
Meeting	Local Plan Working Group
Date	13 January 2014
Present	Councillors Merrett (Chair), Ayre, Barton (Substitute), D'Agorne, Funnell, Levene, Reid, Riches, Simpson-Laing, Watt (Vice-Chair) and Williams (Substitute)
Apologies	Councillors Barnes, Horton and Steward

9. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Williams declared a personal non prejudicial interest as an employee of Yorkshire Water. Yorkshire Water had made representations and Councillor Williams agreed to withdraw from discussions if the issues raised by Yorkshire Water were debated.

Councillor Merrett declared a personal non prejudicial interest as he has links to the rail industry through his consultancy work.

Councillor D'Agorne declared a personal non prejudicial interest as the Green Party had made representations.

10. **Minutes**

Resolved: That the minutes of the last meeting held on 9th December 2013 be approved and signed by the Chair as a correct record.

11. **Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme. There was one registration to speak on agenda item 4.

Russell Brocklehurst had registered to speak in relation to shale gas. He asked Members why, in 2014, he is forced to explain why he doesn't want fracking in the area. He had seen the drilling process and questioned why anyone would want this. He questioned the legality of Council's accepting money for planning applications and the legality of not looking into alternative energy supplies. He drew members attention tot he possible effects of fracking such as contaminated drinking water.

12. City of York Council, North Yorkshire County Council and North York Moors National Park Minerals and Waste Joint Plan.

Members considered a report which advised them of the current position with regard to progress on the Minerals and Waste Joint Plan for North Yorkshire, York and North York Moor. The report sought approval in respect of the Issues and Options consultation documents (attached at Annex A to the agenda) for the purposes of consultation.

Officers outlined the report and advised that the Council had a statutory duty to produce a waste and minerals plan and that the best option for York was a joint plan, as it would be unusual for a Unitary Authority of York's size to produce a plan in isolation. The plan is at the Issues and Options stage with the Preferred Options consultation due to commence in October 2014. Adoption of the completed plan was expected in late 2015. The document will influence strategic waste and mineral policies in the Local Plan.

Officers then drew Members' attention to the Schedule of Changes which was circulated prior to the meeting (attached to the online agenda for information). Members had the following queries on the schedule:

- Page 188, figure 15 Locations of Rail Infrastructure – had all rail network branch lines been considered for use in the transportation of minerals. In particular the branch lines in the North York Moors area that connect to the North East. Officers confirmed that such branch lines would be used where appropriate and the text would be amended accordingly.

- The Chair drew Members attention to Page 210 and the additional important Option 3 to provide a more flexible approach to Waste Development in the Green Belt.

Councillor D'Agorne had submitted a number of comments on behalf of the Green Party prior to the meeting and Officers circulated a schedule of responses (both documents attached to the online agenda for information). Members then made the following comments:

- Page 68 paragraph 5.17 – Sand and Gravel provision – queried if the figures based on an average 10 year period using traditional building methods and had Officers taken into account that there is a move away from using brick to using less aggregate materials. Officers confirmed that some wording could be added to reflect the use of growth figures and that contemporary building techniques need to be taken into account.
- Pages 121-124 – In relation to shale gas, Members asked that the document be amended to give more context in relation to Government policy on the issue to make it clear that there are limitations to what the Council can do. It was suggested that a summary at the beginning of the document or seperately may be useful. Officers agreed to look into this to make the document more accessible.
- Page 123 Option 2 – some members did not agree with the wording of option 2 and suggested that it could be re-worded to make it clearer. Officers agreed to look at this.

Members then had some other points on the document:

- Page 155 paragraph 6.26 – The North Yorkshire sub-region is a considerable area and Members asked if the extra housing forecast to be built in future years had been taken into account. Officers confirmed that there was a study which underlies the figures and they were confident they were robust but this could be checked.
- Page 171 paragraph 6.69 – Low Level (Non-Nuclear) Radioactive Waste – Members queried if scientific growth in this area had been taken into account. Officers confirmed this would be taken into account.
- In relation to the cover report, Members asked if the reference to the 3 Minerals and Waste sites for York meant that if accepted, these would be the only sites accepted into the plan. Officers confirmed that the sites had been taken from the complete list at page 245 and

that further sites for York could be added while work on the plan is ongoing. However, once the plan was adopted, strong justification for adding further sites would be required.

