

## Notice of a public

### Decision Session - Executive Member for Environment

**To:** Councillor Waller (Executive Member)

**Date:** Monday, 3 December 2018

**Time:** 5.30 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

### AGENDA

#### Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democratic Services by **4:00 pm on Wednesday, 5 December 2018.**

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Thursday, 29 November 2018.**

#### **1. Declarations of Interest**

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he might have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 4)  
To approve and sign the minutes of the Decision Session held on 22 October 2018.

- 3. Public Participation**  
At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Friday, 30 November 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

### **Filming, Recording or Webcasting Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer in advance of the meeting. Contact details are at the foot of this agenda.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

[https://www.york.gov.uk/downloads/file/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809](https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809)

- 4. York 5 Year Flood Plan Update** (Pages 5 - 22)  
This report provides an update regarding progress on the York Five Year Flood Plan since the last update, on 3 September 2018, including details of work carried out by the Environment Agency.

- 5. Health and Safety Interim Report** (Pages 23 - 44)  
This report presents the Interim Report on the work of the Health & Safety (H&S) shared service which operates on behalf of City of York Council (CYC) and North Yorkshire County Council (NYCC), including an update on H&S incidents and the annual review of the CYC H&S Policy.
- 6. Waste Resilience Update** (Pages 45 - 50)  
This report details the steps taken to address the challenges faced by the council's front line waste service over recent months and presents options to increase resilience and improve reliability.
- 7. Update on the York Community Recycling Fund** (Pages 51 - 66)  
This report provides an update on the York Community Recycling Fund and other initiatives to minimise fly tipping.
- 8. Evaluation of the pilot of the Better Decision Making Tool** (Pages 67 - 94)  
This report presents the findings of a review of the Better Decision Making Tool designed as part of the One Planet Council programme, following a six month pilot of the tool, and seeks approval to create a Project Officer post to support officers working on major capital projects.
- 9. Government Consultation on Compulsory Community Pre-application Consultation for Shale Gas Development** (Pages 95 - 188)  
This report asks the Executive Member to note the above consultation and to endorse a proposed response for submission to the relevant government departments prior to the deadline of 7 January 2019.

Note: As this item has been on the Forward Plan for less than 28 days before the meeting, it has been included on the agenda under the council's urgency procedures. The reason for the urgency is the need to meet the government consultation deadline, for which the next scheduled Decision Session would be too late.

## 10. Urgent Business

Any other business which the Executive Member considers urgent under the Local Government Act 1972.

Democracy Officer:

Fiona Young

Telephone No- 01904 552030

Email- fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Environment
Date	22 October 2018
Present	Councillor Waller

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## **22. Declarations of Interest**

The Executive Member confirmed that he had no personal interests not included on the Register of Interests, nor any prejudicial or disclosable pecuniary interests, to declare in the business on the agenda.

## **23. Minutes**

Resolved: That the minutes of the Decision Sessions held on 17 September 2018 and 1 October 2018 be approved and signed by the Executive Member as a correct record.

## **24. Public Participation**

It was reported that two ward members had registered their wish to speak at the meeting in relation to Agenda Item 4 (Minute 25 refers).

Cllr Lars Kramm, member for Micklegate ward, supported the responses recommended in the report but suggested some amendments to stress that permitted rights were not intended for this type of development and to add further conditions and restrictions to the response to question 4. He circulated a written copy of his suggestions at the meeting.

Cllr Danny Myers, member for Clifton ward, welcomed the report and the recommended responses, which he noted were similar to those submitted separately by the Labour Group. He agreed with Cllr Kramm regarding permitted rights, stating that including fracking in the NSIP would be against government policy to decentralise decision making.

Both speakers felt the matter should have been subject to a wider debate. In response, the Executive Member agreed, but noted that the responses could in fact have been approved at chief officer level. They had instead been brought to the Decision Session to enable Members and members of the public to express their views.

## **25. Government Consultations on Permitted Development Rights for Shale Gas Exploration and Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project (NSIP) Regime**

The Executive Member considered a report which provided information on the above consultations relating to shale gas and sought approval for a suggested response from the council.

The consultations had been published on 19 July 2018 by the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy respectively. Essentially, they sought views on whether shale gas exploration should be treated as permitted development and on the criteria required to include shale gas production projects in the NSIP regime, reflecting the government's Written Ministerial Statement on Energy Policy published on 17 May 2018. The consultations were running in parallel with finalisation of the Minerals and Waste Joint Plan (MWJP) for North Yorkshire, York and the National Park, as detailed in paragraph 7 of the report. Officers at the meeting provided an update on the current progress of the MWJP.

Suggested responses to the seven questions in the Permitted Rights consultation and the six questions in the NSIP consultation were set out in paragraphs 20-53 and 54-61 of the report respectively. These reflected officers' views that there was insufficient public interest justification for introducing the proposed new permitted development right, or for bringing shale gas projects within the scope of the NSIP regime. The responses also sought protection for the historic character and setting of York, and a requirement for prior approval of a number of matters (listed in paragraph 44), should the government introduce the new right.

- Resolved:
- (i) That the government consultations on:
    - a) permitted development rights for shale gas exploration and
    - b) inclusion of shale gas production projects in the NSIP regimebe noted.
  
  - (iii) That, subject to the addition of *'density of well pads'* to the list of matters requiring prior approval in paragraph 44, the views set out in the 'Suggested Authority Response' sections of the report be endorsed and approved for submission to the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy, as relevant.

Reason: To allow officers to respond to the government consultations prior to the deadline of 25 October 2018.

Cllr A Waller, Executive Member  
[The meeting started at 1.00 pm and finished at 1.30 pm].

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Executive Member for Environment Decision  
Session

**3 December 2018**

Report of the Director of Economy & Place

## **York 5 Year Flood Plan Update**

### **Summary**

1. The flooding in late December 2015 followed an intense period of rainfall across November and December due to the impacts of Storms Desmond and Eva. Record river levels were observed in many river catchments across the north of England. More than 4000 homes and 2000 businesses flooded across Yorkshire with 453 properties and 174 businesses flooded in York.
2. Funding has been allocated to the Environment Agency (EA) following the floods to renew existing and provide new flood defences across the city, £17m has been allocated to the Foss Barrier improvements and £45m to the wider flood defences across the city.
3. An update on progress has been supplied by the EA, this can be seen in Annex 1.

### **Recommendations**

4. The Executive Member for the Environment is asked to note the updated report and the evidence presented by the Environment Agency in the session, feedback is sought from the Executive Member on all content.

### **Background**

5. Following the development and publication of the York Five Year Plan (<https://www.gov.uk/government/publications/york-5-year-flood-plan>) the EA have developed the Defra Strategic Outline Business Case and financial approvals have been sought and obtained from Defra. Detailed businesses cases are being developed for 19 flood cells across the city.

6. The Environment Agency continue to work closely with City of York Council on all aspects of the York Five Year Plan, an update has been provided by the EA at Annex 1.

### **Consultation**

7. Public consultation on the York Five Year Plan continues through a range of flood cells, this is detailed in the update in Annex1 along with the programme of future consultation events.

### **Options**

8. The principal options open to the Executive Member for Environment are to comment on and review the work undertaken to date, the future work identified and the representations made by the Environment Agency.

### **Analysis**

9. Ongoing liaison will continue between the Executive Member for Environment and the CYC Flood Risk Manager, future briefings to the Executive Member for Environment Decision Session will be made to ensure key outputs and decisions are supported by CYC and to provide formal opportunities for members and the public to consult. Further recommendations will be made for agreement at these sessions.

### **Council Plan**

10. Improved provision of flood defences supports a prosperous city for all through safer communities for residents, businesses and visitors, a wide range of consultation events will ensure this is in line with the needs and expectations of local communities.

### **Implications**

11. **Financial** – Funding is allocated directly to the EA, the additional funding of £45M is available to be directed towards key flood risk projects in the city in the short term. The extent of required works may require wider funding and Defra funding bids will be developed. There are likely to be contribution requirements as part of this wider work.
12. **Property** – The Site Investigation programme will include sites under CYC ownership and/or control, consultation will be carried out with Estates teams and all relevant agreements will be put in place.

- 13. Human Resources (HR) – No implications
- One Planet Council/Equalities – No implications
- Legal – No implications
- Crime and Disorder – No implications
- Information Technology (IT) – No implication

**Risk Management**

- 14. No known risks are identified at this time, detailed risk management work will be developed as the business case and detailed design works commence.

**Contact Details**

**Author:**

**Steve Wragg**  
**Flood Risk Manager**  
**Highways**  
01904 553401

**Chief Officer Responsible for the report:**

**Neil Ferris**  
**Director of Economy & Place**

**Report**  **Date** 22/11/18  
**Approved**

**Wards Affected:** List wards or tick box to indicate all **All**

**For further information please contact the author of the report**

**Background Papers: None**

**Annexes: Annex 1 York 5 Year Flood Plan Update Dec18**

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## Update for December's Executive Decision Session

This is an update of the progression made over the last three months on the flood alleviation work in York. In this update we have provided:

- Summary of city wide flood alleviation activities
- Update on each flood cell
- Engagement plan for the next few months

## Summary of city wide flood alleviation activities

### Process

Ground investigations are now complete for the majority of locations, with the exception of B8 (Clementhorpe) where further site investigations and required to confirm ground and structural conditions.

Outline Business Cases have been submitted for all flood cells listed in the update below.

### Foss Barrier

Our business case has been approved for additional work at the Foss Barrier site. This increases our financial approval by £9.245m, taking the project approved funding to £28.645m. This additional work is to upgrade the barrier and its structure. This was not part of the original project, which focused on the pumping station. This means that we will be on site for longer with a forecast completion of December 2019.

The complex work on the pumping station continues and is now forecast to be completed by March 2019. The site continues to be fully operational.

### Engagement activity

We continue to engage across York.

- The Hub provides residents with a central location where they can come to ask questions about our work, view plans, and provide feedback. The opening times are 10:00 to 16:00 on Monday, Wednesday and Thursday each week.
- Local Community Drop-in events held for Huntington residents on Sep 20<sup>th</sup>, South Bank residents on Sep 24<sup>th</sup>, Earlsborough Terrace on Wednesday the 14<sup>th</sup> November and another planned for the Clifton and Rawcliffe community on Monday 3<sup>rd</sup> December.
- Our quarterly newsletter, next due by the end of November 2018.
- Citizen Space – an online portal that allows residents to view all engagement material and provide feedback. (<https://consult.environment-agency.gov.uk/yorkshire/yorkfas/>) continues to be updated with information, with details regarding Clifton Ings due to be uploaded before drop-in session on the 3<sup>rd</sup> December.

Our area (flood cell) specific engagement continues and is outlined in the next section. Our engagement plan for the next few months is also included as part of this document.

## Update on progress of each flood cell

This section provides an update on each of the areas (flood cells) being taken forward as part of York Flood Alleviation Scheme.

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Flood Cell	Detail	Current/Next Activity
B16 - New Walk	<p>In September we held our first Flood Resilience Roadshow. This allowed us to showcase Property Flood Resilience (PFR) products to residents in the flood cell. Feedback from the event was good and we hope to run a similar event next year.</p> <p>We have written to all residents in the area to confirm whether they would like to be part of our Property Flood Resilience scheme.</p> <p>The PFR framework is now in place. We are currently reviewing the process to enable a realistic programme to be developed.</p>	<ul style="list-style-type: none"> <li>• Dec-Procurement of a PFR supplier from the new framework.</li> <li>• March/April-surveyor appointed</li> <li>• April/May-product selection</li> <li>• May/June- Commence PFR installation and handover</li> </ul>
B8 - Clementhorpe and South Bank	<p><b>We have split the area into two – Clementhorpe (between Skeldergate Bridge and Rowtree Park) and South Bank (Rowtree Park to St Chads Wharf).</b></p> <p><u>Clementhorpe</u></p> <p>A newsletter has been sent to all residents in the area updating them on our programme of works in the area. Over the next three months (Nov-Jan) we will be carrying out further site investigations to confirm ground and structural conditions. This follows on from previous investigations that came back inconclusive.</p> <p>Significant engagement has taken place with residents of riverside properties. Concerns have been raised regarding the structural integrity of the existing buildings. Our investigations over the next few months will provide us with the information required to determine the potential to use the existing buildings as flood defences or whether new structures are required. Initial discussions have taken place in relation to scheme design with resident design groups being set up for those living in riverside buildings.</p>	<p><u>Clementhorpe</u></p> <ul style="list-style-type: none"> <li>• Planning application for Clementhorpe Barrier proposed submission in February 2019. Community engagement to take place prior to submission – expected early February.</li> <li>• Wider scheme initial detailed design engagement expected in March 2019, following feedback from planned site investigations.</li> <li>• Final scheme design engagement expected May with planning programmed for submission in June.</li> </ul>



	<p><u>South Bank</u></p> <p>We have written to all residents in the area to confirm whether they would like to be part of our Property Flood Resilience scheme.</p> <p>The PFR framework is now in place. We are currently reviewing the process to enable a realistic programme to be developed.</p>	<p><u>South Bank</u></p> <ul style="list-style-type: none"> <li>• Dec – Continue engaging with residents to ensure all eligible properties have been identified</li> <li>• Dec- Procurement of a PFR supplier from the new framework.</li> <li>• March/April-surveyor appointed and individual property surveys carried out</li> </ul>
<p>B4 - Scarborough to Ouse Bridge (Right Bank)</p>	<p>Ground Investigations have been completed.</p> <p>Following engagement with members of the public earlier in the year and ongoing engagement with CYC and Historic England we have produced detailed designs for the flood defences in this area.</p> <p>For the new proposed flood defences behind Memorial Gardens we have submitted planning proposals to CYC Planning. For the other proposed flood defences in the area we are progressing these under the Town and County Planning (General Permitted Development) Order 2015. Following the Decision Session – Executive Member for Environment meeting on 4 June the EA submitted a paper on our proposed approach to planning. A copy of the paper can be found on the CYC website via this link - <a href="http://democracy.york.gov.uk/documents/s124583/York%20FAS%20-%20Planning%20Approach%20Briefing%20Note%20CD.pdf">http://democracy.york.gov.uk/documents/s124583/York%20FAS%20-%20Planning%20Approach%20Briefing%20Note%20CD.pdf</a></p> <p>Our web page for this location is now live: <a href="https://consult.environment-agency.gov.uk/yorkshire/scarboroughbridgetoousebridgerightbank/">https://consult.environment-agency.gov.uk/yorkshire/scarboroughbridgetoousebridgerightbank/</a></p>	<ul style="list-style-type: none"> <li>• Planning will be submitted by the end of November 2018</li> <li>• Over the next 2 months the focus will be on agreeing the commercial contracts and plans for the construction phase</li> <li>• In early 2019 we will be in a position to engage with the public on the construction plans and approach for the area</li> <li>• The current planned start date for construction is Mar 2019. The first phase on construction works will take place along Wellington Row/North Street.</li> </ul>
<p>F9 - South Beck</p>	<p>We have undertaken detailed modelling assessments of the flood risk for the South Beck flood cell and these have informed potential flood intervention options for the cell.</p>	<ul style="list-style-type: none"> <li>• Review of options to assess the viability of implementing a scheme for this area</li> <li>• Engagement with the local community on proposals in Spring 2019.</li> </ul>
<p>B9 - Fulford</p>	<p>We are working closely with CYC to develop an effective solution to the issues in Fulford. Ground investigations have completed to inform the viability of works.</p>	<ul style="list-style-type: none"> <li>• Discussions and agreement with CYC on taking forward a holistic approach to the cell, including works to Fordlands Road. Current assumption is that CYC will now lead on delivery and funding of a potential solution.</li> </ul>

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		<ul style="list-style-type: none"> <li>Engagement with the local community on proposals in spring 2019.</li> </ul>
F4 - Tang Hall Beck	From our modelling and experience from recent floods we have undertaken initial assessments of the risk of flooding to properties in the area and have identified an initial number of options (flood embankments and walls) which will be assessed further and then consulted on with members of the public.	<ul style="list-style-type: none"> <li>Nov 2018 detailed assessment of options completed</li> <li>Engagement with the local community on proposals in early 2019.</li> </ul>
F5 - Osbaldwick Beck	From our modelling and experience from recent floods we have undertaken initial assessments of the risk of flooding to properties in the area and have identified an initial number of options (flood embankments and walls) which will be assessed further and then consulted on with members of the public.	<ul style="list-style-type: none"> <li>Nov 2018 detailed assessment of options completed</li> <li>Engagement with the local community on proposals in early 2019.</li> </ul>
F8 - Groves to Haley's Terrace F10 - Haley's Terrace to Link Road F11 - Link Road to Ring Road	<p>Following the upgrade to the Foss Barrier we are investigating additional flood defence options for this area. This includes investigating the opportunity to develop a flood storage upstream of the city to reduce flood flows. If the flood storage option was taken forward it has the potential to reduce the risk of flooding to properties in cells F8/10/11. A storage option may also reduce the requirement for additional walls and embankments in these cells.</p> <p>Ongoing discussions have been taking place with the landowners in the location of the proposed flood storage area and we have commenced ground investigations at the location.</p> <p>Held numerous public events in Sept where the proposal for FSA was presented. These were well attended and the option for a FSA was very well received.</p>	<ul style="list-style-type: none"> <li>Continuing discussions with landowners on the design and compensation aspects of the scheme. Worked has now commenced on the detailed design of the Flood Storage Area (FSA).</li> </ul>
F12 - Westfield Beck	Our records show there is a risk of flooding to properties in this area. We will be investigating this risk in more detail and looking at potential flood defence options to mitigate the impact of the risk flooding. We will be engaging with local residents before any proposals are taken forward.	<ul style="list-style-type: none"> <li>Review of options to assess the viability of implementing a scheme for this area</li> <li>Engagement with the local community on approach/next steps in early 2019.</li> </ul>
B11 - Coppins Farm to Scarborough	<p>This flood cell covers a wide area with a range of different issues. There are a number of existing defences which will need to be raised in order to continue protecting homes and businesses into the future.</p> <p>Following the assessment of the flood risk and flood intervention options</p>	<ul style="list-style-type: none"> <li>Jul – Nov 2018 detailed design activities will be taking place</li> <li>As part of the process of detailed design there will be ongoing engagement with the residents of Almerly</li> </ul>

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<p>Bridge (Left Bank)</p>	<p>there have been engagement events with a number of stakeholder groups, including Almerly Terrace and St Peters School.</p> <p>We held a public engagement event on 20 June at the Hub on Wellington Row, presenting the options and proposals for the area. The proposals have been on display at the Hub from this date for members of the public to view and comment on. We also attended two CYC Ward meetings in the area to present and discuss the options.</p> <p>Detailed discussions have been had with St Peters school on the embankment alignment and location around their boat house.</p> <p>Our web page for this location is now live: <a href="https://consult.environment-agency.gov.uk/yorkshire/yorkfascoppinsfarmtoscarboroughbridge/">https://consult.environment-agency.gov.uk/yorkshire/yorkfascoppinsfarmtoscarboroughbridge/</a></p>	<p>Terrace and St Peters School on the design proposals and the alignment of the embankment.</p>
<p>B12 - Scarborough Bridge to Lendal Bridge (Left Bank)</p>	<p>A significant area of this flood cell falls within the historic city centre and therefore any scheme needs to have the support of heritage bodies. We are keen to ensure this support before shortlisting options.</p> <p>Museum Gardens Trust and English Heritage having consider the options for flood defences in Museum Gardens have confirmed that raising and extending the existing embankment is acceptable option to them.</p> <p>CYC Conservation architect has confirmed that glass panels is an acceptable solution for raising the flood defence wall in front of Earlsborough Terrace (&amp; Almerly Terrace)</p>	<ul style="list-style-type: none"> <li>• Next steps activities include detailed design and further engagement activities.</li> </ul>
<p>B15 - King's Staith to Skeldergate Bridge</p>	<p>As was highlighted in the publication of the 5 Year Plan, providing protection at King's Staith to the same level as elsewhere in the city would not be acceptable. We are assessing the optimum size of any defence in this location to provide additional protection without negatively impacting the riverside amenity and neighbouring businesses. Due to government spending rules around cost benefit, this scheme may require additional funding support.</p> <p>Ground investigations have been carried out to inform the viability of works.</p>	<ul style="list-style-type: none"> <li>• Through ongoing engagement seeking alignment on assumptions with Castle Gateway project</li> <li>• Consult with CYC on taking forward a potential Property Flood Resilience flood defence option for the properties at risk upstream of Lower Friargate and potentially wider throughout this flood cell.</li> <li>• Further information should be available in Spring 2019.</li> </ul>
<p>B7 - Queen's Staith and</p>	<p>There is potential to reduce flooding by installing floodwalls/gates between existing buildings on Skeldergate. This is dependent upon structural integrity</p>	<ul style="list-style-type: none"> <li>• A key issue for this cell is that an important YW drainage network runs along Skeldergate. YW need to consider</li> </ul>



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Skeldergate	and ground conditions which are currently under assessment. Until the outcome of this we cannot provide more detailed options. Ground investigations have been carried out to inform the viability of works.	the operation and impacts that flood defences would have on their network. YW have undertaken to provide analysis of the operation/impacts by Dec 2018/Jan 2019.
B10 - Clifton & Rawcliffe	Central to this area are the upgrade to the embankment at Clifton Ings and the formalisation of pumping arrangements for Blue Beck. We have now identified the technically feasible options for these assets and have commenced engagement with key stakeholders in this sensitive area.	<ul style="list-style-type: none"> <li>• Submission of Environmental Impact Assessment and planning expected to be in Dec 2018.</li> <li>• Discussion with key stakeholders is ongoing.</li> <li>• There is a public engagement event on Monday 3 Dec, where the proposals for this cell will be on display and the opportunity for the public to discuss the proposal with the project team.</li> </ul>
C1 - Bishopthorpe	Records from recent flood events and our modelling shows the risk from flooding is greatest along a stretch of Bishopthorpe Road and Main Street/Chantry Lane. <ul style="list-style-type: none"> <li>• We have identified potential flood defence options for this area and are currently undertaking a detailed assessment.</li> <li>• Oct 2018 detailed assessment of options completed. Final design option to be determined post stakeholder engagement.</li> </ul>	<ul style="list-style-type: none"> <li>• Engagement with the local community and church on proposals planned for Dec 2018.</li> <li>• Engagement with Yorkshire Water required to determine access and maintenance of a penstock (YK asset). This is a key component of the scheme design.</li> </ul>
C2 - Acaster Malbis	Due to flood flow routes in the area, developing a formal flood defence scheme would be extremely difficult. We envisage offering property flood resilience options for affected properties.	<ul style="list-style-type: none"> <li>• Engagement with the local community on proposals in the spring 2019.</li> </ul>
C3 - Naburn	We have been working closely with Naburn Flood Group for a number of years to tackle the various causes of flooding to the village. A detailed modelling study commissioned prior to the 2015 floods has provided clarity on the scale of risk and the interventions needed to reduce this. <ul style="list-style-type: none"> <li>• We have had further engagement with the Naburn Flood Group to update them on the modelling work that has been undertaken and to discuss the likely scale and scope of flood intervention options. Ground investigations have been carried out to inform the viability of works.</li> <li>• We have completed an assessment of potential viable flood defence</li> </ul>	<ul style="list-style-type: none"> <li>• In Dec 2018 we will be meeting with the community of Naburn on the outcome of our assessments.</li> <li>• Analysis of benefit cost ratio and scheme design will continue.</li> </ul>



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options for Naburn. At present, we are working to establish a favourable cost benefit assessment that would enable the project to progress. Partnership funding opportunities need to be explored.

