, including infrastructure which promotes more sustainable transport of minerals and waste. Safeguarding minerals resources and important minerals and waste infrastructure, to protect their long term availability, is a key element of national planning policy.

Development Management

44. National planning policy indicates that local plans should contain a limited set of development management policies to support decision making on planning applications. Chapter 9 of the Plan addresses this by identifying a number of policies that, where relevant, would apply to all forms of minerals and waste development proposed in the area. Their main aim is to ensure that development is supported where it can take place without unacceptable harm to local communities and the environment and that appropriate mitigation and controls can be imposed where necessary to achieve this, in line with the vision for the Joint Plan. Specific sites proposed for safeguarding are identified in Annex C to this report.

Site Allocations

45. To help with delivery of identified requirements for minerals and waste it is necessary for the Joint Plan to identify site allocations, where development will be regarded as acceptable in principle, subject to consideration of a detailed planning application. Annex B to this report identifies a range of site allocations, consistent with the strategic policies in the Plan. These are principally for development of aggregate minerals but allocations are also

proposed minerals supply infrastructure and for working clay and building stone, as well as for a range of waste management facility types. An Area of Search for sand and gravel has also been identified to make up a potential shortfall in provision as it has not been practicable to allocate sufficient specific sites to meet all identified needs.

46. Proposed allocations have been identified by applying a site selection methodology, including sustainability appraisal, to a range of sites put forward for consideration by industry, landowners and other interested parties. In total 21 minerals sites, 20 waste sites and 2 minerals infrastructure sites are identified as allocated sites. 21 minerals sites, 6 waste sites and 1 minerals infrastructure site have been discounted from allocation. 9 sites or parts of sites have been withdrawn from consideration by submitters during preparation of the Plan. In some cases sites considered suitable for allocation in the Plan are allocated on the basis of a revised boundary compared with that under consideration at Preferred Options stage. In other cases, sites considered as suitable for allocation at Preferred Options stage are now proposed to be discounted or, conversely, sites proposed to be discounted are now allocated. These changes in status reflect circumstances including availability of additional evidence, views received during consultation at Preferred Options stage and/or further review of the 'strategic fit' between allocations and the Policies in the Plan.
47. Four sites have been identified as draft allocations in the York area, these sites have been identified as draft allocations but it is not anticipated that the emerging York Local Plan would exclude these sites from the green belt:

- **WJP02 North Selby Mine, Deighton**

Anaerobic Digestion facility which has an unimplemented planning permission.

- **WJP11 Harewood Whin, Rufforth**

Retention of the following facilities beyond 2017 – landfill, recycling (incl. treatment, bulking and transfer) and liquid waste treatment, energy from waste (Biomass and landfill gas utilisation), kerbside recycling and waste transfer operation and construction of a new waste transfer station (subject to further discussions as part of application reference 16/00357/FULM and 16/005341/FULM).

- **MJP52 Duttons Farm, Upper Poppleton**

Extraction of clay as a proposed extension to former quarry

- **WJP05 Duttons Farm, Upper Poppleton**

Landfill and recycling of waste from construction industry

48. Four sites have been identified as potential safeguarded waste sites in the York area (Annex C to this report contains more details):
- Harewood Whin – non-hazardous landfill, recycling, composting
 - Hazel Court – Transfer (hazardous)
 - North Selby Mine - Anaerobic digestion
 - Towthorpe – Household Waste Recycling Centre (HWRC)

Sustainability Appraisal/Strategic Environmental Assessment

49. Sustainability Appraisal of a Local Plan is a statutory requirement under the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessment is required by European law. The two assessments have been undertaken simultaneously in relation to the Joint Plan under the term Sustainability Appraisal. The Sustainability Appraisal assesses the potential effects of the Joint Plan at each stage in relation to sustainability objectives. Where appropriate, recommendations arising from the appraisal process have been incorporated into the content of the Joint Plan.
50. The Sustainability Appraisal/Strategic Environmental Assessment for this stage of the Joint Plan process is attached at Annex F along with a non-technical summary attached at Annex G.

Duty to Cooperate (DtC)

51. A statutory duty to cooperate on strategic cross-boundary planning issues, including minerals and waste, was introduced in 2011. The main purpose of the Duty is to enable strategic planning at a wider than local level following the revocation of Regional Spatial Strategies.
52. Whilst preparation of the Plan itself on a joint basis represents a response to the requirements of the Duty, a range of other relevant activity has taken place during its production. This includes:
- Preparation of evidence on requirements for aggregate minerals on a sub-regional basis, taking into account requirements arising in adjacent areas of Yorkshire and Humber and the North East;

- Commissioning of a sub-regional analysis of waste capacity requirements and undertaking extensive dialogue with other waste planning authorities on cross-boundary movements of waste;
 - Active participation in the work of the Yorkshire and Humber Aggregates Working Party and Technical Advisory Body for Waste and other relevant groups;
 - Preparation of memoranda of understandings with the Yorkshire Dales National Park Authority and Redcar and Cleveland Borough Council in relation to cross-boundary minerals and waste issues;
 - Targeted cooperation with a range of other relevant minerals and waste planning authorities where specific issues have been identified.
53. This and other related work has informed the content of the Joint Plan. A Duty to Co-operate Statement is provided as Annex H to this report.