- A member asked how water is removed from fracking sites. Officers agreed to explore this further.
- It was also questioned whether horizontal drilling outside of York boundaries could travel underground into York. Again, officers agreed to explore this.

Attached to these minutes is a revised schedule containing all the detailed proposed changes, including those agreed at the meeting.

Resolved: In accordance with Option One, the Local Plan Working Group recommended the Cabinet Member to:

- i. Note the current position of the Minerals and Waste Joint Plan;
- ii. To approve the Joint Minerals and Waste Issues and Options consultation plan as amended by the two Schedule of Changes, subject to the recommendations of the local plan working group and subject to feedback from the other joint partners;
- iii. To approve and necessary and associated documents for the purposes of public consultation; and
- iv. To make any appropriate incidental changes arising from point (ii) above or minor changes.

Reason: So that the Plan can progress to public consultation.

MINUTE ANNEX - REVISED SCHEDULE OF CHANGES

Cllr D Merrett, Chair

[The meeting started at 5.00 pm and finished at 6.15 pm].

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Schedule of Changes following LP WG
14-01-14

Page Ref in LPWG Agenda	Page Ref of Annex A	Issue Raised	Suggested Response
Page 24	6/1.11	Need to expand on duty to cooperate work carried out on future cross border demand with our adjacent LAs (LCR, ERY etc)?	<p>Suggest text to be added to background section - new Para 1.11 'Government policy requires, through a formal 'Duty to Cooperate', that local plans are prepared in cooperation with other relevant planning authorities, in order to ensure that issues which may impact on more than one planning authority area are dealt with in a coordinated way. Cooperation is important in planning for minerals and waste development as patterns of supply and demand for minerals, as well as movements of waste between point of arising and places where it is managed, often affect more than one area. To help address this requirement a range of activity is taking place as part of preparation of the Joint Plan. This includes:</p> <ul style="list-style-type: none"> • Coordination of aggregates minerals supply issues through membership of the Yorkshire and Humber Aggregates Working Party and preparation of sub-regional Local Aggregates Assessments; • Consultation with adjacent and other relevant planning authorities on minerals supply and demand issues and movements of waste where evidence suggests that these may be significant; • Representation by one or more of the Joint Plan Authorities on a number of inter-authority working groups, such as the North East Waste Technical Advisory Group. <p>It is expected that this and other activity relevant to the Duty to Cooperate will continue during preparation of the Plan.'</p>
Figure 15, page 188. Para 7.5 see Page 187	169-170/7.5 Figure 15	The draft Plan is missing rail opportunities by narrow interpretation of rail infrastructure in section 7, especially Para 7.5 and figure 15.	Railway network and navigational waterways added to figure 15 and text to be added to Para 7.5 to reflect wider infrastructure coverage. <u>Add further text which refers specifically to named railway lines e.g. Wensleydale, Whitby line.</u>

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Page 28	10/2.12	Need map showing designations. Also add more on York which has several national scheduled monuments and extensive conservation areas.	Considered difficult to add all designations to map as it will be too cluttered. Text will be added in Para 2.12 ' The relatively flat and low lying landscape of York allows for views of the Minster and the green wedges and strays form the important character and setting of York. York's status as an Area of Archaeological Importance recognises the value of the Minster, around 2000 listed structures and 2 scheduled ancient monuments, including the city walls, Clifford's Tower and St Mary's Abbey. There is also a very high concentration of scheduled ancient monuments in the National Park'.
Page 27	10/2.10	Para 2.18 Biodiversity in various SSSIs, Ramsars etc	Suggest change to be made to Para 2.10 to refer to River Derwent and Derwent Ings
Page 31	13	Add more background information on York's local policy such as the Climate Change Strategy	Suggest adding an additional paragraph to the local policy section of Chapter 2 (Context) to detail York's Climate Change Strategy and local targets.
Page 40	22/Figure 5	Can't be read clearly in black and white	The plan is colour in electronic version. Will explore further the possibility of adapting plans to be read in black and white for consultation version
Page 40	22/2.60	Makes reference to Selby district - if we are going to refer to districts it would be sensible to show them on all plans	New plan to be included in Chapter 2 where Plan area first mentioned.
Page 55	Page 37	Vision statement needs more emphasis on the climate change imperative of minimising extraction and transportantion by increasing use of recycled and reclaimed materials.	The climate change implications of minerals extraction are dealt with in point viii of the vision and the benefits of minimising transportation are dealt with in point iv. The aim to increase use of recycled and reclaimed materials is covered by point i. <i>Suggest amending viii) to refer to the measures suggested which contribute towards climate change aims. Also amend title of fourth subsection to 'protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change'.</i>