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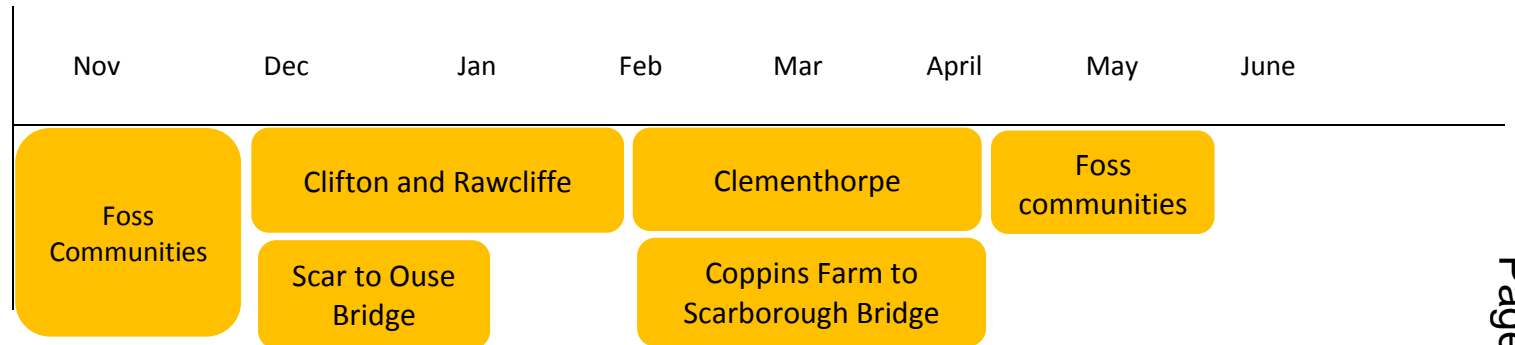
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# York FAS Six Month Engagement Programme

This is a dynamic engagement plan for the York Flood Alleviation Scheme. Please note that specified dates and time periods are subject to change as the scheme progresses. Alongside cell-specific engagement activities, we will also be engaging via a quarterly newsletter (green) and by providing information at our Community Flood Hub which is situated on Wellington Row and open 10am to 4pm Mon, Wed and Thurs (yellow).

## Hub displays



## Planned activities

December		
Newsletter sent out to mailing list, available at the Hub and on Citizen Space		
Mention of the York FAS in 'Our City' newsletter		
Scarborough Bridge to Ouse Bridge	Early Dec	Proposals submitted to CYC for planning approval and planning documents available at the Hub
Clementhorpe		Continued engagement with residents of properties eligible for property flood resilience measures
South Bank		Continue engaging with residents to ensure all eligible properties have been identified
Clifton and Rawcliffe		Proposals on display at the Hub



	3 Dec	Public drop-in event at York Sports Club from 2pm to 7pm on Monday 3 December. All information provided on the day will be available on Citizen Space and at the Hub following the event.
	TBC	York FAS Advisory Group Meeting
Bishopthorpe	TBC	Engagement with the local community and church on proposals.
Naburn	TBC	Meeting with the community on the outcome of our assessments.
<b>January</b>		
Clifton and Rawcliffe		Proposals on display at the Hub and planning documents made available
<b>February</b>		
Clementhorpe		Engagement with residents on proposals prior to submission to CYC for planning approval. Planning documents to be displayed at the Hub
Coppins Farm to Scarborough Bridge		Engagement with residents on proposals prior to submission to CYC for planning approval. Planning documents to be displayed at the Hub
Scarborough to Ouse Bridge (Right Bank)	TBC	Public engagement on the construction plans and approach for the future.
Westfield Beck	TBC	Engagement with the local community on approach/next steps.
<b>March</b>		
Newsletter sent out to mailing list, available at the Hub and on Citizen Space		
	TBC	York FAS Advisory Group Meeting
Tang Hall Beck	TBC	Engagement with the local community on proposals.
Osbalwick	TBC	Engagement with the local community on proposals.
Clementhorpe	TBC	Wider scheme initial detailed design engagement.
<b>April</b>		
<b>CYC Election period begins – engagement limited</b>		
Ancaster Malbis	TBC	Engagement with the local community on proposals.
South Beck	TBC	Engagement with the local community on proposals.
Fulford	TBC	Engagement with the local community on proposals.

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@YorkFAS

yorkfloodplan@ea.gov.uk

May		
CYC election period begins – engagement limited		
The Foss Communities		Planning documents available at the Hub

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 @YorkFAS  
 yorkfloodplan@ea.gov.uk

# Keeping you informed: Clementhorpe



November 2018

**The aim of this publication is to update residents on the development of proposals to reduce the risk of flooding in the area.**

## Current proposal

In November 2017 we published our proposed work for the Clementhorpe area, including the formalisation of a temporary barrier on Clementhorpe. This proposal, shown in figure 1, includes:

- Raising existing walls along Postern Close by up to 60cm and the construction of a new 1.5m high flood defence wall between the Postern Close buildings;
- A new demountable defence/floodgate up to 2m high across the end of Clementhorpe;
- Flood proofing of Waterfront House;
- Additional step between Waterfront House and Dukes Wharf;
- Flood proofing and raising of the private road level at Duke's Wharf;
- A new flood wall in Duke's Wharf up to 70cm high to tie in to the newly raised road level and the newly constructed flood wall at Roomzzz;
- Increase of height to existing flood defences in the Caravan Park which will meet high ground at the North East end of Rowntree Park.

## What we have done so far

Over the last year we have been working closely with our consultants, Jacobs, and local residents to further develop the potential scheme for Clementhorpe. A significant amount of work has been carried out behind the scenes for the whole city to ensure city-wide proposals being developed are technically sound and use our allocated funding for the city in the best way.

### Study of the sewer network

Yorkshire Water have completed a review of their assets against our initial proposals to understand

whether there are any risks to the sewer network. This has concluded that there may be a requirement for pumping on the network during periods of high river levels and localised rainfall. Pumping will be required over the temporary barrier on Clementhorpe and on Lower Darnborough Street. A copy of a non-technical summary report is available upon request.

### Site Surveys

We carried out our first phase of Site Investigations in May 2018 on Clementhorpe Road to understand the ground conditions. This produced some unexpected results as the seepage assessment did not represent issues seen for the previous Aquabarrier. As a result, we are carrying our further investigations over the next three months, see 'Next steps'.

We have also completed a range of environmental and noise surveys to inform design works and for our future planning application.

### Structural analysis

Our existing proposal involves using existing riverside properties as formal flood protection. Discussions with residents and specific management companies has identified concerns regarding the construction of these buildings and their long term ability to hold water back. In response we have carried out visual structural inspections of these buildings and will be carrying out more intrusive structural investigations over the next three months, see 'Next steps'.

### Learning from others

We have learnt from a Northwich flood protection scheme that uses high demountable barriers, to understand how the barriers work and are operated. We have been in contact with product suppliers to determine the best options for a barrier on Clementhorpe. We have also been in discussions with City of York Council about the operation of the asset and future emergency response activities.

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yorkfloodplan@ea.gov.uk

### Understanding the impact of our works

We have been allocated £45M to better protect properties within York. In doing so we will increase the height of some existing defences and potentially provide new measures to currently undefended areas, such as Clementhorpe. It is important that we understand the impact this will have on water levels locally and downstream. We have completed our modelling work and the findings will feed into our Flood Risk Assessment, submitted as part of our planning application.

### Detailed design

To aid the detailed design of our proposed scheme, we have engaged with City of York Council and residents of the riverside properties to further understand their flood risk and initial thoughts on our proposal and any planning restrictions such as the Conservation Area status. Detailed design is ongoing and will be updated following the results of further site investigations to confirm structural suitability and ability to raise existing walls.

### Community emergency plan

City of York Council Emergency Planning Team have been supporting the development of a Community Emergency Plan. Clementhorpe Emergency Committee has been set up by residents to look at how the community can respond and support each other during a flooding incident.

### Information online

Our web page contains the most up to date information on the proposed scheme for Clementhorpe. This web page (link below) will be updated with our updates and engagement.

York FAS website: <https://consult.environment-agency.gov.uk/yorkshire/yorkfas/>

### Next steps

#### Structural Site investigations

Over the next few months we will be carrying out further site investigations. These are required to ensure that we construct a sound line of protection

without compromising the structure of existing buildings in the area.

- Nov/Dec: Investigations will take place along Postern Close, Clementhorpe Road, Waterfront House and Dukes Wharf.
- January: Road closure will be required on Clementhorpe and Terry Street to enable us to gather further information from Clementhorpe and Terry Street. Works also in the Caravan Park.

The results will be used to complete the detailed design of our potential scheme.

### Parking suspensions

On 10<sup>th</sup> and 11<sup>th</sup> December a parking suspension will be in place at the bottom of Clementhorpe. This is to allow us to complete our investigations. This work is being completed on our behalf by Allied Exploration and Geotechnics Limited (AEG).



### Call for comments

To ensure we develop an effective engagement strategy, we would be interested to hear your views on the following:

1. What is the best way to engage with residents in your area?
2. Do you use social media to keep up to date with flood risk issues in York?
3. What existing engagement is used within your area that we could use for the purpose of this project?
4. Would you like to receive information via our electronic mailing list?

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## Staying in touch

We are keen to remain in touch with all residents directly or indirectly affected by flooding within the Clementhorpe area. There are a number of ways to contact us:



[yorkfloodplan@environment-agency.gov.uk](mailto:yorkfloodplan@environment-agency.gov.uk)



Wellington Row, York YO1 6FZ  
Open: Mon | Wed | Thurs 10-4

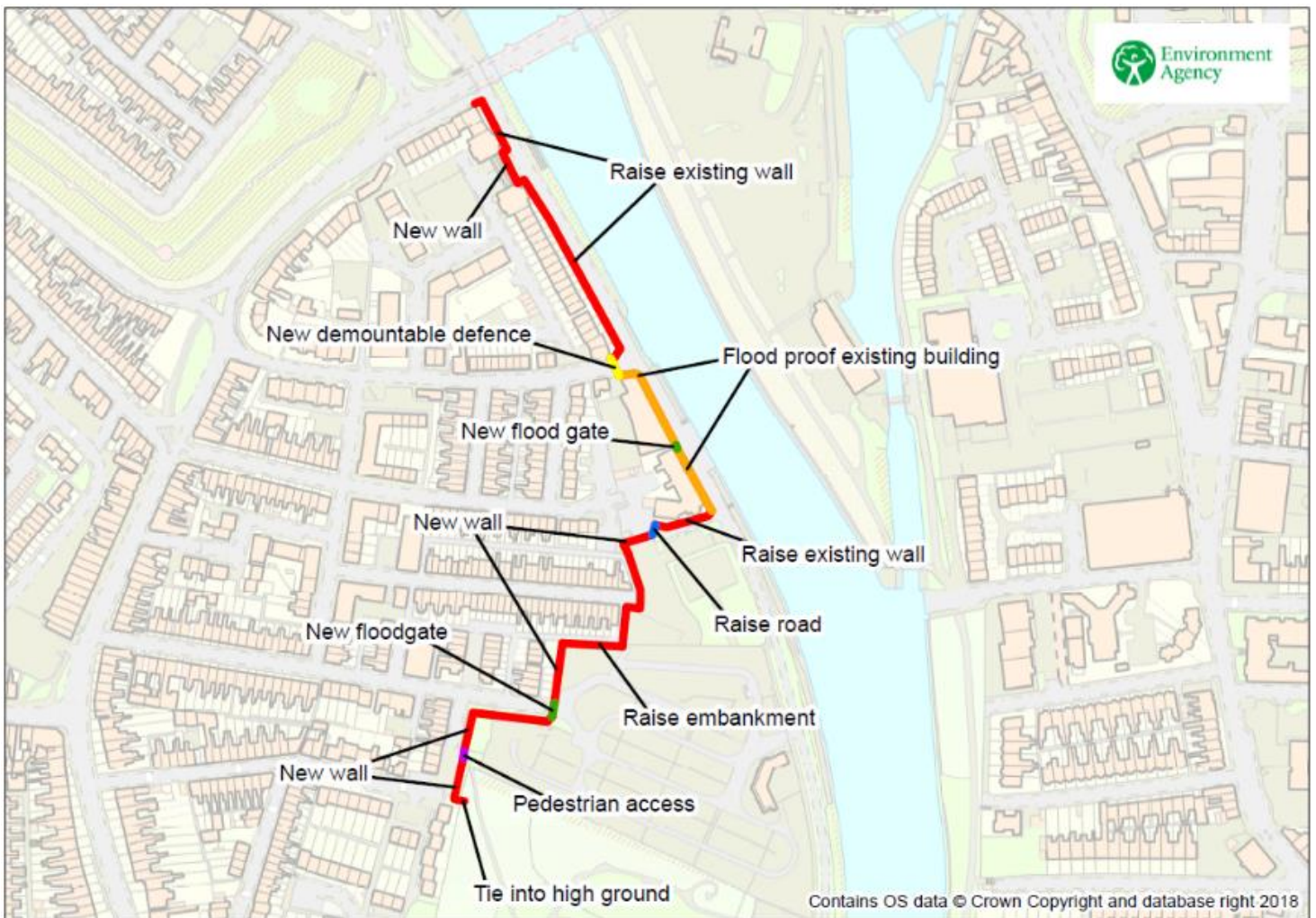


@YorkFAS



York Flood Alleviation Scheme,  
Environment Agency, Foss  
House, 1-2 Peasholme Green,  
Kingspool, York YO1 7PX

### Figure 1: Current proposed works



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@YorkFAS



[yorkfloodplan@ea.gov.uk](mailto:yorkfloodplan@ea.gov.uk)

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**Executive Member for the Environment**

3 December 2018

Report of Assistant Director, Customer &amp; Digital Services

**Health & Safety Interim Report 2018/19****Summary**

1. This report presents the Interim Report relating to the work of the Health & Safety (H&S) shared service which operates on behalf of City of York Council (CYC) and North Yorkshire County Council (NYCC) and under a partnership agreement.
2. The Interim Report also provides an update on H&S incidents and the annual review of the City of York Council H&S Policy. The policy statement (see Annex A1 and A2) now recognises that there are major schemes planned across the city including close partnership working with other organisations. The policy has also been revised to recognise the council's ongoing commitment to protecting staff from verbal and violent aggressive behaviour.
3. The report will assist the Executive Member in proactively monitoring the overall systems and management of health and safety across the council.

**Recommendations**

4. The Executive Member is asked to:
  - a) note the Interim Report including the work of the Shared H&S Service;
  - b) note the ongoing work to refresh the arrangements relating to the Safety Advisory Group (SAG), and agree a report back to Executive on the work with partner agencies to clarify roles and ensure the work of the SAG is well supported and following best practice;
  - c) endorse the Corporate Health and Safety Policy noting that the previously supported position that verbal and aggressive behaviour towards council staff and contractors working on the council's behalf, will not be tolerated, is now included within the Statement of Intent; and
  - d) consider any areas of H&S risk management for further reporting at future decision sessions.

*Reason: To ensure the Executive Member and residents are assured that H&S services are resilient and the council has proper arrangements in place for managing and responding to H&S risks.*

## **Background**

5. At the Executive Member for the Environment's Decision Session meeting on 2nd July 2018 the Annual Health and Safety performance report for the financial year 2017/18 there was a commitment to provide an interim report during the year 2018/19. This report would cover progress against the key priorities identified in the annual report, other performance issues and any emerging risks – performance activity of the service will be reported in the Annual Report in more detail.
6. In terms of ongoing performance the Assistant Director acting as H&S client meets with the Joint Head of Health & Safety on a fortnightly basis to discuss progress, incidents and resources. The Head of Service also reports to Corporate Management Team and to the Shared Service Client Officer Group on a quarterly basis. The opinion of the Assistant Director is that the service is operating effectively and as laid down in the published service level agreement which can be found at :

[https://www.york.gov.uk/downloads/file/13454/shared\\_service\\_agreement](https://www.york.gov.uk/downloads/file/13454/shared_service_agreement)

## **Progress against Key Priorities**

7. In the Annual Report the key projects for the coming year included the joint procurement of a comprehensive health and safety reporting and management system for CYC and NYCC councils. This system is to include accident/incident reporting, risk assessment, audit and inspection and activity reporting. This is intended to help bring a number of disparate H&S processes into one solution. This will be rolled out not only to both councils but schools and other clients buying into the service. A system has now been procured following an open tender exercise led by NYCC but involving both councils in the specification and approval processes. A comprehensive roll out plan is being developed with implementation planned during 2019/20. In the mean time CYC's current incident reporting system will be supported and remain in operation until the new system is ready to launch.
8. The 2017/18 Annual Report also identified that there would be a continued focus on Construction, Design and Management (CDM) and associated construction related activities. As such specific health and safety resource is now embedded with Building Services to directly support the service. In addition to CDM support and site visits, the officer supporting this team is currently providing briefing sessions (which take the form of enhanced Tool

Box Talks) to those delivering construction services. This is a significant area of work with support being provided on over 21 major projects, 19 Building Services schemes and 42 Property Services projects.

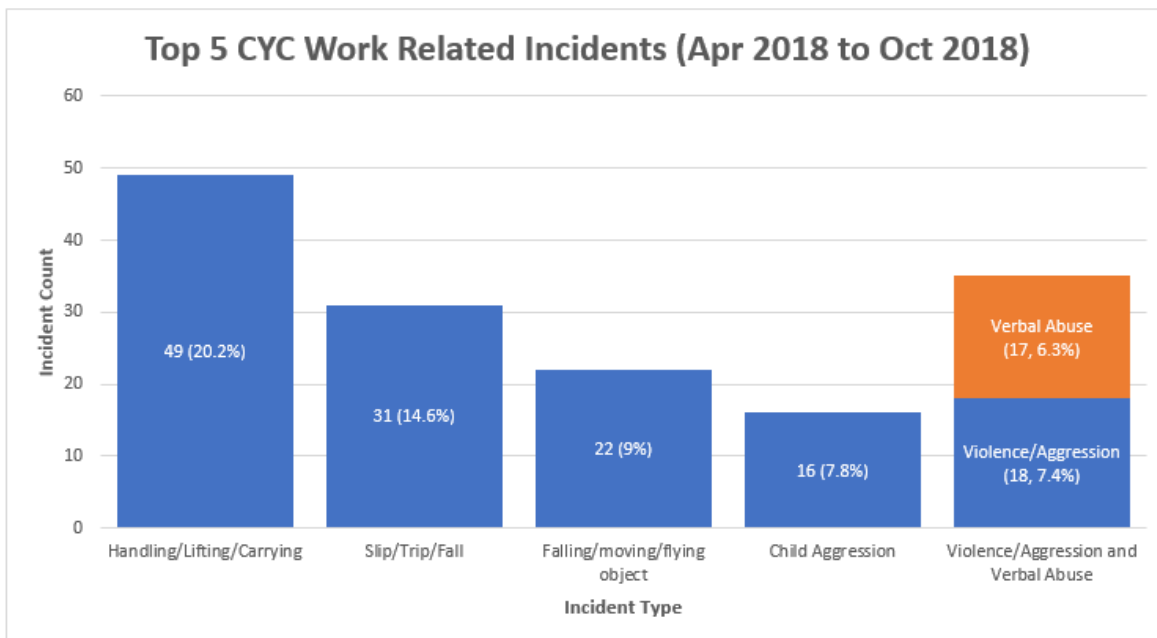
9. Other members of the team are providing support to the Property and Asset Management Teams to support the consideration of health and safety risks at an early design stage to mitigate those risks when the projects go live. This includes undertaking site advisory visits, unannounced and announced inspections and talking to construction staff on site.
10. In light of the number of public events held across the city and to address recommendations by internal audit on the operation of the Safety Advisory Group (SAG) the operation of this group has been reviewed. A Safety Advisory Group is a non statutory group made up of partner agencies which provide category 1 response, as defined by the Civil Contingencies Act, in an emergency. This group considers applications from event organisers and considers whether enough planning has been put in place to ensure the event can go ahead safely. This group is operated by the Planning and Public Protection Service which is putting refreshed arrangements in place with additional plans to work with partner agencies to ensure the work of the SAG well supported and following best practice.
11. Asbestos management arrangements have been revised and updated, and related training is currently being rolled out across the council. This is to be followed by water hygiene (which includes the risks from legionella) and a further project on substance misuse. In both of these cases the revised arrangements have been agreed in consultation with services and Trade Union colleagues and training is planned to be delivered during the rest of this financial year.
12. The risk from fire continues to be a key priority and the team continues to undertake significant work to mitigate this risk particularly in relation to property with local and national historic significance, The Team is working with national specialists to consider if the actions the council has taken are appropriate whilst remaining proportionate to the risk. This work is in addition to undertaking more routine fire risk assessments(FRAs). For example FRAs have been undertaken in 10 Independent Living Schemes, 14 childrens and youth facilities, 8 public realm buildings and a number of specialist facilities.
13. In Housing the backlog of fire risk assessments (FRAs) was completed by April 2018. Ongoing work includes:
  - the team is working through a scheduled programme of FRAs in line with the policy of annual assessments for sheltered and hostel accommodation, and 3 yearly ones for blocks of flats. Any remedial

works required as a result of the assessments are carried out where necessary. Building Services have also taken on the FRAs for the properties leased to ‘changing lives’ and the subsequent work required;

- smoke alarms are now routinely tested by gas engineers when carrying out gas servicing. If engineers find that there are no smoke alarms present in a property an order is placed with the council’s electrical teams to fit them;
- by April 2019 staff teams will have completed training on the fire policy and will have a clear understanding of their roles and responsibilities.