Publication Consultation

54. Subject to the necessary member agreement within the three Authorities there is a statutory requirement to publish the Plan and relevant supporting documents for a 6 week period in order that representations can be made on the soundness of the Plan. Given that the Publication stage of plan production is a statutory stage as recognised in The Town and Country Planning (Local Planning) (England) Regulations 2012, the consultation must be undertaken in line with Regulation 19.
55. It is anticipated that a 6 week public consultation period on the Publication documents will take place in November and December 2016. The consultation will be in line with the Statement of Community Involvement (SCI) adopted by City of York, North Yorkshire County Council and the North York Moors National Park Authority.
56. The consultation will involve the distribution of a letter to all consultees on the three authorities Local Plan databases informing them of the consultation and where they can view the documents and how to submit representations. This will bring the consultation to the attention of residents, developers, landowners, operators as well as statutory consultees and others. Copies of the document will be available electronically on the Joint Plan webpage as well as hard copies in all the libraries within the Joint Plan area and Council Office receptions. During the consultation period, exhibitions will be held across the Joint Plan Area where officers will be available to provide information and answer questions.

57. A range of consultation material will be available including the main documents, a leaflet, and posters. These will be available online and at the venues listed above.

Options

58. The following Options are being put forward to Members to consider:
- i) Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents attached at Annexes A-J be approved for the purpose of public consultation;
 - ii) Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents attached at Annexes A-J be approved subject to amendments agreed at this meeting;
 - iii) Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents be rejected and request that further work is undertaken.

Analysis

59. It is considered that the best option is to approve the Minerals and Waste Joint Plan Publication documents for consultation in November-December 2016. This will ensure that the key milestones in the Local Development Scheme are achieved and the industry and public are given the opportunity to view the contents of the document and the potential sites for minerals and waste operations at the earliest date.

Next Steps

60. The progression of the Plan would be subject to the agreement of Members from the North Yorkshire County Council and North York Moors National Park Authority following their Executive meetings on 18 October and 20 October.
61. Should all Members from the three authorities approve this Plan for consultation purposes, it is anticipated that a 6 week consultation will run in November and December 2016 to allow people to make representations on the content of the Plan. The Authorities will need to consider representations received during the Publication period and decide whether any further changes should be made. Changes at this stage should be minor in nature, the Authorities having published what they consider to be a sound Plan.

62. Any representations on the Publication version of the Joint Plan and any proposed minor modifications, along with supporting documents will be brought to Local Plan Working Group and Executive in March 2017.
63. The Submission draft Plan will then be presented to Full Council on 30 March 2017 prior to submission to Secretary of State in April 2017. Approval of the Plan for Submission and for Examination in Public is a function of Full Council which will also be required from North Yorkshire County Council and North York Moors National Park Authority.
64. The Submission documents will include those that were made available at the Publication stage (updated as necessary), including details of who was consulted when preparing the Joint Plan (at Regulation 18 stage) and how the main issues raised have been addressed. Details of the representations made following publication of the Joint Plan and a summary of the main issues raised will also be included. A Statement of Representations Procedure will be published alongside the submission version of the Joint Plan.
65. A pre-examination meeting, Examination in Public, and Inspector's report will follow during summer 2017, with an anticipated adoption of the Joint Plan before the end of 2017.

Financial Implications

66. The estimated costs related to this stage of the production of the Minerals and Waste Joint Plan are outlined in the table below. The costs will need to be contained within budgets across the directorate that support the Local Plan and Waste Strategy.

Task	Total Cost	York cost (55:25:20)
Consultation (printing/posting)	£5,000	£1,250 (+ York consultee letters)
Evidence Base : Waste update	£6,000	£1,500
Peer Review	£7,020	£1,755
Counsel Advice (£200/hr)	£5,400	£1,350
Administrative assistance	£100	£100
Total		£5,955

67. The cost of the Examination process is anticipated to be incurred in 2017/18. This cost alongside one off costs involved in delivering the Local Plan will be considered as part of the 2017/18 budget report to Full Council in February 2017.