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14-01-14

Page Ref in LPWG Agenda	Page Ref of Annex A	Issue Raised	Suggested Response
Page 56	Page 38	Needs to be paragraph under this section that addresses climate change implications of the proposed volumes of waste to be managed (given on p149) and mineral extraction (not given) to 2030 together with the measures which will minimise CO2 emissions through measures within the Plan. This could be done by expanding para viii (page 56) into a heading in its own right.	Climate change issues fall within all 4 sub-headings of the vision. It is considered that the climate change implications are already catered for in points i,iv and viii. Furthermore amendments are proposed elsewhere in the document to strengthen the references to climate change matters as set out in the schedule of changes, including reference to the York Climate Change Strategy and local targets. <i>Suggest amending viii) to refer to the measures suggested which contribute towards climate change aims. Also amend title of fourth subsection to 'protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change'.</i>
Page 62	44	Add more references to York's Draft Green belt earlier in the document rather than leaving until Chapter 8 (Development Management)	Suggest adding a paragraph to Section 2 (Context) after paragraph 2.25 to reflect the status of York's draft green belt and its importance as a consideration and also a link to Chapter 8 (Development Management). Detailed wording to be agreed with NYCC and NYMPA prior to consultation
Page 67	Page 49	Sand and Gravel. Representation from Minerals Products Association (p428) favours the 2007 figure as representative of long term demand, and the proposed growth levels in City of York in the Local Plan to 2030 would suggest far higher demand than the ten year average suggested in this section. There should be an assessment of the level of demand for sand and gravel that would be created by the proposed 22,000 new homes and other development to 2030 and likely sources of required materials. This would need to be presented as a variation of Option 2 or 3.	The Local Aggregate Assessment and the technical work for the Joint Local Plan has taken into account a range of possible housing growth scenarios over the plan period both in York and throughout the Joint Plan area. The forthcoming review of the LAA will need to address latest position in terms of expected growth both in and around the Plan area to feed into the next stage of the Plan. This will therefore be addressed. <u>Will add this description to text to clarify that the figures used are not simple averages. Reflect in wording that in the future, there may be a shift from traditional building materials.</u>

Page Ref in LPWG Agenda	Page Ref of Annex A	Issue Raised	Suggested Response
Page 68	Page 50	Oppose the suggestion at 5.19 (and Option 5) that marine sand and gravel could help meet demand given the potential impact this has on marine ecology and coastal erosion on the east coast (such as experienced recently in the storm surge) – I wonder if the Marine Aggregates Study considered this at all? Some reference should be made to any work on these aspects of this option.	The study has acknowledged that large volumes of marine aggregate resources are already licenced for extraction and there is an expectation that further licence awards will be made. Increased supply of marine aggregates into the Yorkshire and Humber area may not therefore necessitate the specific grant of new licences. Footnote 8 on page 37 (19) refers to the Marine Management Organisation and additional text will be included in the section referring to the responsibilities of MMO.
Page 72	54/5.28	Add more detail on discussion with other neighbouring authorities in line with Duty to Cooperate	<p>Suggest adding text to background section - new Para 1.11 'Government policy requires, through a formal 'Duty to Cooperate', that local plans are prepared in cooperation with other relevant planning authorities, in order to ensure that issues which may impact on more than one planning authority area are dealt with in a coordinated way. Cooperation is important in planning for minerals and waste development as patterns of supply and demand for minerals, as well as movements of waste between point of arising and places where it is managed, often affect more than one area. To help address this requirement a range of activity is taking place as part of preparation of the Joint Plan. This includes:</p> <ul style="list-style-type: none"> • Coordination of aggregates minerals supply issues through membership of the Yorkshire and Humber Aggregates Working Party and preparation of sub-regional Local Aggregates Assessments; • Consultation with adjacent and other relevant planning authorities on minerals supply and demand issues and movements of waste where evidence suggests that these may be significant; • Representation by one or more of the Joint Plan Authorities on a number of inter-authority working groups, such as the North East Waste Technical Advisory Group. <p>It is expected that this and other activity relevant to the Duty to Cooperate will continue during preparation of the Plan.'</p>
Page 120	102/5.120	Does it need a map showing locations of gas generators for Coal Mine Methane?	All generators will be located at Kellingley. Text will be modified to make this clearer.