14. Schools have a difficult task in balancing risk and education priorities, for example the recent email threats which have resulted in school closures in some areas and risk managed approaches in others. As such a schools health and safety conference took place in July 2018 and included a health and safety training session for headteachers. Schools continue to be supported through specific agreements with the Shared Service and through a dedicated Schools team covering the council boundaries of York and North Yorkshire. This service continues to work with education colleagues to ensure that schools continue to operate safely.

### H&S Incidents



15. The total number of incidents (147) reported in 6 months is running at lower than half (43%) of the 344 reported for the full 2017/18 financial year. This and the lower number of slips, trips and falls reported to date (31 for 6 months compared to 105 last year) may reflect the weather conditions which will turn wintry over the next few months, which means that the numbers are expected to increase.

16. Of concerning note is that the numbers of Violence and Aggression incidents are already standing at 18 which is the same number of incidents reported in total for last year. Verbal aggression is running at around the same rate as last year (17 compared to the full year figure of 36). This merits the addition of clear statements of zero tolerance in the council's Health & Safety Policy and further discussions on the numbers and causes will be discussed at the Council's Joint Health & Safety Committee with the Trade Unions and separately with the Corporate Management Team (CMT). These results could be due to an increased awareness of reporting processes following the corporate review of lone working undertaken across all council services.
17. Also of note is the 50% increase in Handling/Lifting/Carrying incident reports (49 for this year compared to 34 in the previous 12 months). The H&S Team will analyse and discuss these results with affected service areas and agree preventative action but it is an early indication that half the incidents relate to one area which has changed its threshold for reporting.
18. With regard to any single or multiple significant incidents that do not feature in the top 5 there have been two cable strikes in the 6 month period. In response a 'permit to dig' scheme has been implemented, the investigations in the first case are complete and ongoing in the second case.
19. Whilst this report is focussed on the council's own health and safety arrangements as an employer, it does have some responsibilities as landlord which are very different and are enshrined in relevant lease agreements. There have been a number of concerns raised about public safety relating specifically to the Spark:York facility. The organisation has a lease with the council as landlord with clear requirements around compliance with relevant legislation, including health and safety legislation, and has in place all relevant insurances and safety certificates. Addressing one or two of the points raised Spark:York has installed a lift which has building control sign off and systems in place to manage the capacity of the venue within approved levels.
20. In relation to other matters raised, the tenants installed a roof canopy without the requisite consents. Due to the breach in the lease, the Council as landlord issued a Forfeiture Warning Notice and is monitoring the situation very closely. The Fire Service are responsible for regulating the fire safety aspects under the Regulatory Reform Order (RRO), which includes risk assessments required to be undertaken by the tenants. Those fire safety aspects falling within the council's Building Regulation remit concerning the structure have been addressed; these relate to occupancy and materials. In relation to employee health and safety Spark:York and its tenants have their own legal responsibilities as employers in relation to Environmental Health and reporting/responding to the Health & Safety Executive (HSE).

21. The Executive Member has asked to be kept informed about any response CYC needs to make in light of the Morandi Bridge collapse which took place in Genoa in August of this year. It is too early for any learning at this stage, however at his Decision Session held on 15 November 2018 the Executive Member for Transport & Planning received a report on bridge maintenance and a related new code of practice. The report can be found [here](#).

### **CYC Health and Safety Policy Update**

22. Under the provisions of the Health and Safety at work etc. Act 1974 each employer, where they have 5 or more employees, must draw up and bring to the attention of their employees a Health and Safety Policy. CYC has had one in place for a number of years which is updated annually - the revised policy statement has been updated and is attached at Annex A1 with an updated organisational structure for Health & Safety responsibilities contained in Annex A2 which is a supporting document within a suite of documents which form the council's 'safety management system'.
23. The policy statement reflects that violence and aggression to staff still remains in the top 5 causes of incidents to staff in that a specific clause has been added to the council commitments to address this. At the Decision Session held on 3<sup>rd</sup> July 2018 the Executive Member clearly wished to reinforce that the position of violence and aggression to staff was unacceptable and this is now clearly reflected in the Policy. Annex A2 has been amended to separate out the role of Executive Members within the H&S organisational governance structure.

### **Consultation**

24. Members of the Corporate Management Team are briefed regularly on key risk areas and issues raised in this report.

### **Options**

25. There are no options in this report given that the recommendations on the content of the Annual Report are to note the content only. As part of his portfolio monitoring role of H&S matters the Executive Member can identify any areas of specific H&S risk for further reporting at future decision sessions.

### **Analysis**

26. All information is contained in the body of the report.



## Council Plan

27. Outcomes achieved by the activities covered in this report help to deliver priorities in the Council Plan 2015/19 in support of 'A prosperous city for all', ensuring that as an employer the council sets a positive example of supporting employees to achieve their full potential.

## Implications

28.

1. **Financial:** None
2. **Human Resources (HR):** The report and H&S Policy relates to all employees of the council. The H&S shared service is hosted by NYCC.
3. **Equalities:** None.
4. **Legal:** The content of this report contributes to evidence that the council is complying with the Health and Safety at Work etc. Act 1974 and associated regulations.
5. **Crime and Disorder:** There are no crime and disorder implications to this report.
6. **Information Technology (ICT):** None.
7. **Property:** None
8. **Other:** No known implications.

## Risk Management

29. The shared service continues to assist the council to mitigate the risk to those affected by the council activities from incidents, accidents and other losses due to the ineffective arrangements as regards health and safety.

### Contact Details Author:

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Shared Head of Health and  
Safety  
Tel No. 01904 552621

### Chief Officers Responsible for the report:

Pauline Stuchfield  
AD Customer & Digital Services  
Tel No. 01904 551706

Ian Floyd  
Director of Customer & Corporate Services

**Report Approved**



**Date** 20/11/18

**Specialist Implications Officer(s)**

Financial: Ian Floyd, Director of Customer & Corporate Services

**Wards Affected:** *List wards or tick box to indicate all*

**All**




**Background Papers:**

Report and decision record from Executive Member for Environment Decision Session on 2<sup>nd</sup> July 2018. The record is [here](#).

Report and decision record from Executive Member for Environment Decision Session on 3<sup>rd</sup> September 2018. The record is [here](#).

**List of abbreviations used in this report:**

CDM	Construction, Design and Management
CMT	Corporate Management Team
CYC	City of York Council
HR	Human Resources
H&S	Health & Safety
HSE	Health & Safety Executive
NYCC	North Yorkshire County Council
SAG	Safety Advisory Group

	<b>Annex A1</b>	
	<b>HEALTH &amp; SAFETY POLICY</b>	
	<b>CYC HEALTH &amp; SAFETY POLICY STATEMENT</b>	
	Version: 6	Issue: December 2018
	Issued by: H&S Team	Section 2 Page: 1 of 1

## CYC HEALTH & SAFETY POLICY STATEMENT

The Council positively and proactively accepts the financial and legal responsibilities and duties that it has for the health, safety and wellbeing of its employees and others affected by its activities. To achieve the Council's commitment to promote a positive health and safety culture this policy statement forms part of the Council's wider agenda of social responsibility, sustainability, corporate governance, risk management and the delivery of quality services that provide value for money. The Council expects similar commitments from those organisations undertaking work on its behalf.

The Council's commitments are to:

- Prevent injury and ill health associated with the Council's activities and infrastructure
- Promote a positive health and safety culture throughout the organisation
- Satisfy applicable legal and other requirements
- Continually improve the Council's safety management systems for example by simplifying these where practicable through the use of technological solutions
- Engage employees in developing and implementing a joint approach to the management of health, safety and wellbeing
- Set health and safety objectives and monitor their achievement
- Ensure that aggressive behaviour, both verbal and in writing (regardless of form), towards council staff and contractors working on the council's behalf will not be tolerated
- Ensure accidents, incidents and near misses are appropriately reported, investigated and any learning points are acted upon to prevent recurrence

As Chief Executive, I am committed to integrating health and safety into decision making and risk management processes within the Council. The Corporate Directors will support me in this role and, together with the Corporate Leadership Group and Directorate Management Teams, will ensure the effective leadership of health and safety for the Council and others affected by the Council's activities.

Employees with management responsibilities will ensure that all significant risks are properly assessed, controlled and any measures implemented to mitigate risk are appropriately monitored. They will also regularly review these assessments, to ensure that the Council complies with legal requirements and strives to achieve best practice.

The Council will maintain arrangements to consult trade union representatives, employees, and others who may be affected by Council activities, to encourage a joint approach to the management of health, safety and wellbeing.


The Council expects all employees and those undertaking work on behalf of, or in partnership with, the Council to take reasonable care of their own health and safety, for the health and safety of others and to co-operate with the Council in the performance of its moral and statutory duties.

Mary Weastell, Chief Executive

Date: TBC



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	<b>Annex A2</b>	
	<b>HEALTH &amp; SAFETY POLICY</b>	
	<b>ORGANISATION</b>	
	Version: 7	Issue: December 2018
	Issued by: H&S Team	Section 3 Page 1 of 12

## ORGANISATION

### Introduction

This section describes the general organisational responsibilities and accountabilities for health and safety across the council for:

- Executive
- Elected Members
- Chief Executive
- Directors
- Assistant Directors
- Heads of Service
- Other Officers with Management/Supervisory Responsibility
- Health & Safety Team (via the Shared Service)
- Employees, Trainees, Temporary Workers and Volunteers (under the control of CYC).

The section also outlines the general requirements for joint consultation.

Please note that although responsibilities can be delegated to a third party, accountability remains with the originally identified individual.

### Executive

It is the responsibility of the Executive to ensure a Corporate Policy on Health and Safety is adopted for City of York Council.

The Members of the Executive should appoint one of their members as lead on health and safety matters who will, in this capacity, receive reports on current health and safety performance.

Specific responsibilities of the Executive are to:


- Take all measures within their power, as a body, to ensure that decisions are made with due regard to the health, safety and wellbeing of those who may be affected by the council's activities
- Prioritise actions where resources are required

### All Elected Members

All Members are to ensure that all the decisions are made with due regard to the health, safety and wellbeing of those who may be affected by the council's activities. This principle is to be upheld at all committees and during all contacts with employees, contractors members of the public.

### Chief Executive

*If you have any questions relating to this document please contact*  
[healthandsafetyteam@york.gov.uk](mailto:healthandsafetyteam@york.gov.uk)

	<b>Annex A2</b>	
	<b>HEALTH &amp; SAFETY POLICY</b>	
	<b>ORGANISATION</b>	
	Version: 7	Issue: December 2018
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The Chief Executive has overall personal responsibility for the effective leadership for health and safety in the Council. They will carry out the following duties:


- Ensure that the health and safety policy and associated management systems are an integral part of the Council's culture, of its values and performance targets
- Provide effective leadership to Directors by agreeing and reviewing targets for maintaining standards and, where appropriate, for achieving improvements in health and safety performance
- Ensure that adequate resources are made available to achieve high standards of health and safety
- Monitor and review health and safety performance by receiving both specific (eg incident-led) and routine reports

### **Directors**

All Directors are responsible for the effective leadership of health and safety within their Directorates and/or sphere of influence. Directors carry out the following duties to:

- Ensure that the health and safety policy and health and safety management systems are an integral part of the Directorate's culture, of its values and performance standards
- Ensure that the Directorate has a clear management structure and that health and safety responsibilities are effectively communicated and included in job descriptions
- Ensure that there are effective and appropriate arrangements to encourage the trust, participation and involvement of all employees on health and safety issues
- Ensure there are effective arrangements so that the required health and safety information is shared between those that need it
- Ensure that there are systems and arrangements to secure the competence and capability on health and safety related matters of all employees and others who are part of the Directorate's undertakings
- Provide visible leadership on health and safety to senior managers by setting and reviewing targets for achieving improvements in health and safety performance
- Ensure that adequate resources are made available to achieve compliance with health and safety legislation and if practicable best practice

*If you have any questions relating to this document please contact*  
[healthandsafetyteam@york.gov.uk](mailto:healthandsafetyteam@york.gov.uk)

	<b>Annex A2</b>	
	<b>HEALTH &amp; SAFETY POLICY</b>	
	<b>ORGANISATION</b>	
	Version: 7	Issue: December 2018
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- Appoint a senior manager (Assistant Director or equivalent) to be the department's health & safety champion who will also be the department's representative on the Joint Health and Safety Committee.
- Monitor health and safety performance by identifying areas of concern and receiving both specific (eg incident-led) and routine reports.
- Ensure that individuals' health and safety performance is considered at their annual appraisal
- Keep health and safety performance under review at Directorate Management Team meetings and ensure a formal annual review is carried out
- Consult with the Shared Health and Safety Service and others where appropriate to ensure the monitoring or implementation of health and safety measures are in place

#### **Deputy Chief Executive and Director of Customer and Corporate Services**


In addition to the responsibilities outlined above, the Deputy Chief Executive and Director of Customer and Corporate Services is also appointed as the 'health and safety director', to ensure that health and safety risk management issues are properly addressed by Corporate Management Team and more widely in the Council. This role includes maintaining an adequately resourced Health and Safety Service for appropriate competent advice, guidance and monitoring and ensuring that a Joint Health and Safety Committee is regularly held and significant concerns are escalated where appropriate. However, this role does not detract from the responsibilities of the Chief Executive and of other Corporate Directors for implementing this policy.

#### **Assistant Directors**

Assistant Directors are responsible for the effective implementation of this health and safety policy and associated management systems in areas under their control. They are responsible for ensuring that managers are aware of their responsibilities for implementing the day-to-day operation of all health and safety systems and procedures within their service areas. In addition to these general duties, they will carry out the following:

- Ensure that the health and safety is an integral part of the culture, values and performance standards in their service areas
- Ensure that their service area has a clear management structure and that health and safety responsibilities are effectively communicated and included in job descriptions

*If you have any questions relating to this document please contact*  
[healthandsafetyteam@york.gov.uk](mailto:healthandsafetyteam@york.gov.uk)

	<b>Annex A2</b>	
	<b>HEALTH &amp; SAFETY POLICY</b>	
	<b>ORGANISATION</b>	
	Version: 7	Issue: December 2018
	Issued by: H&S Team	Section 3 Page 4 of 12

- Provide visible leadership on health and safety to Heads of Service and senior managers by setting and reviewing targets for achieving improvements in health and safety performance
- Oversee implementation of the Council's Health and Safety Management System in their service area and monitor its implementation
- Provide leadership on relevant corporate health and safety issues relevant to their role within the Council
- Ensure that adequate resources are made available to achieve compliance with health and safety legislation and if practicable best practice
- Monitor health and safety performance by receiving both specific (eg incident-led) and routine reports
- Keep health and safety performance under review and play a full and active part in the review process at Department Management Team meetings
- Consult the Shared Health and Safety Service and others where appropriate to ensure the monitoring or implementation of health and safety measures are in place


### **Heads of Service**

Heads of Service are responsible for the effective implementation of this policy in their areas of responsibility. They will carry out the following duties with advice, where required, from the Shared Health and Safety Service, and other appropriate officers:

- Provide effective leadership on health and safety to their managers by setting and reviewing targets for achieving improvements in health and safety performance
- Implement the relevant health and safety management system requirements in their service area and monitor its implementation
- Ensure that health and safety issues are taken into account in all service performance plans and at the design stage of new initiatives
- Satisfy themselves that suitable health and safety standards are maintained and arrange for any shortcomings in safety standards, inspections, training and instruction to be rectified where practicable
- Ensure that arrangements are in place so they are advised of any accidents, incidents and health and safety issues occurring in their area of responsibility and ensure that these are investigated as appropriate and any learning is acted upon

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- Monitor the need for any further health and safety measures, instruction and training
- Ensure that suitable and sufficient risk assessments are carried out in their area of responsibility. These should be recorded, communicated to the relevant staff and reviewed at least annually (or sooner if there is a significant change) and modified if necessary
- Ensure that all employees in their area of responsibility have been informed of any significant risks to their health and safety, and any control measures, workplace precautions, safe systems of work, etc that must be taken to minimise these risks

#### **Other Officers with Management/Supervisory Responsibility**

Staff who manage, supervise or have responsibility for employees, trainees or members of the public are responsible for health and safety within their management control. They carry out the following duties in consultation, where appropriate, with Health and Safety Advisers, Lead Officers and other appropriate officers:

- Provide effective leadership on health and safety to their staff and support improvements in health and safety
- Ensure that health and safety issues are taken into account at the design stage of any new initiatives and projects
- Take reasonably practicable steps to ensure the health, safety and welfare of all employees, trainees, temporary workers, volunteers (under the control of CYC) and other persons who may be affected by work activities (eg visitors, pupils, service users, members of the public, contractors)
- Ensure health & safety inspections are carried out in their area of responsibility and ensure that any identified remedial actions are completed
- Ensure health and safety risks are assessed in their area of responsibility and ensure that all significant risks are adequately controlled. Record the significant findings of risk assessments and bring these to the attention of those affected where appropriate.
- Ensure that accidents and incidents in their area of responsibility are reported promptly, as required by the incident reporting procedure.
- Ensure that accidents and incidents (including near misses) are investigated and where practicable, effective action is taken to prevent a reoccurrence
- Ensure that all employees in their area of responsibility receive appropriate health and safety training and they have sufficient knowledge, skills and information to carry out their work safely and healthily. Ensure that

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employees attend appropriate health surveillance. Ensure that new staff are given a workplace health and safety induction during their first week at work

- Ensure that they and their staff are kept up to date with all relevant health and safety information
- Ensure that all employees, trainees, temporary workers and volunteers (under the control of CYC) are supplied with appropriate personal protective equipment (PPE) and clothing that is fit for purpose and used correctly, where it is required, and are given suitable information, training and instruction on its use, maintenance and storage

### **Directorate Health and Safety Champions**

Corporate Directors assign a senior manager as the Directorate Health and Safety Champion; they take a strategic role for health and safety within their specific Directorate. Their role is to co-ordinate the health and safety effort across the Directorate and to lead in health and safety planning, reporting and review. Champions hold regular meetings with their Corporate Directors and the relevant officers from the Shared Health and Safety Service. They are also attend and actively participate in the Joint Health and Safety Committee and chair the Directorate Risk Management Groups, to ensure health and safety plans and performance are regularly reviewed.


### **Shared Health & Safety Service**

The Council has appointed the Shared Health & Safety Service as competent persons in accordance with the Management of Health & Safety at Work Regulations 1999. The Head of Health & Safety is a standing member of the Joint Health and Safety Committee. The team provides health & safety support services to Members, managers and employees. However, neither under the terms of this Policy, nor under health and safety statutory requirements, can the Shared Health and Safety Service relieve either managers or supervisors of their operational health and safety responsibilities.

The Shared Health & Safety Service carries out the following duties:

- Work with Directorates to develop health and safety action plans in order to address areas of concern, drive improvements and encourage best practice. This will include advising on the setting of realistic short-term, medium-term and long-term objectives
- Develop and advise on the implementation of health & safety policy, procedures and management systems for existing and new activities
- Support and empower managers to develop and implement effective health & safety risk management in their service areas

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- Promote a positive health and safety culture, based on sensible and proportionate risk management, to secure high standards of health and safety
- Monitor health and safety performance through inspection and audit ensuring that concerns are acted upon or escalated through the management hierarchy where this is appropriate.
- Report to Corporate Management Team and/or the Corporate Leadership Group management on health and safety performance and standards
- 
- Advise and inform on all aspects of health & safety and provide advice on new legislation affecting the work of the Council
- Advise on the implementation of the health & safety risk assessment system and prioritisation of control measures
- Advise on health & safety training for staff at all levels
- Co-ordinate the incident reporting and investigation system
- 
- Be the main point of contact and maintain professional working relationships with health and safety enforcing authorities
- Exercise the authority to stop work in cases where there is an intolerable risk of serious injury or likelihood of fatality


### **Property Services**

Property Services provide advice and guidance across all Directorates in relation to the development of new, and the refurbishment and maintenance of existing, buildings. Property Services liaises with Directorates and Contractors to ensure that suitable arrangements are in place for maintaining buildings, plant, equipment and services. In addition, the Service provides specific advice and guidance on the management of asbestos and legionella related matters.