Council Plan

68. Under the draft Council Plan objectives the project will assist in the creation of a Prosperous City for All, and be a Council that listens to residents particularly by ensuring that:
- i. Everyone who lives in the city can enjoy its unique heritage and range of activities.
 - ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected.
 - iii. Visitors, businesses and residents are impressed with the quality of our city.
 - iv. Local businesses can thrive.
 - v. Efficient and affordable transport links enable residents and businesses to access key services and opportunities.
 - vi. Environmental Sustainability underpins everything we do.
 - vii. We are entrepreneurial, by making the most of commercial activities.
 - viii. Engage with our communities, listening to their views and taking them into account.

Implications

69. The following implications have been assessed.
- **Financial** – These are detailed in paragraphs 66-67 above.
 - **Human Resources (HR)** – The production of a Minerals and Waste Joint Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.
 - **Community Impact Assessment** - A Community Impact Assessment (CIA) has been carried out as the plan has developed and will be undertaken again at the next stage of production. This is attached at Annex J.
 - **Legal** – The statutory process must be followed in preparing and consulting upon the joint plan and decisions must be taken by each of the separate Authorities involved in their own constitutional decision making processes. The statutory duty to co-operate applies (created by S110 Localism Act 2011). If the Minerals and Waste Joint Plan is adopted by all three Councils, it will eventually become part of the statutory development plan for York along with the emerging York Local Plan. The Plans should therefore be in conformity particularly in relation to any site allocations and safeguarded areas proposed within the York area in the Joint Minerals and Waste Plan.

- **Information Technology (IT)** - There are no IT implications
- **Crime and Disorder** – None.
- **Information Technology (IT)** – None
- **Property** – The Plan includes land within Council ownership.
- **Other** – None

Risk Management

70. In compliance with the Council's risk management strategy, the main risks in producing a Minerals and Waste Plan are as follows:

- The need to steer, promote or restrict minerals and waste development across its administrative area:
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe; and
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

71. Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

Recommendations

72. Members are asked to recommend to Executive in accordance with Option 1 to agree:

- i. That the draft Minerals and Waste Joint Plan for York, North Yorkshire and North York Moors National Park (Annex A) be approved for the purposes of publication in accordance with the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

Reason:- So that an NPPF compliant Joint Waste and Minerals Plan can be progressed

- ii. That the Executive Member (Transport and Planning) be authorised to make non-substantive editorial changes to the main document (Annex A) and other supporting documents (Annexes B to I) proposed to be published alongside the Plan prior to publication

Reason:- So that an NPPF compliant Joint Waste and Minerals Plan can be progressed

- iii. That the Executive Member (Transport and Planning) be authorised to make changes to the main document (Annex A) and other supporting documents (Annexes B to I) arising from the equivalent Executive meetings at North Yorkshire County Council and North York Moors National Park Authority provided that they are non-substantive in terms of their impact on the City of York area.

Reason:- *So that the three authorities can make changes specific to their authority areas where they will not impact on the other Joint areas.*

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Cllr Ian Gillies
Cllr Andrew Waller

Report Approved

Date 29/09/16

Specialist Implications Officer(s)

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Finance Manager
Tel No. 551207

Legal – Sandra Branigan
Senior Solicitor
Tel No. 55 1040

Wards Affected:

All

For further information please contact the author of the report

Annexes:

Annex A - Joint Waste and Minerals Publication Draft Plan

Annex B – Allocated Sites

Annex C – Safeguarded Sites

Annex D – Monitoring Framework **[Online]**

Annex E – Saved Policies **[Online]**

Annex F – SA/SEA incorporating SFRA and HRA **[To follow]**

Annex G – SA/SEA Non-Technical Summary **[To follow]**

Annex H – Duty to Co-operate Statement **[Online]**

Annex I – Statement of Consultation **[Online]**

Annex J – Community Impact Assessment **[Online]**

Background Papers:

North Yorkshire Sub-region Local Aggregates Assessment

Minerals Safeguarding Studies for North Yorkshire, York and North York
Moors National Park

Yorkshire and Humber Waste Position Statement 2016-09-09 North

Yorkshire Sub-region Waste Arisings and Capacity Reports 2013, 2015 and
2016

List of Abbreviations

AONB	Area of Outstanding Natural Beauty
DECC	Department of Energy and Climate Change
EIA	Environmental Impact Assessment
GDPO	General Permitted Development Order
HRA	Habitat Regulations Assessment
LDS	Local Development Scheme
MPs	Members of Parliament
NPPF	National Planning Policy Framework
PEDL	Petroleum, Exploration and Development Licence
Ramsar Sites	A Ramsar Site is a wetland site designated of international importance under the Ramsar Convention.
SA/SEA	Sustainability Appraisal/Strategic Environmental Assessment
SFRA	Strategic Flood Risk Assessment