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Page 120	Page 102	Coal bed methane. There should be an option which encourages development of facilities for the gas to be used in combined heat and power plants, used to power agricultural and commercial vehicles or fed into gas distribution networks for domestic use so as to replace higher emitting fossil fuels.	The use to be put to any gas extracted might include these various uses and possibly other uses. This is covered by the reference to 'efficient utilisation of the gas produced' in Option 2. <u>Text will be added to reflect the opportunities for using the heat generated through the processes in CHP.</u>
Pages 121-124	Pages 103-106	UCG, CBM and Shale Gas. There needs to be reference to the fact that exploiting these relatively novel techniques for extracting energy from fossil fuels is contrary to the climate change objective of phasing out the burning of fossil fuels and investing in renewable. In the absence of a consistent UK energy policy to reflect this international obligation and legal commitment in the Climate Change Act 2008, there should still be a reference to local policies to limit greenhouse gas emissions and the need for any such extraction to be for a tightly controlled transitional period as other less damaging sources of energy such as renewables come on stream.	Amendments are proposed elsewhere in the document to strengthen the references to climate change matters as set out in the schedule of changes, including references to the York Climate Change Strategy and local targets. See later comments on page 123-124. <u>Add more context to the technologies referred to.</u>

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Pages 121-124	Pages 103-106	In respect of Coal Bed Methane and Shale Gas there needs to be cross referencing to the 'Water Environment' section and specifically the proposed considerations listed in Option 2 on p 220. On p123 options 1 and the (new) option 3 circulated recently should include exclusion of such development close to groundwater protection zones, extraction facilities or anywhere that could create a significant risk of pollution or contamination of drinking water supplies.	<i>Include cross reference at para 5.128 to the water environemnt section in chapter 8. Wording of new option 3 is still to be agreed between the three authorities but consideration can be given to making specific refernce to important aspects of the water environment. <u>Add more explanation into the text - add more context as to why we need to address these types of exploration and explain the limitaions of Government guidance.. Include more reader-friendly wording - explore the production of a summary document for the consultation and a briefing note for Members/Parish Councils.</u></i>
Page 122	104/5.127	Needs map showing as referred to in Para 5.127 showing locations of shale gas resources	Suggest including sentence and link to British Geological Survey plan in a recent report to DECC - can not replicate map due to copyright and scale issues
Page 123	105/5.133	Add third option to direct away from built up areas, ancient monuments, conservation areas etc	Suggest adding third option to approach to any proposals for Coal Bed Methane, Underground Coal Gasification, shale gas and carbon storage development which is as option 1 but only allowing consideration of this type of development away from sensitive areas including built up areas, areas of historic importance and areas of importance for nature conservation