### **Workforce Development Unit (WDU)**

The Workforce Development Unit will work with Services and in consultation with the Shared Health and Safety Service, to identify any requirements in relation to health and safety competencies. They commission the appropriate learning interventions to ensure all training needs are met. When it is not possible to meet these needs (eg due to lack of financial resource being available) then this is to be escalated without undue delay to the relevant manager, so that further consideration is given to the situation. WDU will also work with service managers to ensure appropriate employees training records are kept and are readily available to ensure that they are aware of staff

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competence to undertake the activities they are required to do on behalf of the council..

### **Trade Union Safety Representatives**


Trade Union Safety Representatives are consulted on matters affecting the health and safety of employees they represent, in compliance with relevant statutory requirements. Formal consultation with Trades Unions on health and safety takes place at Corporate and Directorate level through the various management and health and safety groups.

### **All Employees, Trainees, Temporary Workers and Volunteers**


All employees, trainees, temporary workers and volunteers (under the control of CYC) have an important part to play in protecting themselves and others. Health and safety responsibilities are based on legal obligations and are subject to the Council's disciplinary procedures. In particular, all employees, trainees, temporary workers and volunteers (under the control of CYC) are required to:

- Take reasonable care for the health and safety of themselves and others, who may be affected by what they do or fail to do at work
- Co-operate with all managers, supervisors and the Shared Health and Safety Advisory Service on health and safety matters
- Familiarise themselves with, and to act in accordance with, any health and safety procedures that have been issued to them or otherwise brought to their attention
- Act in accordance with any safety training, or any verbal safety instructions that has been provided to them
- Make full and proper use of any personal protective equipment (PPE) and clothing provided to them, in accordance with instructions or training received. Report any loss of, or obvious defect in, such PPE to their supervisor or manager
- Adopt safe behaviour and avoid interfering with or misusing anything provided in the interest of health, safety or welfare
- Report any accident/incident or near miss to their supervisor or manager (to be done on the day of accident/incident or as soon as possible thereafter). This includes reporting any accident/incident involving a non-employee while on Council premises or sites or affected by Council activities, which comes to their attention
- Report to their supervisor or manager any work situation they consider to represent a serious and immediate danger to health and safety, or any matter that they consider to represent a shortcoming in current arrangements for health and safety

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- Follow any laid down emergency procedures in the event of serious imminent danger, such as emergency evacuations

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### **Responsibilities regarding schools**

The Health & Safety at Work Act 1974 places overall responsibility for health and safety with the employer. The employer in a school must take reasonable steps to ensure that staff, pupils and visitors are not exposed to risks to their health and safety. This also applies to activities on or off school premises.

Who the employer is varies with the type of school:

- For community schools, community special schools, voluntary controlled schools, maintained nursery schools and pupil referral units the employer is the Local Authority
- For foundation schools, foundation special schools and voluntary aided schools the employer is the Governing Body
- For academies and free schools the employer is usually the Academy Trust
- For Private Finance Initiative (PFI) schools, teachers and administrative staff are generally employed by the local authority however other staff in ancillary services ie cleaning and catering staff may be employed by the organisation contracted to provide these ancillary services.

This document can be used as information and guidance for the governing bodies of such schools where the local authority is not the employer.

### **Responsibilities of School Governors**


It is the responsibility of the Governing Bodies to adopt a detailed policy on health and safety for the school.

As the management body, the governors should ensure that school management and staff comply with this health and safety policy and City of York Council's health and safety arrangements and associated compliance notes. The governing body, having control of premises, must take reasonable steps to ensure that buildings, equipment and materials are safe and do not put persons at risk whilst they are on the premises.

Specific responsibilities of governors are to:

- Take all measures within their power, as a body, to ensure the establishment premises are safe and not hazardous to the health and safety of staff, pupils, service users or visitors
- Carry out monitoring, including consideration of inspection reports
- Prioritise actions where resources are required
- Monitor the effectiveness of remedial actions taken
- Include health and safety on the agenda of governors' meetings

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### Responsibilities of Headteachers


The Headteacher is responsible for all health and safety matters affecting the school. In the Headteacher's absence, the teacher with deputising responsibility will fulfil this role. The Headteacher's main duties are to:

- Be responsible for the day to day operational health and safety management within the school and activities outside school (eg educational visits)
- Assume the role of 'controller of premises' when dealing with visitors, contractors and others, including other organisations that may share the same site
- Organise, control, monitor and review the health and safety arrangements within the school so as to ensure the health, safety and welfare of staff, pupils and others, as far as is reasonably practicable
- Ensure the school complies with the Health and Safety at Work Act 1974 and other relevant health and safety legislation
- Work with the governing body and senior management team to implement an effective health and safety policy for their school
- Apply and support the policies of City of York Council and the school
- Ensure that risk assessments are carried out for all appropriate activities and that the actions and preventative measures that come out of these assessments are implemented and adhered to by everyone concerned. The results of the risk assessments must be communicated as appropriate to all those concerned eg staff, pupils, visitors and contractors.
- Ensure effective monitoring of health and safety eg including consideration of safety inspection reports and the recording all incidents (including near miss reports) and investigating these where required
- Prioritise actions where resources are concerned and ensure their implementation
- Include health and safety on the agenda of all staff and management team meetings
- Ensure approval of educational visits in consultation with the governors, educational visits co-ordinator and City of York Council procedures, as appropriate
- Comply with the duties of all employees

### Health and Safety Arrangements

The Council develops arrangements for the management of health and safety, which we systematically apply in all activities and services throughout the Council. In addition to these arrangements, supplementary procedures, guidance and other health and safety systems are developed at service, premises and/or local level; where such arrangements are in place, Council

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arrangements will take precedence, unless an appropriate risk assessment has been carried out to justify any such deviation.

The detailed health and safety arrangements are on the Council's [intranet](#). This enables document control, the sharing of best practice and promoting transparency. Schools without access to the Council's intranet can obtain access to the appropriate arrangements via the [York Education](#) website.





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**Executive Member for Environment  
Decision Session****3 December 2018**

Report of the Corporate Director for Economy and Place

**Waste Resilience Update****Summary**

1. The front line waste service provides residential waste and recycling collection services to residents. It has faced particular challenges over recent months and this report details the steps taken to address the challenges and options to increase further resilience.

**Recommendations**

2. That the Executive Member:
  - a) Note the update provided in this report.
  - b) To approve Options B; develop a driver apprentice scheme.
  - c) To request officers work with to develop proposals for a more generic multi-functional workforce.

Reason: The Council Plan has a key theme of ensuring that residents receive reliable services, this report details waste services performance in that regards and what can be done to improve reliability.

**Background**

3. The front line waste service provides residential waste collection services with over 2 million recycling collections as well as 2 million residual collections per annum and over a million green waste collections each year. The cost of collection is approximately £0.71 per collection. The costs per household compare well. The APSE figures show that the annual cost of Waste Collection per

household is £47.07 compared with the national average of £64.43 and the APSE family cost of £61.85

4. The performance of waste collection has two primary indicators. Uncompleted rounds and missed collections. Uncompleted rounds are when the crews are not able to complete the days work before the end of their shift, these are bins that have not been emptied and we know we have failed to deliver the service, this usually affects a whole street. Missed collections are when we are unaware we have not delivered the service and it is an error on our part.
5. The Council has 2 main ways of customers letting us know when there bins have not been collected; via a call to the customer centre and a call being logged for a missed bin, or by making a complaint to CYC where the reason for the complaint is a missed bin. Customers can in circumstances log the same case by the two different routes.

Based on information collected by the customer centre in 2017/18 CYC collected 99.89% collected on time. In 2016/17 CYC collected 99.84% on time

6. The service is highly regulated with strict rules about the times and breaks that drivers particularly must take and the amount of waste a vehicle can carry safely. The fleet of vehicles used are also controlled by the operator's license requirements.
7. Improving the resilience of the service will ultimately improve the performance of the service that residents experience. Learning from the challenges the service has faced and the decisions made.
8. Staff engagement is increasing to improve morale, but the additional management action to control the service such as the management of sickness whilst welcomed by some staff is not universally welcomed
9. The Service was impacted at the beginning of the year by the adverse weather nicknamed 'Beast from East' the poor driving conditions made driving dangerous which affected some collections. In normal weather condition when we miss a collection we give a date of when we will return to collect. We managed this in the same way as many other authorities and did not guarantee a

return date given we did not know when the weather would improve. We did however, deploy refuse collection staff to clearing the city of snow to help alleviate the impact of the weather on the community.

10. Green Waste is a seasonal service that creates a peak and trough in terms of staff resource requirement given the seasonal nature of the service which reflects the growing season.
11. Like services across North Yorkshire and indeed the whole country we are currently affected by a shortage of LGV (HGV) drivers, which impacts across the whole logistics and transport sectors. Despite having spare driver capacity this has meant that on some occasions; primarily due to sickness absence, we have not had enough drivers to get all our waste rounds out collecting bins.
12. In terms of mitigation and the steps taken already to improve resilience are as follows;
  - i) The Council has prioritised residual waste and box recycling services as statutory services mandated by public health acts. In practice what this means is that green waste drivers have been moved to fill gaps in residual and box recycling services. The consequence is that green waste services have been the most affected.
  - ii) Improved management of sickness absences with proactive early interventions, with a corporate approach to long term sickness absence being developed.
  - iii) We have trained loaders as LGV(HGV) drivers from within the service.
  - iv) Appointed a new Head of Waste with operational experience and created a new Waste Operations Manager role.
  - v) We are reducing the use of agency staff by recruiting direct as Council employees and offered full season appointments.
  - vi) We are working through in between Christmas and New Year for both Waste and Recycling to minimise the impact that catching up on those services has had in previous years.
  - vii) Held recruitment/open days in early September at Hazel Court with an accelerated application process and filled 10 driver posts.

- viii) Consulted people through the process to understand what the barriers to working for CYC may be. One of the initial findings is that staff are expected to attend Hazel Court before Park and Ride starts. The Council does not currently offer a parking space in line with our policies to reduce car commuters which precludes many who live outside the immediate city.
13. Over the coming months the following will further improve resilience.
- i) All drivers are being migrated to driver/loaders job descriptions allowing us to over recruit drivers but deploy them as loaders if we have too many drivers.
  - ii) IT investment is being made to improve knowledge, data. It will guide drivers around the rounds flagging issues but also accurately record uncompleted rounds. It will also improve the links to the CRM and thereby customer service and performance management. The anticipated implementation is during 2019/20
  - iii) The majority of the current fleet will need replacement over the next few years. This is an opportunity to review the fleet in terms of resilience by standardising vehicle types and manufacturers which should ease maintenance. The majority of the current vehicles are due to be paid for at the end of this financial year and work has started to specify the fleet. New vehicles are expected to arrive in 2020.

### **Options**

- 14. More fundamental options to increase the resilience of the service do exist, but they have wider impact.
- 15. Option A - Investing in additional crews would mean that during normal operations the crews would not need to work their full 37 hours to complete the work. It would however give extra contractual hours for the services to ensure that it has greater flexibility than currently to ensure collections are made.
- 16. Option B - Develop a driver apprentice programme within Waste to train drivers, it would need training fee claw back arrangements in

terms of tie in so that staff we trained were retained by the Council. This could be launched in 2019.

17. Option C – Reviewing services to create a more generic multi skilled workforce so that it can be deployed where it most needed. It would also help with redeployment for sickness returns. It is estimated will deliver in 2020.
18. Officer recommendation is that Option A is over resourcing and not prudent management as it is not cost effective in light of ongoing public sector finance constraints. Extra staff resource would manifest itself as reduced productive hours of the work force due to the task and finish basis of the contacts. Option B should be progressed and authority to implement delegated to the Assistant Director of Transport, Highways and Environment in consultation with the Head of HR. Option C could be explored and proposals developed but would need further consideration once the work has been completed

### **Council Plan**

19. This report is supportive of the following priorities in the Council plan in addition to the One Planet York principles the Council champions:
  - A focus on frontline services
  - A Council that listens to residents

### **Implications**

20. The following are the identified implications.
  - **Financial** – Any budget change impact will need to be considered as part of the budget changes
  - **Human Resources** – Changes to terms and conditions would need to be considered in light of the collective agreement.
  - **Equalities** – No issues have been identified but any changes to waste collections would need a full impact assessment to be undertaken.

- **Information Technology (IT)** – Investment into Waste Services back office IT is within this years programme and a defined priority by the Economy and Place Directorate.

### Contact Details

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**Chief Officer Responsible for the report:**

Neil Ferris  
Corporate Director for Economy and Place

**Report Approved**

**Date** 22/11/18

**Wards Affected: ALL**

**All**

**For further information please contact the author of the report**

**Background Papers:**

None

**Annexes**

None



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Decision Session – Executive Member for the Environment

**3 December 2018**

Report of the Assistant Director (Transport, Highways and Environment)

## **Update on the York Community Recycling Fund**

### **Summary**

1. This report provides an update on the York Community Recycling Fund and other initiatives to minimise fly tipping.

### **Recommendations**

2. The Executive Member is asked to :
  - Note the update on the York Community Recycling Fund.
  - Note the updates on other initiatives to reduce fly tipping.
  - Approve a pilot of free boxes for recycling to include home delivery by the Council in the absence of being able to find a suitable partner to work with to provide free boxes on a collection only basis.

Reason: To ensure any lessons learnt are captured and improve waste prevention and recycling in York.

### **Background**

3. On 6<sup>th</sup> March 2017 the Executive Member for the Environment approved the awarding of funding to successful applicants to the York Community Recycling Fund.
4. The Executive Member also requested a future report on the outcomes of the use of the funding to ensure good use of the funds and to assist with the allocation of future Community Recycling Funds.

5. At the 22<sup>nd</sup> March 2018 Full Council meeting, Members requested a future paper looking at how extra efforts to minimise fly tipping can be introduced.

### **York Community Recycling Fund**

6. The fund provided the opportunity to community groups to apply for up to £5,000 to support community schemes so that they can make a real impact on the city's recycling and waste prevention performance.
7. Projects were awarded funding (11 received the full amount requested, 7 were part funded). The successful projects were a mixture of existing schemes (which requested funds to improve or boost their outputs) and entirely new projects which needed start up funding.

#### Projects funded

8. All participating projects were sent a six month and final (12 month) project evaluation request and this report contains a summary of highlights from those final evaluations returned (14).

This table contains a summary of the projects that are included in this report:

<b>Project organisation/ project name</b>	<b>Project description</b>
Archbishop Holgate's School Bike Hub	Fixing bikes and donating to people in need
Bell Farm Resident's Association (2 projects)	Up-cycling, food sharing, swap shop, waste reduction projects
Derwent Lions	Local Christmas tree collections
Environment Committee of Bishopthorpe Parish Council	January re-use event
Holgate Carriage Garden	Shared garden and multi purpose community space



Planet Southbank	Street recycle and Repair Cafe events
Restoration Works (York City Church)	3 foot project to recycle scaffolding boards and pallets to make compost bins and raised beds
SNAPPY	Aluminium foil, cans, household cable collections for recycling
St Nick's	Fix it Cafe session and reuse workshops
Tang Hall Centre	Create a sustainable hub for the community
York Community Furniture Store	Improve publicity and improve donations to YCFS
York Men's Shed	Helping men facing loneliness, illness and unemployment or bereavement to find new hobbies, friends and feel part of the community – recycling wood and reusing tools
Your Cafe	Pumpkin growing, eating and recycling project

### Summary of project responses

- Projects funded were required to demonstrate good value for money by doing some of the following: diverting waste from landfill (this predates the Allerton Park Energy from Waste project opening), engaging with residents, creating jobs or volunteering opportunities, generating social benefits, have the potential to become models of good practice, demonstrate sustainability and help to change people's behaviour.

### Wider engagement

- All projects have demonstrated a huge impact on either their local neighbourhood or the wider community of the city; bringing residents together and reaching out to those in need of support and help. Here are some examples:

- 50 refurbished bikes donated to a local charity who have helped some of the poorest families in York (Bike Hub)
- Teaching people how to reuse food that would otherwise end up in the bin (Bell Farm)
- We have posted recipes using “food scraps” and have just found out that a few of our residents are planning on putting together a recipe book and publishing it to help others across York (Bell Farm)
- Our Swap shop is still running once per month and although it did slow down for a few months it has taken off again bringing in people from across York (Bell Farm)
- We collected 288 Christmas trees and engaged with 250 different people who directly benefitted from the project (Derwent Lions)
- Over 120 people attended the January reuse event (Environment Cttee of Bishopthorpe PC)
- Planet South Bank Repair Café engaged with 30 visitors, 17 people volunteered, estimated no of beneficiaries 100 (Planet Southbank)
- We estimate that approximately 700 people per week who visit, work and run from the centre are encouraged to recycle by having our resources available for their use (Tang Hall Community Centre)
- We estimate that 40-60 people so far have engaged and benefitted from our project including young and old people (Restoration Works)
- The project has helped to expand the recycling collection across the city through community venues and helped raise the profile of SNAPPY
- 148 people attended the final Thrift event (St Nick’s)
- Approx 700 people visit the Tang Hall community centre per week and are encouraged to recycle by having the centre’s resources available for their use
- A programme to distribute information to 90,000 York households (York Community Furniture Store)
- We have 16 regular members and are in regular touch with the city and NHS social workers (Men’s Shed)
- At the 2 pumpkin parties we fed over 100 people both pumpkin soup and pumpkin pie

## Social benefit

11. Supporting the local community and encouraging community participation has been demonstrated by all groups in supportive and nurturing ways:

- Supporting students at the school to learn something they love and helping York Beesom with bikes for families (Bike Hub)
- Many people who would never have mixed together have come and helped with the planting, the cooking the upcycling...people have started projects that they would never have attempted before (Bell Farm)
- People arriving to hand over various items for recycling invariably find out about people who can use other items and they can commit to saving even more! (Env committee Bishopthorpe PC)
- We continue to make good use of our raised beds, growing crops which are then shared on our food glut shelf which is available for anyone/the local community to access (Holgate Carriage Garden)
- We forged strong links with Good Gym York, who acted as porters/messengers/link people on the day (eg carrying stuff for people) (Planet Southbank street Recycle)
- This project has helped us to build links with the Syrian refugee community in York. This has been positive in a number of ways. Those who have taken part in the project have got involved in a number of community projects since; A second major social benefit would be the confidence in those taking part – in terms of their use of English and work with mixed groups of people from different nations (3 foot Project)
- We have supported the local community by running a variety of events which has encouraged community participation within the scheme (Tang Hall CC)
- The project is supporting local community groups and encouraging involvement in re-use (furniture Store)
- All members have learnt some new skill. Friends of Rowntree Park have asked us to make a duck house. We have offered to make some raised beds for the newly erected building in Hull Road Park which is to open as a cafe (Mens Shed)
- New friendships were formed as a result because those with gardening expertise were able to share their tips with novices (Your Cafe)
- At our Celebration of Thrift we had local people with skills (such as carving, sewing, haybox/solar cooking, making instruments)

teaching residents how to make items out of things that would have been waste (St Nicks)

- The project has engaged with all ages and sectors of the community.

## Measured Outcomes

12. All projects have contributed towards waste diversion from landfill. Some project outputs are more easily quantified than others, but the bullets below give an indication of the impact of the funded projects:

- 50 bikes diverted from landfill and fixed and donated, 23 bikes repaired, 64 bikes stripped of usable parts (Bike Hub)
- 6 skips full of furniture, 30 large black bags of clothes, 3 large boxes of shoes, 26 sets of bedding, 20 boxes of trinkets and kitchen items (Bell Farm projects)
- We collected 280 trees and raised approximately £2500 for charity (Derwent Lions).
- 96 pairs of spectacles, 36 Printer cartridges, 23 Mobile phones, 4 bags of aluminium foil, 29 Calendars all collected for charities (Bishopthorpe PC)
- We have reused wooden fencing, 2 church pews, several small desks and an old cast iron bath which we have used to grow wildflowers in the wildlife area (Carriage Garden)
- Street Recycle: 134 household items inc toys, books, 66 items of clothing, 20 kitchen items, 7 pieces of furniture. A further 27 items were fixed or part-fixed at the Repair Café (Planet Southbank)
- We have given out 10 compost bins as part of the project. To make them we re-used 40 pallets “We were really surprised just how much food waste we were putting in our black bin. Normally our black bin would be very full / at capacity on collection days, but since we’ve started using the compost bin it has been up to ¼ less full” (3 Foot Project)
- During the project we collected 1923 kg of recycling for SNAPPY (it more than doubles for the second half of the project!). The number of collection sites has increased from 13 to 41

- Before the centre's recycling project began, as much as 34,320 litres of waste per year go to landfill. Since then, with the introduction of recycling bins and the composting area and food waste disposal we have diverted over 14,500 litres (nearly half of the annual total). (Tang Hall cc)
- When repainting the interior of the building we were given enough paint to complete 50% of the building. This was paint surplus to others needs (Men's Shed)

### Project Sustainability

13. One of the main aims of the fund was to support projects which would continue beyond the duration of the fund and be self sustaining without our funding. It is encouraging to read that almost all projects will continue in some way, either a direct continuation of the original project or a tweaked version which allows for the more successful elements to be continued.
14. The funding has also fostered some excellent examples of collaborative working beyond the original remit, for example the 3 Foot Project has focused on working with the local Syrian community and they will continue this by equipping them to grow vegetables and support others to do the same and also help them to run a number of restaurant nights where they cook food from their culture and share it with the wider community.

### Shared Learning

15. All projects were asked whether they would be happy to share their experiences with other groups.
16. This is actively happening already as groups such as Bell Farm have started a Bulky items project at the hall funded by the ward and HEIP and have been asked by the Head of Housing to spread this idea across the City, as it has massively reduced fly tipping in the area and will also save items that can be up-cycled from landfill.
17. York Men's Shed is also sharing their experiences with other Men's Shed groups across the UK.

## Feedback from the Schemes

18. All groups are grateful for the opportunities brought to them by the fund. This is a selection of the positive comments received:

- Bike Hub “It is always great to see an organisation allow people with little experience have the chance to make a positive change in the local community.”
- Holgate Carriage Garden “We have really benefitted from the fund and it has allowed us to develop our sustainable practice which is fantastic.”
- 3 Foot Project “It gave us a really good start, equipped us well and helped us to engage with a community of people.”
- SNAPPY “The recycling fund has allowed me to make the recycling collection more professional. It has also indirectly led on to a bigger and better project for SNAPPY and a huge increase in the amount of money we can raise for this small charity.”
- Men’s Shed “The timing of us receiving funds was vital to our development and allowed us to set ourselves up in a professional and safe manner.”
- Your Cafe “It provided a focal point for education around food waste and the importance of eating vegetables rather than considering them worthless and throwing them away.”
- St Nick’s “This fund has proved invaluable about engaging with the local community on the ideas of reuse and fixing items instead of buying brand new.”

## Fly Tipping

19. The numbers of calls for service regarding incidents of fly tips have slightly reduced over the last two years see table below.

	16/17	17/18	18/19 (6
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			months)
Calls for Service	2276	2151	1041

## Enforcement

20. There are 10 Neighbourhood Enforcement Officers (NEO's) working for City of York Council. They work alongside North Yorkshire Police officers and the council's Anti-Social Behaviour team to form the council's Community Safety Hub. NEOs work in 3 geographic teams covering: the City centre and East, North and West areas of the city.
21. The remit of the team is to work to reduce and deter enviro-crime and low level anti-social behaviour, taking enforcement action when appropriate. The team also run an evening and weekend noise patrol service each Friday and Saturday from 9pm – 3am.
22. The role of the team is wide-ranging, from dealing with domestic noise nuisance, fly-tipping, unlawful waste carriers and scrap metal dealers, domestic and commercial waste presentation and littering offences through to illegal traveller encampments, nuisance buskers, sellers and beggars, straying and dangerous dogs, dog fouling, fly-grazing horses and pests. The team also use anti-social behaviour powers to work alongside police colleagues to target those individuals whose behaviour is having an adverse impact on the wider community.
23. The team are trained to undertake investigations in relation to criminal offences and are responsible for gathering evidence, taking statements, undertaking interviews under caution and submitting prosecution case files for the council's Legal team to present in court. The team recently secured a 12 month custodial sentence for a prolific fly-tipper as a result of this work.
24. The team work regularly with colleagues across the majority of council departments and external partner agencies such as the North Yorkshire Police Neighbourhood Policing Team Teams, the Business Improvement District (BID), Make it York, the Environment Agency and local charities.

25. The Neighbourhood Enforcement team will always seek to take enforcement action where evidence is found within a fly-tip.
26. Fixed Penalty Notices for small-scale fly-tipping (less than a small van load) have been issued since the adoption of this power in 2016.
27. 5 successful prosecutions and 13 formal cautions have been issued for fly-tipping in the last 2 years which included the award of a 12 month custodial sentence for one individual.

### **Duty of Care**

28. In February 2018 the Neighbourhood Enforcement team launched the Crime Not To Care campaign in partnership with Keep Britain Tidy. The campaign will run for 12 months and its aim is to highlight to residents their duty of care responsibilities in relation to domestic waste in an effort to reduce fly-tipping, e.g. ensuring householders check waste carriers licences of those to who remove waste on their behalf, not leaving goods out on the pavement for scrap metal/waste collectors to take, not leaving additional bags out next to bins etc.
29. Currently the council can only undertake formal enforcement action via the prosecution route for such offences. However the government is currently proposing to introduce Fixed Penalty Notices for these offences which will we feel will be more proportionate and effective in relation to domestic offences.
30. 6 cautions and 10 prosecutions for commercial duty of care offences have been issued in the past 2 years.

### **Operation Eyeball**

31. City of York Council has worked with the North Yorkshire Police Rural Crime team and the Office of the Police and Crime Commissioner to lead on the development of the Operation Eyeball (cross-county work to reduce fly-tipping).
32. Under the operation, multi-agency meetings, involving CYC, NYCC and district councils, NYP, Environment Agency, NFU and Network Rail are held on a regular basis to share best practice,



coordinate enforcement activity and increase information/intelligence-sharing.

33. The first county-wide day of action was held on the 13<sup>th</sup> September with another planned on the 5<sup>th</sup> November. This consisted of coordinated council/police stop and search operations running across the county targeting suspected unlicensed waste carriers and scrap metal dealers.
34. In York 23 vehicles were stopped and checked for waste and 17 notices were served requiring evidence of authority to carry waste or to produce waste information/records. In addition the group is currently in the process of producing an information sheet for farmers/landowners in partnership with the NFU.

### **CCTV.**

35. The council is currently in the process of procuring portable CCTV cameras for use in fly-tipping hot-spot areas. The Neighbourhood Enforcement team is particularly keen to deploy CCTV in rural and semi-rural areas, where there is little natural surveillance from surrounding properties. The aim is to increase opportunities for intelligence-gathering for enforcement purposes.

### **Charges for the Disposal of Domestic Building Waste and Bonded Asbestos**

36. The current charges, detailed below were introduced in 2013
  - **Bricks/rubble:** £2 per bag or equivalent
  - **Plasterboard** £6 per bag or equivalent
  - **Bonded Asbestos** £6 per sheet up to 1.82m x 0.6m  
£13 any sheet above 1.82m x 0.6m (Maximum 2 sheets wrapped together) £6 per bag
37. When we introduced these charges the amounts of rubble and plaster board dropped to a level three times lower than when free, based on this, the removal of these charges would result in a cost of circa £70k , with a 50/50 split between reduced income and disposal costs.

### **Bulky Collection Charges**

38. The bulky collection service is undertaken on the councils behalf by Yorwaste
39. The charge is £44.00 to collect up to 10 bulky items and £26.00 per fridge and freezer.
40. This can be seen as expensive particularly if you only have one or two items to dispose off.
41. Part of the project run by the Bell Farm Residents association, (which was funded by the York Community Recycling Fund), included residents clubbing their items for disposal together and when they reached the ten items, a booking was made by the residents association and the cost was spread over that group of residents.
42. The Bell Farm Residents Association has intimated that they would be happy to advise other groups on how to set a similar scheme up in their area.

### **Waste Supplementary Planning Document.**

43. The service continues to work with the planning team to ensure new properties have adequate and appropriate waste disposal facilities.
44. In September 2018 Executive considered supplementary planning document priorities waste was not identified as as currently a priority.
45. The Council currently have 3 approved supplementary planning documents (SPDs):
  - houses in multiple occupation (HMOs)
  - house extensions and alterations
  - subdivision of dwellings
46. These documents are classed as 'draft' as they have been prepared prior to the adoption of the Local Plan, but approved as 'interim planning guidance' and form a material consideration in the planning application process.

## Recycling Boxes

47. A decision was taken at the June 2018 Executive meeting to fund the provision of up to two free recycling boxes, if customers collected them themselves.
  
48. Having consulted with Yorwaste and St Nicks, they have confirmed that they are unable to act as a distribution point for the free boxes.

## Options and Analysis

49. The options open to the Executive Member are to:
  - i) Note the update on the York Community Recycling Fund.
  - ii) Note the update on initiatives to reduce fly tipping
  - iii) To undertake a three month trial of delivering free recycling boxes, using the £20k already allocated.

## Council Plan

47. The proposals in this report are in line with the Council Plan priorities to Place a Focus on Frontline Services and a Prosperous City for All. The proposals are also in line with the Council's comment to One Planet York.

## Implications

### 48. **Financial:**

There is no budget provision for a community recycling fund or for the removal of charges at HWRC's. Funding would need to be identified before either of these options could be implemented. There is no available budget within waste services that could be utilised. Therefore the budget provision would need to be dealt with as part of the 2019/20 budget process.

### 49. **Human Resources (HR):** There are no HR implications

### 50. **Equalities:** There are no Equalities implications

51. **Legal:** There are no Legal implications
52. **Crime and Disorder:** There are no Crime and Disorder implications
53. **Information Technology (IT):** There are no IT implications
54. **Property:** There are no property implications

### Risk Management

55. The main risks that have been identified with the proposals contained within this report, are those which could lead to the inability to meet business objectives and deliver services, leading to damage to the Council's reputation and failure to meet stakeholders expectations. The level of risk is assessed as "Very Low". This means that periodic monitoring is required of the operation of the proposed funding options.

### Contact Details

<b>Author:</b>	<b>Chief Officer responsible for the report:</b>		
Russell Stone Head of Operations Tel: (01904) 553108	James Gilchrist, Assistant Director Transport, Highways and Environment		
Tanya Lyon Community Safety Manager Tel: (01904) 555741	<b>Report Approved</b>	√	<b>Date</b> 22/11/18
<b>Specialist Implications:</b>			
<b>Wards Affected:</b>			<b>All</b> ✓

**Background Papers:**

- Decision Session – Executive Member for the Environment, 6 March 2017: York Community Recycling Fund
- Full Council – 22<sup>nd</sup> March 2018

**Annexes**

None

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**Decision Session – Executive Member for the Environment****3 December 2018**

Report of the Director of Economy and Place

**Evaluation of the pilot of the Better Decision Making Tool****Summary**

1. One Planet Council (OPC) is the City of York Council's initiative which places sustainability and resilience at the heart of council decision-making processes. The programme was approved by the Executive on 16 March 2017.
2. The Better Decision Making Tool is a central part of the One Planet Council Programme. The tool was designed to help officers identify and balance the social, economic, environmental, and equalities implications of their decisions. This report presents a review the tool, following its six month pilot with Executive decisions.
3. Feedback and analysis of the pilot indicates that the tool is beneficial in helping officers to think more holistically about the impact of their proposal and identify additional improvements and mitigation strategies. In order to further embed the tool into corporate processes it is proposed that the tool is aligned with the All About Projects Framework and that a Project Officer post is created to support officers working on the capital programme and to lead on key delivery projects, including Go Ultra Low.

## **Recommendations**

The Executive Member is asked to:

- Note the findings of the review
- Approve the creation of a Project Officer post to support officers delivering capital project and to lead key delivery projects.
- Delegate any further amendments of the tool to the Head of Corporate Strategy and City Partnerships and the Head of Programmes in Economy and Place.

Reason: in order to continue to improve the usability of the tool, to ensure that its impact is maximised and to ensure that there is capacity to deliver key projects around the One Planet agenda.

## **Background**

4. The Better Decision Making Tool (BDMT) was designed to help officers identify and balance the social, economic, environmental, and equalities implications of their decisions. The tool is part of a wider corporate agenda to help realise the ambitions set out in the Council Plan (2015–19): to put sustainability at the heart of everything we do, to work towards ‘One Planet Living’ and to become a more resilient organisation.
5. In March 2017, the Executive approved a six month pilot of the tool, for strategies, policies, projects, and changes to services going before the Executive. The approved tool is attached as Annex 1. The pilot period ran from June to November 2017.

## **Review**

6. Since the pilot, a review of the tool has been carried out, based on a combination of officer feedback and an analysis of the quality of responses provided within the tool.



7. The following benefits of the tool were identified:

- The tool helps officers systematically consider a wide range of potential implications of their project, enabling them to mitigate potential negative effects, and helping them identify additional positive benefits that could be delivered.
- The tool prompts officers to consider areas outside of their area of expertise, and where appropriate, seek advice from colleagues.
- The nature of the questions in the first part of the form (relating to health, access to services, employment, skills, etc.) helps officers to think more deeply about the equalities issues addressed in the latter part of the form.
- Where proposals relate to procurement, the tool provides an opportunity to raise officer awareness about the potential to deliver additional social, environmental and local economic benefits through the goods and services they buy.

8. Figure 1 shows a snapshot from a completed Better Decision Making Tool, highlighting key actions to maximise the positive, and minimise the negative, impacts of the proposal.

Figure 1: Snapshot from a completed Better Decision Making Tool

**7.2 What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it**

Action	Person(s)	Due date
Appoint Dedicated Project Manager to support customers, carers, family members and providers.	Project Manager	May-17
Engagement / Q&A sessions with customers, carers and families	Project Manager / Adults LD / YILTS Team	May - Nov 17
Engagement / Q&A sessions with care providers.	Project Manager / Adults LD / YILTS Team	May - Nov 17
Produce cross directorate customer and community Transportation Policy	Health, Housing & Adult Social Care / Children, Education & Communities directorates	Nov-17
Practical / financial support with the management of Direct Payments	DP Support Framework Providers	Ongoing
Practical / financial support with the wider aspects of money management, income maximisation.	Financial Inclusion Network	Ongoing
Social and emotional support for families and carers	York Carers Centre	Ongoing
Explore alternative solutions for elderly customers with dementia and no family support.	Adults Long Term Team	Ongoing
Reduce the risk of discrimination against vulnerable customers.	YILTS / Safe Places Scheme	Ongoing
Encourage transport providers on the Approved CYC Framework to adopt sustainable principles.	Adults Commissioning Team	May-June 2017
Explore employment opportunities for Personal Assistants and Escorts created through the personalised approach.	Adults LD Team	Ongoing

9. The Better Decision Making tool includes an assessment of the equalities implications of a proposal and replaces the Community Impact Assessment. Officers typically report that the structure of the Better Decision Making tool makes is easier to complete and that the tool provides a more comprehensive and holistic assessment of a project. This view was echoed by the Staff Equalities Experts Group. During the pilot period the tool was used in twelve reports. This contrast with five uses of the Community Impact Assessment over the same six month period in the previous year. As we further refine our corporate processes in relation to the tool, we anticipate that the number of proposals using the tool will increase.

10. During the course of the pilot period officer feedback was collected regarding the ease of completing the tool. The tool was also presented in

an interactive session to the members of Leading Together: a group which comprises senior managers from across the council. Some subtle changes to the language used and the form layout were made, in order to make it easier to complete. These changes were signed off by the Executive Member for the Environment and the Director of Economy and Place during the pilot period, as per the March 2017 Executive approval. The original tool is provided in Annex 1 and the amended version in Annex 2.

11. The Better Decision Making Tool was piloted with Executive decisions. This decision was taken on the basis that it would help raise awareness of the tool and ensure we prioritise the most significant decisions. While this is an important step, and officers have been able to apply the tool to positive effect, officers also report that the tool would have delivered greater benefit were they to use it earlier in a proposals lifecycle. This is due to the greater flexibility to make modifications.
12. In order to ensure that the tool is used at the earliest opportunity, it is proposed that the tool is aligned with the council's All About Projects Framework. The tool should be used in the Discovery stage of a proposal, when gathering evidence about its potential impact, shaping the form a project takes, and identifying key outcomes aligned to the One Planet principles. The tool should be consulted again during full business case development and act as a living document throughout the lifecycle of the Project.
13. During the pilot, officers were offered support to complete the tool, including from colleagues in health and equalities. The quality of the responses provided in the tool is strongly linked to the amount of assistance provided by officers with specialist knowledge. While the quality of some completed Better Decision Making Tools is high, others are insufficiently detailed. In light of this it is proposed that a Project Officer post is created to support and challenge officers working on major capital projects.
14. Examples of the Capital Projects are as follows:
  - York Central
  - Castle Gateway

- Housing Development Company
- Guildhall
- Older Persons' Accommodation
- STEP
- Specialist Disabled Children's Short Break Facility
- Community Stadium
- Outer ring road
- AWRP

15. Built into the Project Officer role will be the delivery of key projects that align to the One Planet agenda. An example of this would be the Go Ultra Low project: a project which the Council has been successful in securing funding for the infrastructure and strongly supports the green aspects of One Planet.

16. The officer would sit within the Directorate of Economy and Place reporting into the Programmes function and have the following responsibilities:

- a. Work with project managers during the Discovery stage of All About Projects, helping them to shape the proposal, identify additional social, economic and environmental opportunities and risks and establish key outcomes aligned to the One Planet Principles
- b. Provide ongoing support and challenge throughout the development of major capital projects, particularly during full business case development
- c. Identify and apply for funding that enables project managers to deliver wider benefits that will support our corporate objectives around sustainability and resilience
- d. Support officers when procuring goods and services, helping them understand how tenders can be structured to deliver additional social, economic and environmental benefits
- e. Facilitate cross-directorate support and knowledge transfer. Through regular engagement with Directorate Management Teams the Project Officer would gain an appreciation of their current projects and priorities. This would enable them to identify

how a capital project in one area could support an initiative in another.

- f. Make further refinements to the Better Decision Making Tool in order to reflect changing directorate priorities and to further improve its utility
- g. Take the lead on key delivery projects that support the One Planet agenda and ensure that maximum benefits are achieved.

17. By creating a position with oversight of all major capital projects, awareness of broader corporate priorities and with scope to lead delivery projects, the council will be able to achieve a more coordinated approach to sustainability and resilience, capitalising on opportunities as and when they arise.

18. The post will be funded over 3 years using the £50k assigned to support the delivery of battery storage projects (this falls within the scope of the Go Ultra Low project) and a further £150k will be sought from Executive as Monitor 3 from the One Planet budget.

## **Consultation**

Extensive internal consultation was carried out in relation to the development of the Better Decision Making tool. Officers with a broad range of experience and expertise relevant to the One Planet principles were consulted.

Consultation began in August 2016 and included officers from: health, economic development, corporate services, arboriculture, public protection, waste services, transport, property, HR, business travel, fleet transport, energy and sustainability, equalities, communities, and All About Projects.

## **Council Plan**

The Better Decision Making Tool will help realise the ambitions set out in the Council Plan (2015–19): to put sustainability at the heart of everything we do, to work towards 'One Planet Living' and to become a more resilient organisation.

## Implications

- **Financial** - The post will be funded over 3 years using the £50k assigned to support the delivery of battery storage projects (this falls within the scope of the Go Ultra Low project) and a further £150k will be sought from Executive as Monitor 3 from the One Planet budget.
- **Human Resources (HR)** - There are no HR implications
- **Equalities** –The tool was designed to ensure that the equalities implications of a proposal are thoroughly considered. There are no additional equalities implications.
- **Legal** – There are no other implications
- **Crime and Disorder** - There are no crime and disorder implications
- **Information Technology (IT)** - There are no information technology implications
- **Property** - There are no property implications

**Other** - There are no other implications

## Risk Management

No risks identified

**Contact Details**

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**Chief Officer Responsible for the report:**

**Neil Ferris**  
**Director of Economy and Place**

**Report**  **Date** 23/11/2018  
**Approved**

**Specialist Implications Officer(s)**

Patrick Looker  
Finance Manager  
Tel No 01904 551633

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

Delivering One Planet Council (16 March 2017)

**Annexes**

Annex 1: Better Decision Making Tool (original)  
Annex 2: Better Decision Making Tool (amended)

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The 'Better Decision Making' tool has been designed to help officers consider equalities and social, economic and environmental sustainability, when developing a new proposal. The purpose of the 'Better Decision Making' tool is to ensure that the impacts of every proposal are carefully considered and balanced, and that decisions are based on evidence.

The questions contained within this tool draw upon priorities set out in the Council Plan, and will help us to realise its ambitions by maximising the opportunity to embed positive impacts in the new initiatives we put forward. The tool is key to ensuring that we as a council meet our statutory duties set out in the Equalities Act (2010) to provide inclusive and discrimination-free services. Essentially, it is a tool that helps deliver decisions that we can have confidence in.

The 'Better Decision Making' tool should be used for proposals going to the Executive, whether to propose a new project, policy or strategy, or to make changes to services.

**Sections 1–7** of this form should be completed as soon as you have identified a potential area for change, and when you are just beginning to develop a proposal. This should be done to identify any potential negative impacts and highlight any areas for improvement. If you are following the All About Projects Framework it should be completed before going through Gateway 2.

**Section 8** of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. This is to demonstrate how the proposal has been amended in light of information gathered in Sections 1–7. If you are following the All About Projects Framework it should be completed before going through Gateway 5.

Please note that your answer to Question 8.4 in Section 8 must be reported in Executive reports, and the full 'Better Decision Making' tool must be attached as an annex.

Guidance on completing this assessment is available by hovering over the text boxes. The full guidance document can be accessed by following this link to the 'Better Decision Making' tool on Colin.

**Please complete all fields** (and expand if necessary).

**Section 1: Introduction**

1.1	<b>Service submitting the proposal:</b>	
1.2	<b>Name of person completing the assessment:</b>	
1.3	<b>Job title:</b>	
1.4	<b>Directorate:</b>	
1.5	<b>Date Completed:</b>	
1.6	<b>Date Approved:</b> form to be checked by service manager	

**Section 2: What is the proposal?**

2.1	<b>Name of the service, policy or strategy being assessed?</b>	
2.2	<b>What are the main aims of the proposal?</b>	
2.3	<b>What are the intended effects and key outcomes?</b>	

**Section 3: Evidence in support of the proposal**

	<b>What data is available to understand the likely impacts of the proposal?</b> (e.g. hate crime figures, obesity levels, recycling statistics)	
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3.1	
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3.2	<b>What further evidence (including all engagement and co-design feedback) has been used to support this proposal?</b>

3.3	<b>Are there any emerging initiatives which will produce a combined impact with this proposal? (e.g. will the same individuals/communities of identity also be impacted by a different project or policy?)</b>

**Section 4: Impact on One Planet Principles**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or service users. This section relates to the impact of your proposal on the One Planet Principles.