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Pages 123-124	Pages 105-106	<p>Option 2 is extremely weak and unsubstantiated by appropriate justification. Suggest replacing it with:</p> <p>This option recognises the uncertain nature of the impacts and risks involved these technologies and in particular the widespread concern at the environmental impacts of 'fracking' or hydraulic fracturing to extract gas widely experienced in America*. There may be limited locations within the plan area where such technology can be safely applied (if they meet the requirements laid out in option 1) the general presumption in this option is that policies to cut carbon emissions require developers to demonstrate that the estimated energy generating capacity could not be achieved for equivalent investment in renewable energy technologies within the plan area.</p> <p>Justification See para 8.83 on page 228!</p>	<p>The wording of the option and the justification will be reconsidered in conjunction with North Yorkshire CC and North York Moors NPA officers. <i>Add text into justification but requiring developers to look at renewables first would not accord with July 2013 DCLG guidance which says planning authorities should not consider alternatives to oil and gas when determining applications. <u>Add more explanation into the text - add more context as to why we need to address these types of exploration and explain the limitations of Government guidance.. Include more reader-friendly wording - explore the production of a summary document for the consultation and a briefing note for Members/Parish Councils.</u></i></p>
Page 125	107/Figure 13	<p>Map is difficult to read in black and white. Add Kellingley Colliery</p>	<p>Plan is colour in electronic version. Will explore further the possibility of adapting to be read in black and white. Kellingley will be added.</p>
Page 138	120/5.164	<p>Paragraph refers to Gypsum found in parts of Joint Plan area - doe this include the National Park and York? Add map.</p>	<p>Accurate information on the distribution of viable gypsum is not available. Suggest paragraph is edited for clarity. Not adequate information for mapping purposes.</p>
Page 153	Page 135	<p>Waste and the Waste Hierarchy p153 Option 2 needs to be strengthened to refer specifically to promoting local facilities for exchange repair and reuse of surplus goods in preference to recycling, landfill or incineration.</p>	<p>This is covered by the first bullet point i.e. 'managed at the highest practicable level of the hierarchy appropriate to the type/s of waste to be dealt with' as minimisation and reuse are the two highest levels of the waste hierarchy. <i>Will add more clarity to the supporting text e.g. add specific reference to minimisation, reuse and recycling in para 6.19.</i></p>

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Page 155	137/6.26	Text referring to waste movement in and out of an area - does this reflect growth?	The evidence base work undertaken by Urban Vision considers future waste arisings. As part of the duty to cooperate, work will continue, liaising with local authorities and this will be reflected in further drafts.
Page 171	153/6.69	Does the amount of radioactive waste reflect the expected growth on the scientific employment sector?	This will be referred to in the text.
Page 187	169/7.5	What about line up to Leyburn quarry or to the potash mines. ECML far from band of crushed rock	Figure 15 has been amended to show railway lines. Suggest Para 7.5 be amended to refer to specific lines and recognise the potential for using rail for waste and minerals
Page 191	173/7.15	Option 1 - widen rail links to quarries to rail links (including heritage) and former track beds where still intact	Can only safeguard what exists. Not viable to safeguard former track beds etc. Suggest removing 'to quarries' to widen it. Add further text which refers specifically to named railway lines e.g. Wenslydale, Whitby line.
Page 206	188/8.30	Needs to be flagged more prominently and early in document re world heritage sites, scheduled monuments and conservation areas	Suggest Para 2.12 be amended in the Context section to flag early on in the document
Page 210	192/	Add Option 3 - just make an exception for existing facilities on same terms	<p>Suggest adding additional Option 3 'This option would represent an alternative to Option 2 by only providing a more flexible approach to waste development in the Green Belt where the development would be located at existing Green Belt waste management facilities within the Plan area and subject to the other criteria outlined in Option 2.'</p> <p>'Justification This approach would allow continued development at established waste management facilities in the Green Belt, whilst seeking to protect the Green Belt from new 'Greenfield' development.'</p> <p>In association with the above additional Option, revise the current Option 2 (first sentence), to read: 'Allow a more flexible local approach to waste development proposals in the Green Belt, including at both new and existing sites, subject to demonstration</p>

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Page 217	199/8.56-8.58	This section does not have enough detail on York	Suggest new Para 8.58 (to be inserted after 8.57) 'The Vale of York has a flat and low lying landscape with historic views of the Minster tower and Terry's Clock Tower. The draft Green Belt and in particular those areas identified as character areas , such as the strays and green wedges may not be subject to formal designation like a National Park or AONB but they are critical in preserving the historic character and setting of York.'
Page 225	207/8.79	Add in issues of providing bond built up over use of facility to ensure money to pay for at end	Suggest sentence to be added to Para 8.68 referring to the NPPF and bonds.
Page 241	223/8.114	<u>Need to claify whether there is a legal requirement to produce a monitoring report</u>	<u>Whilst there is no requirment to produce one jointly, all local authorities will monitor the Waste and Minerals Plan as part of their annual monitring reports. The wording of para 8.114 will be strengthened to clarify that this will be done in a consistant manner to ensure that all authorities are monitoring the same indicators.</u>

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