For 'Impact', please select from the options in the drop-down menu. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

**Equity and Local Economy**

Does your proposal?	Impact	What are the impacts and how do you know?
4.1 <b>Impact positively on the business community in York?</b>		
4.2 <b>Provide additional employment or training opportunities in the city?</b>		
4.3 <b>Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?</b>		

**Health & Happiness**

Does your proposal?	Impact	What are the impacts and how do you know?
4.4 <b>Improve the physical health or emotional wellbeing of staff or residents?</b>		
4.5 <b>Help reduce health inequalities?</b>		
4.6 <b>Encourage residents to be more responsible for their own health?</b>		
4.7 <b>Reduce crime or fear of crime?</b>		

**Culture & Community**

Does your proposal?	Impact	What are the impacts and how do you know?
4.8 <b>Help improve community cohesion?</b>		
4.9 <b>Improve access to services for residents, especially those most in need?</b>		
4.10 <b>Improve the cultural offerings or heritage of York?</b>		
4.11 <b>Encourage residents to be more socially responsible and participate in their communities?</b>		

**Zero Carbon and Sustainable Water**

Does your proposal?	Impact	What are the impacts and how do you know?
4.12 <b>Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?</b>		
4.13 <b>Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?</b>		
4.14 <b>Provide opportunities to generate energy from renewable/low carbon technologies?</b>		

Zero Waste		
Does your proposal?	Impact	What are the impacts and how do you know?
4.15	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	

Sustainable Transport		
Does your proposal?	Impact	What are the impacts and how do you know?
4.16	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	
4.17	Help improve air quality?	

Sustainable Materials		
Does your proposal?	Impact	What are the impacts and how do you know?
4.18	Minimise the environmental impact of the goods and services we buy?	

Local and Sustainable Food		
Does your proposal?	Impact	What are the impacts and how do you know?
4.19	Maximise opportunities to support local and sustainable food initiatives?	

Land Use and Wildlife		
Does your proposal?	Impact	What are the impacts and how do you know?
4.20	Maximise opportunities to conserve or enhance the natural environment?	
4.21	Improve the quality of the built environment?	
4.22	Preserve the character and setting of the historic city of York?	
4.23	Enable residents to enjoy public spaces?	

4.24	Additional space to comment on the impacts	

**Section 5: Impact on Equalities and Human Rights**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or service users. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

**Equalities**

Will the proposal **adversely impact** upon 'communities of identity'?  
 Will it **help advance equality** or foster good relations between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators
5.1	Age		
5.2	Disability		
5.3	Gender		
5.4	Gender Reassignment		
5.5	Marriage and civil partnership		
5.6	Pregnancy and maternity		
5.7	Race		
5.8	Religion or belief		
5.9	Sexual orientation		
5.10	Carer		
5.11	Lowest income groups		
5.12	Veterans, Armed forces community		

**Human Rights**

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
5.13	Right to education	
5.14	Right not to be subjected to torture, degrading treatment or punishment	
5.15	Right to a fair and public hearing	
5.16	Right to respect for private and family life, home and correspondence	
5.17	Freedom of expression	
5.18	Right not to be subject to discrimination	

5.19	Other Rights		
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5.20	Additional space to comment on the impacts		

**Section 6: Developing Understanding**

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, and economic concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

6.1	<b>Taking into consideration your responses about <u>all of the impacts</u> of the project in its <u>current form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</b>

6.2	<b>What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative)</b>

6.3	<b>What could be changed improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative)</b>

**Section 7: Planning for Improvement**

7.1	<b>What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)</b>

7.2	<b>What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows if needed)</b>
-----	---

Action	Person(s)	Due date

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7.3	<b>Additional space to comment on the impacts</b>



**Section 8: Improvements**

Section 8 builds on the impacts you identified in sections 1-7. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 8.4 must be reported in the One Planet Council implications section of reports going to the Executive.

8.1	<p>For the areas in sections 4 and 5 where you were unsure of the potential impact, what have you done to clarify the situation?</p>	
8.2	<p>What changes have you made to your proposal to increase positive impacts?</p>	
8.3	<p>What changes have you made to your proposal to reduce negative impacts?</p>	
8.4	<p>Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</p> <p><b>**This information must be input into the One Planet Implications section of the Executive Report**</b></p>	
8.5	<p>Any further comments?</p>	

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The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

**The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.**

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

Please complete all fields. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

**Introduction**

<b>Service submitting the proposal:</b>	
<b>Name of person completing the assessment:</b>	
<b>Job title:</b>	
<b>Directorate:</b>	
<b>Date Completed:</b>	
<b>Date Approved</b> (form to be checked by head of service):	

**Section 1: What is the proposal?**

1.1	<b>Name of the service, project, programme, policy or strategy being assessed?</b>
1.2	<b>What are the main aims of the proposal?</b>
1.3	<b>What are the key outcomes?</b>

**Section 2: Evidence**

2.1	<b>What data / evidence is available to support the proposal and understand its likely impact?</b> (e.g. hate crime figures, obesity levels, recycling statistics)
2.2	<b>What public / stakeholder consultation has been undertaken and what were the findings?</b>

2.3	<p><b>Are there any other initiatives that may produce a combined impact with this proposal?</b> (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p>
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**Section 3: Impact on One Planet principles**

Please summarise any potential positive and negative impacts that may arise from your proposal on residents or staff. This section relates to the impact of your proposal on the ten One Planet principles.

For 'Impact', please select from the options in the drop-down menu. If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

**Equity and Local Economy**

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?		
3.2	Provide additional employment or training opportunities in the city?		
3.3	Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?		

**Health & Happiness**

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of residents or staff?		
3.5	Help reduce health inequalities?		
3.6	Encourage residents to be more responsible for their own health?		
3.7	Reduce crime or fear of crime?		
3.8	Help to give children and young people a good start in life?		

**Culture & Community**

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help bring communities together?		
3.10	Improve access to services for residents, especially those most in need?		
3.11	Improve the cultural offerings of York?		
3.12	Encourage residents to be more socially responsible?		

**Zero Carbon and Sustainable Water**

Does your proposal?	Impact	What are the impacts and how do you know?

3.13	<b>Minimise the amount of energy we use and / or reduce the amount of energy we pay for?</b> E.g. through the use of low or zero carbon sources of energy?		
3.14	<b>Minimise the amount of water we use and/or reduce the amount of water we pay for?</b>		

**Zero Waste**

	Does your proposal?	Impact	What are the impacts and how do you know?
3.15	<b>Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?</b>		

**Sustainable Transport**

	Does your proposal?	Impact	What are the impacts and how do you know?
3.16	<b>Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?</b>		
3.17	<b>Help improve the quality of the air we breathe?</b>		

**Sustainable Materials**

	Does your proposal?	Impact	What are the impacts and how do you know?
3.18	<b>Minimise the environmental impact of the goods and services used?</b>		

**Local and Sustainable Food**

	Does your proposal?	Impact	What are the impacts and how do you know?
3.19	<b>Maximise opportunities to support local and sustainable food initiatives?</b>		

**Land Use and Wildlife**

	Does your proposal?	Impact	What are the impacts and how do you know?
3.20	<b>Maximise opportunities to conserve or enhance the natural environment?</b>		
3.21	<b>Improve the quality of the built environment?</b>		
3.22	<b>Preserve the character and setting of the historic city of York?</b>		
3.23	<b>Enable residents to enjoy public spaces?</b>		

3.40	<b>Additional space to comment on the impacts</b>		

**Section 4: Impact on Equalities and Human Rights**

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.  
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

**Equalities**

Will the proposal **adversely impact** upon 'communities of identity'?  
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?
4.1	Age		
4.2	Disability		
4.3	Gender		
4.4	Gender Reassignment		
4.5	Marriage and civil partnership		
4.6	Pregnancy and maternity		
4.7	Race		
4.8	Religion or belief		
4.9	Sexual orientation		
4.10	Carer		
4.11	Lowest income groups		
4.12	Veterans, Armed forces community		

**Human Rights**

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
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4.13	Right to education		
4.14	Right not to be subjected to torture, degrading treatment or punishment		
4.15	Right to a fair and public hearing		
4.16	Right to respect for private and family life, home and correspondence		
4.17	Freedom of expression		
4.18	Right not to be subject to discrimination		
4.19	Other Rights		

4.20	Additional space to comment on the impacts		





**Section 5: Planning for Improvement**

5.1	<b>What have you changed in order to improve the impact of the proposal on the One Planet principles?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

5.2	<b>What have you changed in order to improve the impact of the proposal on equalities and human rights?</b> (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

5.3	<b>Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits?</b> e.g. consultation with specific vulnerable groups, additional data)

5.4	<b>Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?</b> (Expand / insert more rows if needed)
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Action	Person(s)	Due date

**In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.**

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**Decision Session – Executive Member of Environment**

**3 December 2018**

**Government Consultation on:**

**Compulsory Community Pre-application Consultation for Shale Gas Development.**

**Summary**

1. On 17 May 2018 the Government published a Written Ministerial Statement on Energy Policy (WMS2018). WMS2018 stated the Government remains fully committed to making planning decisions faster and fairer for all those affected by new development, and to ensure that local communities are fully involved in planning decisions that affect them.
2. Specifically, WMS 2018 set out an intention by Government to consult on:
  - a) That non-hydraulic fracturing shale gas exploration development should be treated as permitted development, and the circumstances in which this might be appropriate;
  - b) the criteria required to trigger the inclusion of shale gas production projects into the Nationally Significant Infrastructure Projects regime; and
  - c) the **potential to make community pre-application consultation a statutory requirement.**
3. We have previously responded to the first two consultations which were the subject of a report to the Executive Member's Decision Session on 22 October 2018. We append this for information as Annex A.
4. The consultation addressing this final matter was published by the Ministry of Housing, Communities and Local Government (MHCLG) on 31 October 2018. The closing date for responses to the consultation is 7 January 2019. This consultation seeks views on whether applicants should be required to conduct pre-application consultation with the local community prior to submitting a planning application for shale gas development. It covers the following areas:

- (1) Whether community pre-application consultation should be compulsory prior to submitting a planning application for shale gas development.
  - (2) Whether compulsory community pre-application consultation for shale gas development should follow one of the existing processes, or some other process.
  - (3) Defining what shale gas development should be subject to compulsory community pre-application consultation.
5. Currently applications for these forms of development require the submission of a planning application for determination by the relevant minerals planning authority (in this case City of York Council). These applications would then be assessed against the relevant national and local policies including the emerging York Local Plan and the Joint Minerals and Waste Plan. Applicants have the opportunity to challenge any decision made by the Local Planning Authority through the appeals process.
6. The Executive Member will be aware that this consultation is running in parallel with finalisation of the Minerals and Waste Joint Plan (MWJP) for North Yorkshire, York and the National Park, which will set out a new local planning policy framework for hydrocarbons development, including shale gas. The Examination in Public for the MWJP concluded in April 2018 but following the publication of WMS2018 on 17 May 2018 and MHCLG's Select Committee Report: Planning Guidance and Fracking on the 5<sup>th</sup> July 2018, the Inspector has asked the joint authorities to undertake consultation on both and respond to the Inspector. The joint response was sent to the Inspector on Monday 19 November 2018. The Inspector has now asked for an additional hearing session to be programmed for January 2019.

## **Recommendations**

The Executive Member is asked to:

- 1) note the Government consultation on compulsory community pre-application consultation for shale gas development

Reason: To allow officers to respond to the Government consultations prior to the deadline of 7 January 2019.

- 2) approve Option 1: endorse the views set out in the 'Suggested Authority response' which align with the Council submitted Joint Waste and Minerals Plan sections of the report and agree to their submission to

the Ministry of Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy as relevant.

Reason: To allow officers to respond to the Government consultations prior to the deadline of 7 January 2019.

## **Background**

### Minerals and Waste Joint Plan

7. The Minerals and Waste Joint Plan (MWJP) is being produced by North Yorkshire County Council (NYCC), the City of York Council (CYC) and the North York Moors National Park Authority (NYMNP). It will contain planning policies for minerals and waste developments in the Plan area until 31 December 2030. The preparation of the MWJP has included a number of consultations to gain the views of interested parties and stakeholders which have contributed to the overall development of the plan. This has been in line with each Council's Statement of Community Involvement (SCI).
8. The Minerals and Waste Joint Plan was submitted for Examination in November 2017. All of the Examination documents can be found using the following weblink: <https://www.northyorks.gov.uk/minerals-and-waste-joint-plan-examination>. The Secretary of State appointed Inspector Elizabeth Ord LLB (Hons) LLM MA DipTUS to conduct the examination which started in February 2018 with public hearing sessions with the Inspector in February, March and April 2018.
9. The submitted MWJP includes relevant policies to these government consultations. The relevant policies include:
  - **Policy M16: Key spatial principles for hydrocarbon development**
  - **Policy M17: Other spatial and locational criteria applying to hydrocarbon development**
  - **Policy M18: Other specific criteria applying to hydrocarbon development**
  - **Policy D01: Presumption in favour of sustainable minerals and waste development**
10. The above policies have been amended through the Examination hearing sessions to date. See Annex B for a copy of the policies in the Publication Draft Minerals and Waste Joint Plan (November 2016), Addendum of Proposed Changes to Publication Draft (July 2017) and

Schedule of Additional Changes & Draft Main Modifications to the Publication Draft.

11. Following the hearing sessions on 17 May 2018 the Government published a Written Ministerial Statement on Energy Policy (WMS2018) and the Select Committee Ministry of Housing, Communities and Local Government's Select Committee Report: Planning Guidance and Fracking on the 5<sup>th</sup> July 2018 the Inspector has asked the joint authorities to undertake consultation on both and respond to the Inspector. The Joint response was sent to the Inspector on Monday 19 November. The Inspector has asked for an additional hearing session to be programmed for January 2019.
12. Once hearing sessions have concluded, the authorities will undertake a modifications consultation on these amendments. The responses to this modifications consultation will then be provided to the Inspector to inform her Inspectors Report. Following receipt of the Inspectors report, the Councils' will then decide on whether they want to adopt the Plan.

Current Application Consultation Procedure

13. Currently applications for these forms of mineral development require the submission of a planning application for determination by the relevant minerals planning authority, unless it is deemed permitted development (see below). These applications would be assessed against the relevant national and local policies including the emerging York Local Plan and the Joint Minerals and Waste Plan. Further, there would be a period of consultation (usually 21 days) within which the mineral planning authority will identify and consult a number of different groups, including the public, statutory consultees, non-statutory consultees, and any consultation required by a direction.
14. For permitted development, operators are required to notify planning authorities at least 28 days before, of their intention to undertake such permitted development works (initial investigation and of monitoring boreholes and ground radar surveys) so that local authorities are able to raise issues that are particular to the locality that may constrain permitted development rights.
15. At the moment, any planning application for exploration or for production of shale gas requires planning approval but there is currently no obligation to enter into pre-application discussions with the Local

Planning Authority or to provide any advance publicity or engagement with the community of their precise intentions.

16. Applicants may engage in pre-application discussions with the Council but this is on a voluntary basis and may not include community engagement. City of York Council currently offer a paid for, fee-based pre-application planning service, which will continue to be offered. Our guidance is informal and given without prejudice, but helps to identify any issues relevant to a development, so the applicants can consider them before proposals are finalised and a planning application is submitted. This approach gives applicants the opportunity to improve the submission and speed up the process of a planning decision.
17. Any pre-application correspondence will be made available for public inspection under the Freedom of Information Act or Environmental Information Regulations, unless the information is deemed exempt.
18. Currently, it is not a statutory requirement for applicants to undertake pre-application community consultation prior to submitting a planning application for all types of proposed development. However, there are existing processes that require community consultation at the pre-application stage. These are a) for development that would fall within the scope of the Nationally Significant Infrastructure Projects regime, and b) for more significant onshore wind development that doesn't fall within the scope of that regime. This is the responsibility of the prospective applicant for planning permission or development consent (and must be undertaken prior to the submission of an application).
19. For clarity, the statutory requirement for prospective applicants to conduct consultation with local communities (prior to undertaking onshore wind development involving more than 2 turbines, or where the hub height of any turbine exceeds 15 metres) is linked to the threshold at which onshore wind development requires screening to determine whether there is a likelihood of significant environment effects under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### Community Engagement Charter – UKOOG

20. The United Kingdom Onshore Operators Group (UKOOG) currently has a Community Engagement Charter dealing with 'Oil and Gas from Unconventional Reservoirs', to ensure greater understanding and involvement by communities in unlocking the UK's energy potential. The

aim of the charter is “*to ensure open and transparent communications between industry, stakeholder groups and the communities in which we [UKOOG] operate*”, with objectives to:

- Identify and proactively address local issues and concerns.
- Facilitate the sustainable development of extractive resources.
- Achieve an appropriate balance between the safe production of energy and the community’s needs.

21. For partners within the Group, there is a commitment to consult communities at each development stage of unconventional gas – stage 1: exploration, stage 2 – Moving into production and stage 3 – Production. However, this Charter is not currently formalised and therefore cannot be enforced.

### **Consultation on compulsory community pre-application consultation for shale gas development<sup>1</sup>**

22. The Government’s current consultation recognises that although “*all applications must be assessed on a case-by-case basis, applications for all phases of shale gas development are likely to fall under paragraph 2 of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment is therefore required if the project is likely to have significant environmental effects*”. Their consultation is therefore asking whether it is appropriate to follow a similar statutory community pre application consultation process to onshore wind development.
23. The Government’s consultation specifically seeks views on whether applicants should be required to conduct pre-application consultation with the local community prior to submitting a planning application for shale gas development.
24. Below is a summary of the specific questions asked in the consultation and the suggested officer response.

Question 1

Should community pre-application consultation be compulsory prior to applying for planning permission for shale gas development?

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<sup>1</sup> <https://www.gov.uk/government/consultations/compulsory-community-pre-application-consultation-for-shale-gas-development>



Suggested Officer Response: Yes – Community pre-application consultation should be compulsory.

Question 2

By what process (if any) should prospective applicants be required to conduct community pre-application consultation prior to applying for planning permission for shale gas development?

Onshore wind development/ Nationally Significant Infrastructure Projects /Other (please specify)

Suggested Officer Response:

We consider that making statutory the requirement of pre-application consultation with the local community for all shale gas development would be of benefit to the overall application process.

The process applicants must take to consult with the community should follow a similar process required by onshore wind development, stated in the consultation document, as follows:

- Publicise the proposed application in such a manner that is likely to bring it to the attention of a majority of the persons who live at, or occupy, premises in the vicinity of the land. In doing so setting out information on how the applicant may be contacted, and the proposed timetable for the consultation (ensuring sufficient time for people to comment);
- Have regard to the advice (if any) given by the local planning authority about local good practice;
- Where proposing to go ahead with making an application for planning permission, have regard to any responses to the consultation;
- Where an application for planning permission is made, it must be accompanied by particulars of how the applicant complied with the publicising and consultation requirements, the responses received by the applicant, and how the applicant has taken account of the responses

If an alternative approach is taken, this should be in conformity with the full application consultation process undertaken by the LPA or should be in accordance with an adopted Statement of Community Involvement.

In considering who should be consulted, we understand there may be benefit in identifying a minimum area to consult. For this, we draw upon the policy M17 in the North Yorkshire, York and North York Moors Joint Minerals and Waste Plan (MWJP) wherein we have established through further evidence the justification for a 500m buffer zone around any

proposed development to take consideration of impacts on sensitive receptors. It could form a useful minimum area for consultation.

At the MWJP Examination in Public hearing session on hydrocarbons on 13 March 2018 , the Inspector requested further evidence from the Authorities to explain and justify the reference in Policy M17(4)(i) to the 500m buffer. This is set out below:

*‘The purpose of the buffer is not to prescribe an absolute measure but to state a qualified guide, to the effect that proposals within 500m of sensitive receptors are “unlikely” to be consistent with ensuring a high level of protection to sensitive receptors from adverse land-use impacts. The stated policy objective of policy M17(4) is to maintain “adequate separation distances” and paragraph 5.146 (of the MWJP) recognises that this will need to be determined ultimately on a “case by case basis.” Proposals within 500m which can demonstrate that the appropriate protection of receptors can be achieved would be consistent with this policy objective. The 500m buffer identified in the policy must be seen in this context.*

*The Authorities consider that this approach is sound due to a combination of considerations, the main elements of which are set out below. Moreover, the PEDL coverage of the Plan area is extensive. The specific industrial processes are relatively new to this area and have generated significant local concern. The inclusion of a specific figure provides an appropriate level of guidance to developers and reassurance to local communities, particularly residents, in circumstances where experience of hydraulic fracturing within the Plan area is limited’.*

*The Authorities are also addressing a separate request to amend the reference to proposals within the buffer zone only being permitted “in exceptional circumstances”. This will be covered in proposed Main Modifications. The Authorities consider that the explanation of such “exceptional circumstances” provides appropriate flexibility in the application of the policy relating to the 500m buffer zone’.*

We have responded to the Government’s other recent consultations on Shale Gas, which also references the above information and we append to this response for information (Annex A).

Question 3

What (if any) shale gas development should be subject to compulsory community pre-application consultation?

(All shale gas development requiring a planning application/ Where an Environmental Impact Assessment is required/Other criteria or threshold (please specify))

Suggested Officer Response: All Shale Gas development requiring a planning application should be subject to compulsory community pre-application consultation.

Question 4

Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?

Suggested Officer Response:

The impact of the matters raised in this consultation could affect all people and not just those people with protected characteristics.

**Options**

- i) That the Executive Member for the Environment endorse the views set out in the 'Suggested Authority response' sections of the report and agree to their submission to the Ministry of Housing, Communities and Local Government;
- ii) That the Executive Member for the Environment endorse the views set out in the 'Suggested Authority response' sections of the report and agree to their submission to the Ministry of Housing, Communities and Local Government subject to amendments agreed at this meeting;
- iii) That the Executive Member for the Environment rejects the views set out in the 'Suggested Authority response' sections of the report requesting that further work is undertaken.

## Options Analysis

25. In order for the Council to submit a timely response to the consultation, officers consider that the Executive Member for Environment should endorse the views set out in Option 1. For option 3, officers would seek delegated sign-off by the Director of Economy and Place in consultation with the Executive Member to allow a response to be submitted. For Options 2 and 3, it should be noted that the closing date for the current consultation is the 7<sup>th</sup> January 2019.

## Council Plan

26. Under the Council Plan 2015-2019 key priorities 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 York is a city where:
- Local businesses can thrive
  - Residents have the opportunity to get good quality and well paid jobs
  - Residents can access affordable homes while the greenbelt and unique character of the city is protected
  - Everyone is supported to achieve their full potential
  - Efficient and affordable transport links enable residents and businesses to access key services and opportunities
  - Environmental Sustainability underpins everything we do
  - Everyone who lives in the city can enjoy its unique heritage and range of activities.
  - Visitors, businesses and residents are impressed with the quality of our city.

## Implications

27. The following implications have been assessed:
- **Financial** There are no financial implications
  - **Human Resources (HR)** There are no HR implications
  - **One Planet Council / Equalities** Please refer to paragraph 24, Question 4 in this report.
  - **Legal** There are no legal implications
  - **Crime and Disorder** There are no crime and disorder implications
  - **Information Technology (IT)** There are no IT implications
  - **Property** There are no property implications
  - **Other** None

## **Risk Management**

28. In compliance with the Council's risk management strategy, the main risks associated are as follows:

- Risks arising from failure to comply with the laws and regulations relating to Planning and not exercising local control of developments.

## Contact Details

### Author:

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Strategic Planning  
Tel No. 553312

### Chief Officer Responsible for the report:

Mike Slater  
Assistant Director of CES  
Tel No: 551448

Rachel Macefield  
Forward Plan Manager  
Strategic Planning  
Tel No. 551356

**Report**  **Date** 23/11/18  
**Approved**

### Specialist Implications Officer(s)

Financial – Patrick Looker  
Finance Manager  
Tel No. 551207

Legal – Alison Hartley  
Legal Services Manager  
Tel No. 553487

**Wards Affected:** List wards or tick box to indicate all

**All**

**For further information please contact the author of the report**

### Background Papers:

Ministry of Housing and Local Government Compulsory Community pre-application consultation for shale gas development consultation (October 2018): <https://www.gov.uk/government/consultations/compulsory-community-pre-application-consultation-for-shale-gas-development>

### Annexes

Annex A – Responses to previous Government consultations regarding Shale Gas

Annex B – Joint Minerals and Waste Plan (JMWP) Relevant Policies

### List of Abbreviations Used in this Report

MWJP	Minerals and Waste Joint Plan
WMS2018	Written Ministerial Statement on Energy Policy
MHCLG	Ministry of Housing, Communities and Local Government
SCI	Statement of Community Involvement
UKOOG	United Kingdom Onshore Operators Group
PEDL	UK Petroleum Exploration and Development Licence

**Annex A**

**Responses to previous Government  
consultations regarding Shale Gas**







Economy and Place Directorate  
Strategic Planning  
West Offices  
Station Rise  
York YO1 6GA

## **Permitted Development for Shale Gas Exploration Consultation July 2018**

**Consultation Deadline: 25<sup>th</sup> October 2018**

### **City of York Council Response**

#### **Question 1**

- a) Do you agree with this definition to limit a permitted development right to non-hydraulic fracturing shale gas exploration? Suggested response - No**
- b) If No, what definition would be appropriate?**

A specific concern is that the definition proposed to apply for the purposes of a new permitted development right does not directly state that hydraulic fracturing is excluded from the scope of the right. Whilst it is clear from the text of the consultation that this is the intention, it is considered that, if a new right is introduced, this exclusion should be specifically stated in the definition itself for the avoidance of doubt.

Related to this concern is the potential for different interpretation of the term 'hydraulic fracturing' and how this could impact on the scope of any new permitted development right. Specifically, it is not clear whether the Government intends that only exploratory drilling involving 'associated hydraulic fracturing' as defined through the Infrastructure Act 2015 would be excluded from the scope of a new right. The Infrastructure Act, as subsequently clarified by Government, defines associated hydraulic fracturing as fracturing which involves the injection of more than 1,000 cubic metres of fluid at any fracturing stage or more than 10,000 cubic metres of fluid in

total. However, at this very early stage in the development of any shale gas industry in England, it is not yet known whether fluid injection volumes in excess of this threshold are likely to be typical.

The draft Minerals and Waste Joint Plan for North Yorkshire, York and the National Park sets out a wider definition of hydraulic fracturing which does not utilise a minimum volume threshold, with such an approach being in line with current national Planning Practice Guidance. This latter approach reflects the view of the Joint Plan authorities that significant land use planning impacts can arise where volumes of fracture fluid below the Infrastructure Act definition are used. This approach has been subject of initial support by the Inspector undertaking the Examination in Public of the Joint Plan, which has not yet concluded. It is considered essential that any new permitted development right for non-hydraulic fracturing shale gas exploration should clearly state that hydraulic fracturing at any volume is excluded.

## **Question 2**

**Should non-hydraulic fracturing shale gas exploration development be granted planning permission through a permitted development right? Suggested Response - No**

A balance needs to be struck between timely decision making and the need for appropriate scrutiny of development proposals at a local level. This is particularly the case for forms of development which have the potential to give rise to adverse impact on local communities, or be proposed in environmentally sensitive locations. A view on the principle of introducing the proposed new permitted development right can only be given in the context of the specific scope and limitations that would be applied, which are considered in more detail in the following sections.

Whilst Government's intention not to apply a new permitted development right in sensitive designations is welcomed and supported, it is necessary to consider the wider implications of the measures proposed through the consultation in the event that that position is not maintained.

There are several policies in the JWMP that make reference to the need to protect the historic character and setting of the City of York in determining whether development is appropriate in a particular

location. The Joint Plan policies which specifically refer to York Green Belt and the Historic Character and Setting can be found in Annex A to this report, these policies are:

**M01: Broad geographical approach to supply of aggregates**  
**M16: Key spatial principles for hydrocarbon development**  
**D05: Minerals and Waste Development in the Green Belt**  
**D06: Landscape**

At the Examination in Public hearings relating to policies for hydrocarbons development, the Inspector asked for additional evidence to justify the inclusion of “Areas which Protect the Historic Character and Setting of York” (“Areas”) within the protection afforded by Policy M16(b)(i).

Paragraph 5.129 of the Joint Plan provides further explanation of the reference to the Areas in the policy.

“Although the City of York is not protected in the same way as National Parks and AONBs, the historic character and setting of the City is a key reason for having designated the York Green Belt, one of only six cities in England where this reason applies, and the historic City as a whole does not benefit from any other specific national policy protection. The relatively flat and low-lying landscape around York allows for long distance views of the Minster and other landmark buildings which are integral to the setting of the City...”

Paragraph 9.62 also states that:

“Evidence produced by City of York Council in 2013 identifies six principal defining characteristics which are strategically important to the historic character and setting of York, that set York apart from other similar cities in England These characteristics are:

- The City’s strong urban form, townscape, layout of streets and squares, building plots, alleyways, arterial routes, and parks and gardens;
- The City’s compactness;
- The City’s landmark monuments, in particular the City Walls and Bars, the Minster, churches, guildhalls, Clifford’s Tower,

the main railway station and other structures associated and chocolate manufacturing heritage;

- The City's architectural character, this rich diversity of age and construction displays variety and order and is accompanied by a wealth of detail in windows and door openings; bay rhythms; chimneys and roofscapes; brick; stone; timber; ranges; gables; ironwork; passageways; and rear yards and gardens;
- The City's archaeological complexity: the extensive and internationally important archaeological deposits beneath the City;
- The City's landscape and setting within its rural hinterland and the open green strays and river corridors and Ings, which penetrate into the heart of the urban area, breaking up the City's built form.

The work which the City of York has carried out in relation to its Green Belt protection as well as the special character and setting of the historic city has informed the inclusion of the Areas within the protection afforded by Policy M16.

The rationale for introducing a permitted development right for exploratory drilling for shale gas but not other forms of hydrocarbons is not clear, other than to address Government's perceived concern about the speed of decision making on shale gas proposals. In terms of the potential for impacts on the environment and local amenity, there is no expectation that exploratory drilling for shale gas would give rise to lesser potential for impacts than exploratory drilling for other forms of hydrocarbons. It is correspondingly unclear why the former form of development should benefit from additional flexibility through a permitted development right.

Furthermore, drilling to explore for shale gas in York is likely to require drilling to a greater depth than for conventional gas resources as the shale is at a greater depth and therefore may be expected to take longer, with correspondingly greater potential for longer duration impacts as a result of factors such as visual intrusion, noise and traffic movements. A related concern is the potential for harmful impacts to arise, through the use of permitted

development rights to bring forward incrementally more development in a given area, but without the ability for proper consideration to be given to the cumulative impacts of such development through the full planning process.

It is considered that these factors undermine the rationale for introducing the proposed new permitted development right. The essential role of permitted development rights is to give deemed consent for forms of development which are not likely to give rise to significant land use planning concerns and therefore require a lesser degree of scrutiny and public involvement. Extending permitted development rights to exploratory drilling activity, potentially taking many months, typically involving 24 hour operations and requiring use of substantial items of plant and equipment and associated vehicle movements, would not be in the best interests of ensuring delivery of sustainable development through the planning system, in line with established national planning policy, or help with the Government's stated intention of ensuring that there is public confidence in the development of the shale gas industry.

This view is consistent with the recent findings of the Housing, Communities and Local Government Committee Inquiry on Planning guidance which recommended, in its July 2018 report, that: *Shale gas development of any type should not be classed as permitted development.*

*Given the contentious nature of fracking, local communities should be able to have a say in whether this type of development takes place, particularly as concerns about the construction, location and cumulative impact of drill pads are yet to be assuaged by the Government.*

The City of York Council is committed to listening to the local community through the planning process but any decisions must be made within the relevant regulatory and legal framework.

Officers consider that Government should not introduce a permitted development right for non-hydraulic fracturing shale gas exploration. Notwithstanding this view, the following comments address matters relevant to other aspects of the consultation, in the event that Government does proceed to introduce a new permitted development right.

**Question 3**

- a) Do you agree that a permitted development right for non-hydraulic fracturing shale gas exploration development would not apply to the following? Yes**
- b) If No, please indicate why.**
- c) Are there any other types of land where permitted development right for non-hydraulic fracturing shale gas exploration development should not apply?**

The intention to exclude sensitive locations from the scope of a new permitted development right is welcomed but it is considered that the sensitive locations should be expanded to include protection for the historic character and setting of York. At the Examination in Public hearings relating to policies for hydrocarbons development, the Inspector asked for additional evidence to justify the inclusion of “Areas which Protect the Historic Character and Setting of York” (“Areas”) within the protection afforded by Policy M16(b)(i).

Paragraph 5.129 of the Joint Plan provides further explanation of the reference to the Areas in the policy.

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- The City's compactness;
- The City's landmark monuments, in particular the City Walls and Bars, the Minster, churches, guildhalls, Clifford's Tower, the main railway station and other structures associated and chocolate manufacturing heritage;
- The City's architectural character, this rich diversity of age and construction displays variety and order and is accompanied by a wealth of detail in windows and door openings; bay rhythms; chimneys and roofscapes; brick; stone; timber; ranges; gables; ironwork; passageways; and rear yards and gardens;
- The City's archaeological complexity: the extensive and internationally important archaeological deposits beneath the City;
- The City's landscape and setting within its rural hinterland and the open green strays and river corridors and lngs, which penetrate into the heart of the urban area, breaking up the City's built form.

The work which the City of York has carried out in relation to its Green Belt protection as well as the special character and setting of the historic city has informed the inclusion of the Areas within the protection afforded by Policy M16.

On the basis of the above explanation York's Historic and Character Areas should also be excluded from permitted development rights.

There is also concern that permitted development outside but close to the boundary of these sensitive areas could nevertheless give rise to potential for significant adverse impacts on the excluded area, for example as a result of visual and landscape impact including the impact of the infrastructure left behind, noise and loss of tranquillity, and as a result of increased traffic movements. There is a risk that appropriate opportunity for proper scrutiny of the potential for such impacts would be missed should a new permitted development right be introduced.

On the other hand, the necessary standard development conditions and restrictions that may be required as part of a new right in order to prevent unacceptable harm, including to adjacent protected areas, would be likely to be complex whilst also lacking the flexibility that can result from consideration of a planning application via a comprehensive process of consultation and scrutiny. It is not at all clear, therefore, that the proposed measures would be successful in either facilitating early stage shale gas exploration development, or in protecting the environment from the effects of such development.

**Question 4**

**What conditions and restrictions would be appropriate for a permitted development right for non-hydraulic shale gas exploration development?**

**Question 5**

**Do you have comments on the potential considerations that a developer should apply to the local planning authority for a determination, before beginning the development?**

The questions of standard development conditions and restrictions and the need for prior approval of certain matters before permitted development rights can be exercised are inter-related. There is concern that the imposition of standard conditions for relatively substantial and complex forms of development such as that being contemplated would not be an effective means of preventing unacceptable impacts in all circumstances, owing to the wide range of site-specific circumstances that could arise.

There is also a risk that they could, in certain circumstances, result in unnecessary burdens on developers. It is considered that such matters are most effectively assessed and resolved through a full planning application process rather than a 'light touch' prior approval system.

Nevertheless, without prejudice to the view that introduction of a permitted development right for shale gas exploration would not be appropriate, it is considered that, if such a right were introduced, it should be accompanied by a requirement for prior approval of matters including:



- Size of well pad
- Density of well pads
- Height of any plant and equipment
- Duration of permitted development
- Means of access and volume of HGV movements
- Mitigation measures for noise, vibration, air quality and light intrusion
- Maintenance of a minimum separation distance from sensitive locations such as residential property
- Details of measures to be taken to screen the site and mitigate any potential impacts on ground and surface water resources, ecology, heritage assets, the landscape and air quality
- Management of waste
- Restoration of the site including confirmation of compliance with associated Environmental Permitting and Pipeline Regulations.
- Confirmation of Community payment under UKOOG Shale Community Engagement Charter, where relevant.

It is also considered that a standard requirement for prior notification of local residents and other relevant parties should be included, and in a way which allows a reasonable period for the receipt of representations. Such an approach could help ensure more effective public engagement in shale gas development proposals, in line with previous Government commitments to facilitate this. In the absence of adequate opportunity for public engagement in shale gas development proposals being brought forward under any new permitted development right, there is concern that public confidence in the overall planning and regulation of this form of development will be further weakened.

Significant concerns have been expressed by local communities about the potential effects of fracking development, within the MWJP it was considered appropriate to develop a policy which reassures residents and other sensitive receptors<sup>1</sup> that their amenity will be adequately protected. The preparation of the JMWP has been carried out within the parameters of the relevant regulatory and legal framework including the National Planning Policy Framework. The JMWP maintains that there is sufficient evidence to justify the adoption of a 500m separation distance

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<sup>1</sup> Receptors - such as people, residential properties, nature conservation sites and designated landscapes.

from these sensitive receptors. It is considered that this approach is justified, subject to the qualifications inherent in the policy and the application of wider criteria relating to hydrocarbons development.

At the MWJP Examination in Public hearing session on hydrocarbons on 13th March 2018, the Inspector requested further evidence from the Authorities to explain and justify the reference in Policy M17(4)(i) to the 500m buffer. This is set out below.

‘The Authorities are addressing a separate request to amend the reference to proposals within the buffer zone only being permitted “in exceptional circumstances”. This will be covered in proposed Main Modifications. The Authorities consider that the explanation of such “exceptional circumstances” provides appropriate flexibility in the application of the policy relating to the 500m buffer zone.

The purpose of the buffer is not to prescribe an absolute measure but to state a qualified guide, to the effect that proposals within 500m of sensitive receptors are “unlikely” to be consistent with ensuring a high level of protection to sensitive receptors from adverse land-use impacts. The stated policy objective of policy M17(4) is to maintain “adequate separation distances” and paragraph 5.146 recognises that this will need to be determined ultimately on a “case by case basis.” Proposals within 500m which can demonstrate that the appropriate protection of receptors can be achieved would be consistent with this policy objective. The 500m buffer identified in the policy must be seen in this context.

The Authorities consider that this approach is sound due to a combination of considerations, the main elements of which are set out below. Moreover, the PEDL coverage of the Plan area is extensive. The specific industrial processes are relatively new to this area and have generated significant local concern. The inclusion of a specific figure provides an appropriate level of guidance to developers and reassurance to local communities, particularly residents, in circumstances where experience of hydraulic fracturing within the Plan area is limited’.

Finally in relation to this particular matter, it is considered important that any new permitted development right is supported by effective and comprehensive standard conditions and prior notification and

engagement requirements, in order to reduce the extent to which mineral planning authorities may need to rely on their powers to use 'article 4 directions'. Such directions can be used to remove permitted development rights in instances where there is concern about the potential impacts of development which could otherwise be carried out under such rights.

**Question 6**

**Should a permitted development right for non-hydraulic shale gas exploration development only apply for 2 years, or be made permanent?**

The acknowledgement by Government that there is uncertainty over the potential effectiveness of a permitted development right for non-hydraulic fracturing shale exploration development is noted and reinforces concern that the potential scale, nature and sensitivity of such development is not compatible with the use of such rights. If Government is nevertheless minded to introduce a new right, then it should be for a temporary period of two years only and Government should seek further views from interested parties at the expiry of that period before determining whether it should be carried forward or revised.

**Question 7**

**Do you have any views the potential impact of the matters raised in this consultation on people with protected characteristics as defined in section 149 of the Equalities Act 2010?**

The impact of the matters raised in this consultation could affect all people and not just those people with protected characteristics.

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**Annex B**

**Joint Minerals and Waste Plan (JMWP) Relevant Policies**



The JMWP policies are taken from the Publication Draft November 2016, Addendum of Proposed Changes to Publication Draft July 2017 and the Schedule of Additional Changes and Draft Main Modifications to the Publication Draft

**Policy M01: Broad geographical approach to supply of aggregates**

**Policy M16: Key spatial principles for hydrocarbon development**

**Policy M17: Other spatial and locational criteria applying to hydrocarbon development**

**Policy M18: Other specific criteria applying to hydrocarbon development**

**Policy D01: Presumption in favour of sustainable minerals and waste development**

**Policy D05: Minerals and Waste Development in the Green Belt**

**Policy D06: Landscape**







# Minerals and Waste Joint Plan



# Publication Draft

## November 2016

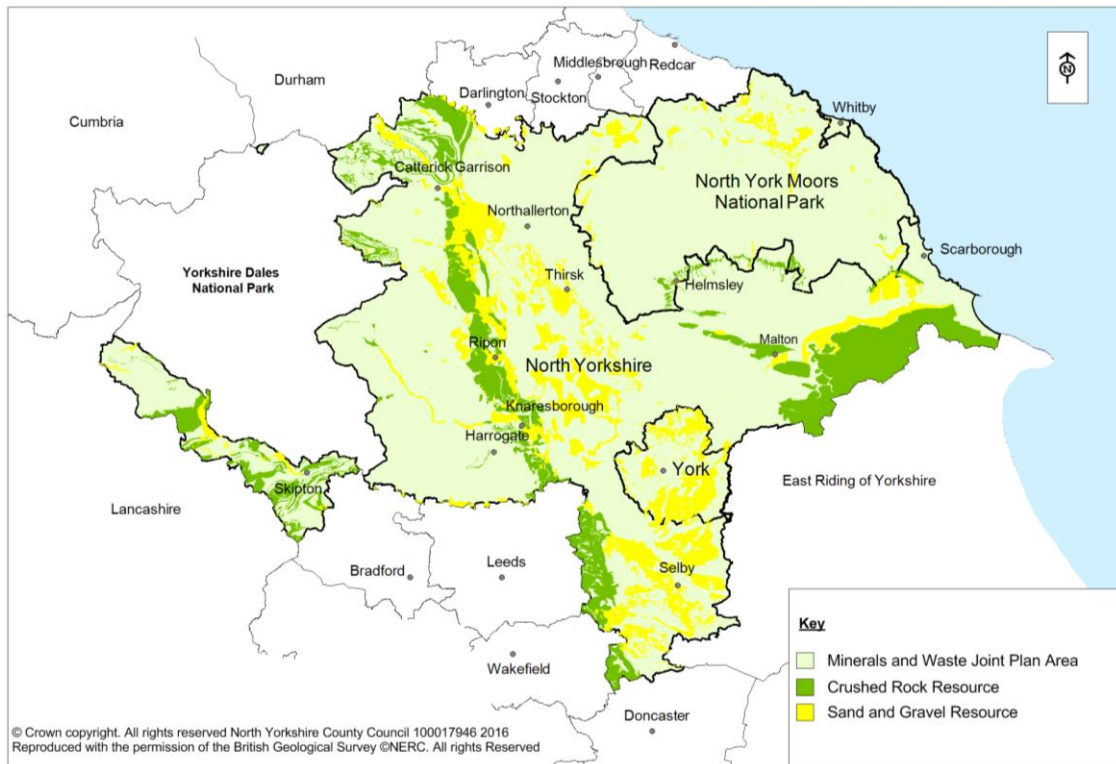


Figure 9: Aggregate resources in Plan area

- 5.4 Crushed rock resources in the Plan area typically comprise three main types: Carboniferous limestone, which occurs in the north around the Scotch Corner-Leyburn area in Richmondshire and Craven in the west; Magnesian limestone, which occurs as a narrow band running north-south through the central part of the area; and Jurassic limestone, which occurs around the fringes of the Vale of Pickering and the North York Moors National Park in the east of the area. Small amounts of chalk have previously been produced but working has now stopped. There are no crushed rock resources in the City of York.
- 5.5 Substantial resources and permitted reserves of crushed rock exist within Areas of Outstanding Natural Beauty (Howardian Hills and Nidderdale AONBs respectively) and resources also exist in the southern part of the North York Moors National Park. However, as with sand and gravel, national policy encourages the maintenance of crushed rock landbanks from outside National Parks and AONBs, as far as practicable.

### **Policy M01: Broad geographical approach to supply of aggregates**

The Plan area outside the North York Moors National Park, the Areas of Outstanding Natural Beauty and the City of York will be the main focus for extraction of aggregate (sand and gravel and crushed rock). Exceptions to this principle will be made for:

- 1) In the National Park and Areas of Outstanding Natural Beauty, the extraction of crushed rock aggregate where it is incidental to and would not compromise the supply of building stone extraction as the primary activity, and where the removal of crushed rock from the site will not compromise the high quality reclamation and afteruse of the site.
- 2) In the Areas of Outstanding Natural Beauty, the extension of time for the extraction of remaining permitted reserves at existing quarries and/or the limited lateral extension or deepening of existing quarries where necessary to

help ensure continued operation of the site during the Plan period. Any proposals in these areas will need to demonstrate a particularly high standard of mitigation of any environmental impacts including, where practical, enhanced mitigation and higher-quality site reclamation compared with that required by the existing permission/s. Where proposals are considered to comprise major development the test for major development in Policy D04 will also need to be satisfied.

- 3) In the City of York area, the small scale extraction of sand and gravel where this is consistent with safeguarding the historic character and setting of the City.

**Main responsibility for implementation of policy:** NYCC, CYC, NYMNPA and Minerals Industry

**Key links to other relevant policies and objectives**

*M02, M03, M05, M07, M08, M09, M10, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12*

*Objectives 6, 7, 9*

**Monitoring:** Monitoring indicator 1 (see Appendix 3)

## Policy Justification

- 5.6 Due to a combination of resource availability issues and environmental constraints, it is expected that the NYCC area will be the main focus for aggregates working over the Plan period. However, there may be limited circumstances where it would be appropriate to support aggregates extraction in other parts of the Plan area.
- 5.7 Although extraction has taken place until relatively recently there are now no existing permitted aggregates quarries in the National Park. Further working would therefore involve opening a new quarry. It is not considered that there is sufficient justification for such development, taking into account the substantial permitted reserves elsewhere in the Plan area, as well as national policy, which supports the maintenance of landbanks of aggregate from outside National Parks as far as practical.
- 5.8 Although Areas of Outstanding Natural Beauty are also subject to a similar degree of national policy constraint, the AONBs in the Plan area contain a number of well-established crushed rock quarries, including Pateley Bridge Quarry in the Nidderdale AONB and a number of smaller quarries in the Howardian Hills AONB. It would not be appropriate to support large-scale new working in these areas during the Plan period, taking into account the availability of reserves and resources of crushed rock elsewhere in the Plan area. However, provision of support for the continuation of working at sites where existing time-limited permissions are due to expire during the Plan period yet reserves remain would help to ensure that local economic benefits, including local employment, are sustained, as well as maintain the site's contribution to the overall supply of aggregate. Similar benefits could also arise through the limited physical extension of quarrying at existing sites in the AONB where this is needed to enable the site to continue its' existing role in supply.
- 5.9 Where a time extension or additional extraction through lateral extensions or deepening are proposed, a very high degree of protection of the environment should be demonstrated and, preferably, a better quality of mitigation and site reclamation secured compared with that required by the existing permission/s. This is necessary to reduce the overall impact of such development on these highly protected areas. It is unlikely that proposals involving an increase in rate of output compared with the previous position would be supported under this policy. National policy does not

preclude major development from taking place in protected areas. However, proposals need to be considered against the requirements for major development which state that exceptional circumstances need to be shown and that it can be demonstrated they are in the public interest. Although the term 'major development' is not defined in the context of the national policy test, it is likely that most proposals for extensions to aggregates quarries in the National Park and AONBs will need to be subject to the test, as set out in Policy D04 of the Plan.

- 5.10 There is no recent history of aggregates extraction in the City of York area but evidence suggests that some sand and gravel resources (mainly building sand) are present, particularly in the north. Resources in this area are subject to a substantial number of environmental and physical constraints and it is considered that the potential to identify suitable resources for development is relatively low. No proposals have come forward from industry in response to calls for sites. However, provision of support in principle for small-scale extraction would be appropriate to deliver a local contribution to supply, subject to suitable proposals coming forward. The emerging York Local Plan identifies a range of criteria which would need to be met by any proposals for working in the City of York area and any proposals would also need to comply with the development management policies in the Joint Plan.

## Scale of provision of sand and gravel over the Plan period

- 5.11 A North Yorkshire sub-regional Local Aggregates Assessment (LAA) has been produced in partnership by North Yorkshire County Council, City of York Council and the North York Moors and Yorkshire Dales National Park Authorities and provides an important source of evidence on supply of, and potential future requirements for, sand and gravel.
- 5.12 The evidence indicates that demand for sand and gravel worked in the Plan area is likely to continue and may increase over recent historic levels. Pressure for growth and development generates demand for aggregate minerals, including sand and gravel. The Plan area has traditionally been a major supplier of sand and gravel. Information about relevant future supply and demand factors for sand and gravel has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly. In order to ensure that an adequate supply can be maintained, significant additional resources of sand and gravel will need to be made available for working in the Plan area, in line with the level of demand forecasted in the LAA.

### Policy M02: Provision of sand and gravel

**Total provision for sand and gravel over the 15 year period 1<sup>st</sup> January 2016 to 31<sup>st</sup> December 2030 will be 36.6 million tonnes, at an equivalent annual rate of 2.44 million tonnes.**

**Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review.**

**Main responsibility for implementation of policy:** NYCC, CYC, NYMNPA and Minerals Industry

**Key links to other relevant policies and objectives**

*M01, M03, M04, M07, M08, M10, M11, S01, D01*

*Objective 5*

**Monitoring:** Monitoring indicator 2 (see Appendix 3)

5.118 Planning guidance and case law makes clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies. It states that they can determine applications having considered the advice of those bodies without having to wait for the other approval processes to be concluded.

## Definitions

5.119 To ensure that the local policy approach to hydrocarbon development is as clear as it can be, it is helpful to define some key words and concepts that will be used by the Mineral Planning Authorities when implementing the Joint Plan:

- a) 'Hydrocarbon development' includes all development activity associated with exploring, appraising and/or producing hydrocarbons (oil and gas), including both surface and underground development.
- b) 'Surface hydrocarbon development' and 'surface proposals' includes use and/or development of the land surface for the purposes of the exploring, appraising and/or producing hydrocarbons.
- c) 'Sub-surface hydrocarbon development' and 'sub-surface proposals' includes development taking place below the ground surface for the purposes of exploring, appraising and/or producing hydrocarbons.
- d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability, extracted using conventional drilling and production techniques.
- e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas, as well as the exploitation of in situ coal seams through underground coal gasification.
- f) For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.
- g) In planning terms it is important to distinguish between:
  - i) the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and
  - ii) the use of more conventional, less complex drilling and production techniques to extract hydrocarbons.

### **Policy M16: Key spatial principles for hydrocarbon development**

**Hydrocarbon development of the types identified below should be located in accordance with the following principles:**

- a)
  - **exploration, appraisal and production of conventional hydrocarbons, without hydraulic fracturing;**
  - **exploration for unconventional hydrocarbons, without hydraulic fracturing;**

**Proposals for these forms of hydrocarbon development will be permitted in**

locations where they would be in accordance with Policies M17 and M18 and, where relevant, part d) of this Policy.

b)

- Exploration, appraisal and production of conventional hydrocarbons, involving hydraulic fracturing;
- Exploration for unconventional hydrocarbons, involving hydraulic fracturing;
- Appraisal and/or production of unconventional hydrocarbons (other than coal mine methane):
  - i) Surface proposals for these forms of hydrocarbon development will only be permitted where they would be outside the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II\* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.
  - ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the requirements of Policy D04.
  - iii) Surface and sub-surface proposals for these forms of hydrocarbon development will also be required to be in accordance with Policies M17 and M18. Surface proposals will also, where relevant, need to comply with Part d) of this Policy.

c) Coal mine methane:

Proposals for production of coal mine methane resources will be supported where any surface development would be located on industrial or employment land or within the developed surface area of existing or former coal mining sites.

d) All surface hydrocarbon development:

- i) Where proposals for surface hydrocarbon development fall within a National Park or an AONB or associated 3.5km buffer zone identified on the Policies map, or is otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area/s. This includes views of and from the associated landscapes from significant view points and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area/s or are incompatible with their statutory purposes in accordance with Policy D04.
- ii) Surface hydrocarbon development will only be permitted where the undeveloped character of defined Heritage Coast will be protected.

e) Conversion of well pads and wells for further or alternative forms of hydrocarbon development:

<b>Where proposals are brought forward for the conversion of an exploration well pad or individual well to one to be used for appraisal and/or production purposes, or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons, such proposals shall be subject to the spatial principles set out in this Policy as relevant.</b>	
<b>Main responsibility for implementation of policy:</b> NYCC , NYMNPA, CYC and District and Minerals industry	
<b>Key links to other relevant policies and objectives</b>	
<i>M17, M18, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objectives 5, 6, 9, 10, 12</i>
<b>Monitoring:</b> Monitoring indicator 16 (see Appendix 3)	

## Policy Justification

- 5.120 In December 2015 a substantial number of new PEDLs were announced, covering significant areas of Hambleton, Ryedale and Scarborough Districts, including areas within the North York Moors National Park and Howardian Hills AONB, as well as parts of the City of York and Selby District. It is expected that this announcement will lead to a new round of exploration activity in the area. A key difference compared with earlier activity is that there is expected to be a focus on shale gas as a target for exploration and, potentially, appraisal and development, in line with the Government's objective of stimulating commercial interest in this resource. Whilst a number of activities associated with shale gas development are similar to those associated with conventional hydrocarbons development, including the need for construction of a well pad and the operations involved in initial drilling of a well, there are also a number of significant differences. Examples include the potential for increased activity associated with the fracturing operations themselves, the expectation of the need to drill a number of horizontal wells from one or more well pads, the potential for high noise levels during periods of hydraulic fracturing activity, and increased traffic movements as a result of the need to bring in additional materials or water and remove waste materials. Other forms of unconventional hydrocarbons, particularly Underground Coal Gasification and coal bed methane, can also give rise to a need for substantial development activity at the surface as a result of the processes involved, particularly at appraisal or production stages.
- 5.121 The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The Infrastructure Act 2015 has introduced a ban on hydraulic fracturing activity taking place anywhere at a depth less than 1000m below the ground surface. The Government has also set out through secondary legislation to the Infrastructure Act, which came into force on 6 April 2016<sup>13</sup>, that high volume hydraulic fracturing<sup>14</sup> will not be supported beneath National Parks, AONBs, protected groundwater source areas and World Heritage sites, unless it would take place at a depth in excess of 1,200m below the surface. These controls do not remove the potential for lateral hydraulic fracturing at a greater depth under the National Park, AONBs or other protected areas, from surface locations beyond their boundary, or expressly prevent the possibility of surface

<sup>13</sup> The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016

<sup>14</sup> For the purposes of the Plan the term 'high volume hydraulic fracturing' has the same definition as 'associated hydraulic fracturing', as defined via the Infrastructure Act 2015 (i.e. more than 1,000m<sup>3</sup> of fracture fluid per frack or 10,000m<sup>3</sup> overall).

development for the purposes of shale gas development, or development for other forms of unconventional hydrocarbons, in these areas. When considering the potential impact of a development on the special qualities of a National Park or AONB, reference to their special qualities can be found in the relevant management Plan for the area. Whilst the specific qualities relevant to each protected landscape may differ from one another, they will all include qualities relating to landscape and views, tranquillity, biodiversity and geodiversity and rare species and heritage, and it is the combination of these qualities that led to these areas being designated and protected as National Parks and AONBs. As such, development which would result in significant harm to the special qualities of a National Park or AONB will generally be resisted.

- 5.122 While the Infrastructure Act 2015 and secondary legislation address hydraulic fracturing which occurs underground, the Government has also consulted on further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from being carried out from new or existing wells drilled at the surface in certain specified areas, although they are not yet in force. As proposed, the restrictions would apply to surface development for unconventional hydrocarbons involving high volume hydraulic fracturing but not to conventional hydrocarbons development, or development for unconventional hydrocarbons which do not require high volume hydraulic fracturing. The areas proposed for protection through this means are National Parks, AONBs, World Heritage Sites, Groundwater Source Protection Zone 1, SSSIs, Natura 2000 sites (SPAs and SACs) and Ramsar sites. Although these areas all benefit from strong national planning policy protection in their own right, the proposed restrictions would not, in themselves, constitute planning policy as they are proposed to be implemented through the oil and gas licensing regime.
- 5.123 The net effect of the existing restrictions would be to prevent subsurface development involving high-volume hydraulic fracturing at a depth of less than 1,000m below the surface anywhere in the Plan area, and at a depth of less than 1,200m below the surface in some highly protected areas (as indicated in para. 5.121). However, a range of other important types of designation would not be subject to similar legislative protection. Furthermore, whilst the proposed surface restrictions would provide protection to a range of important designations, albeit not as a matter of planning policy, there are other types of sensitive areas that would not receive equivalent protection.
- 5.124 An additional consideration is that the new Regulations and proposed surface protections would only apply to high volume hydraulic fracturing whereas in terms of land use and the potential for impacts on the environment, local amenity and other relevant matters, impacts could occur at lower levels of activity.<sup>15</sup> It is therefore not considered appropriate to distinguish in the Policy between high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid. Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.
- 5.125 In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan

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<sup>15</sup> As an example, the recently permitted hydraulic fracturing activity at the KM8 well site in North Yorkshire involves 5 separate fracks, only one of which would exceed the 1,000m<sup>3</sup> threshold.



area are afforded an appropriate degree of protection as a matter of local planning policy. This would help provide a clear, robust and consistent local approach by ensuring that their protection is incorporated within the statutory development plan. Such an approach acknowledges the very important contribution made by these designations to the overall character of the Plan area, the quality of its environment and its attractiveness to both residents and visitors. The development management policies in Chapter 9 of the Joint Plan, including Policies D04, D05, D06, D07, D08 and D09, also provide specific policy protection for these and other assets, and will need to be taken into account as relevant in the determination of planning applications. This includes the need to take account of any Impact Risk Zones identified by Natural England for SACs, SPAs, Ramsar sites and SSSSIs, via the requirements of Policy D07 Biodiversity and geodiversity and impacts on the historic environment through the requirements of Policy D08 where relevant forms of surface or underground hydrocarbon development are proposed. Policy D11 also sets out requirements relating to the sustainable design, construction and operation of development, including minimisation of greenhouse gas emissions, consumption of water and generation of waste amongst other matters, in order to further reduce potential adverse impacts.

- 5.126 Mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act 1990 (“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land). Where horizontal drilling beneath a National Park is proposed from a location outside the Park, a ‘straddling’ application to both mineral planning authorities will be required. As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and should be steered away from these highly protected areas. Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.
- 5.127 A key factor leading to designation of an area as a National Park or Area of Outstanding Natural Beauty is the quality of its landscape. These areas benefit from a very high degree of protection in national policy, which states that major development within them should be refused unless there are exceptional circumstances and the development would be in the public interest. National Parks and AONBs are very important in contributing to the overall environmental quality, distinctive character and rural economy of the Plan area, yet substantial areas of PEDLs are located in them. In some cases, development outside a National Park or AONB could have an impact on its setting, and conflict with the statutory purposes of its designation. A particular consideration is whether the scale, nature and location of a proposed development would detract from the special qualities of the designated area. Tall elements of surface hydrocarbons development, such as drill rigs associated with exploration and appraisal, or production wells, may typically be 35-40m in height. Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently. However, where they would be located in close proximity to National Parks or AONBs, they have the potential to cause significant adverse impact on the setting of these important areas. This could include impact on important views to or from the National Park or AONB, or on the dark night skies typically associated with such areas as a result of the need for site lighting during 24-hour operations at some stages of development. Further justification for the protection of the setting of National Parks and AONBs is provided in paras. 9.26 and 9.27.

- 5.128 In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, proposals for surface hydrocarbons development within a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development on the designated area, including views into and out from the protected area. This distance is 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. Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.
- 5.129 Although the City of York is not protected in the same way as National Parks and AONBs, the historic character and setting of the City is a key reason for having designated the York Green Belt, one of only six cities in England where this reason applies, and the historic City as a whole does not benefit from any other specific national policy protection. The relatively flat and low lying landscape around York allows for long distance views of the Minster and other landmark buildings which are integral to the setting of the City. For these reasons, applicants will need to consider carefully the historic character and setting of the City when siting and designing proposals for surface hydrocarbons development within the City of York Green Belt. Where necessary, mitigation measures should be provided to prevent any unacceptable impact. Further details on the Green Belt can be found in Policy D05.
- 5.130 Areas of Heritage Coast have been defined in the Plan area. In these nationally defined non-statutory areas, local planning authorities are required to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast'. Such areas are therefore afforded a relatively high level of significance in national policy terms and it is appropriate to reflect this in the spatial approach.

### **Policy M17: Other spatial and locational criteria applying to hydrocarbon development**

#### **1) Accessibility and transport**

- i) Hydrocarbon development will be permitted in locations with suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment that:**
- a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities<sup>16</sup>, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements; and**
  - b) Access arrangements to the site are appropriate to the volume and**

<sup>16</sup> For the purposes of interpreting this and other Policies in the plan, the term local communities includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.

nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant; and

c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading.

ii) Where access infrastructure improvements are needed to ensure that the requirements of i) a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas transmission system, this should be via underground pipeline, with the routing of pipelines selected to have the least practicable environmental or amenity impact. Where hydraulic fracturing is proposed, proposals should also be located where an adequate water supply can be made available without the need for bulk road transport of water.

## 2) Cumulative impact

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development.

ii) Well pad density and/or the number of individual wells within a PEDL area will be limited to ensure that unacceptable cumulative impact does not arise. Assessment of the contribution to cumulative impact arising from a proposal for hydrocarbon development will include (but not necessarily be limited to) consideration of:

a) The proximity of a proposed new well pad site to other existing, planned or unrestored well pads, and the extent to which any combined effects would lead to unacceptable impacts on the environment or local communities, including as a result of any associated transport impacts;

b) The duration over which hydrocarbon development activity has taken place in the locality and the extent to which any adverse impacts on the environment or local communities would be expected to continue if the development were to be permitted;

c) The sensitivity of the receiving environment, taking into account the nature and distribution of any environmental constraints, proximity to local communities, the availability of adequate access links to the highway network and the need to ensure a high standard of protection in line with other relevant policies in the Plan.

Where results from any earlier exploration and/or appraisal activity are available, proposals for production of unconventional hydrocarbons should include information on how the proposal is intended to fit within an overall scheme of production development within the PEDL area and should ensure as far as practicable that production sites are located in the least environmentally sensitive areas of the resource.

iii) In order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons will be supported in locations where beneficial use can be made of existing or planned supporting infrastructure including, where relevant, pipelines for transport of gas and/or water, facilities for the processing or generation of energy from

<p>extracted gas and overhead or underground power lines and grid connections which could serve the development.</p> <p>iv) Where development of new processing, power or pipeline infrastructure is required, consideration should be given to how the location and design of the development could facilitate its use for multiple well pads in order to reduce adverse cumulative impact. The Minerals Planning Authority will support co-ordination between operators and the development of shared infrastructure where this will help reduce overall adverse impacts from hydrocarbon development.</p> <p>v) New processing or energy generation infrastructure for hydrocarbons should, as a first priority, be sited on brownfield, industrial or employment land. Where it can be demonstrated that development of agricultural land is required, and subject first to other locational requirements in Policies M16 and M17, proposals should seek to utilise land of lower quality in preference to higher quality.</p>	
<p><b>3) Local economy</b></p> <p>Hydrocarbon development will be permitted in locations where a high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions. The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods.</p>	
<p><b>4) Specific local amenity considerations relevant to hydrocarbon development</b></p> <p>i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.</p> <p>ii) Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary.</p> <p>iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.</p>	
<p><b>Main responsibility for implementation of policy:</b> NYCC , NYMNPA, CYC and District and Minerals industry</p>	
<p><b>Key links to other relevant policies and objectives</b></p>	
<p><i>M17, M18, I02, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i></p>	<p><i>Objectives 5, 6, 9, 10, 12</i></p>
<p><b>Monitoring:</b> Monitoring indicator 17 (see Appendix 3)</p>	

## Policy Justification

- 5.131 The exploration and appraisal phases of oil and gas development may generate a significant number of heavy vehicle movements, mainly in the early or final stages where drilling and associated equipment is being installed or removed, or during phases when hydraulic fracturing operations are taking place. This sometimes requires abnormal loads to be transported. Large parts of the Plan area, including the majority of the area covered by PEDLs, are highly rural with a relatively sparse network of main roads. Rural roads often pass through local communities and, in many cases, have not been constructed to take a large volume of heavy vehicle movements. It is therefore important to ensure that development is located where there is good access to suitable road networks. This can help to ensure that traffic movements on unsuitable roads are prevented, that the flow of traffic on the highway is not impeded and that highway safety is maintained. The main road network in the Plan area comprises A and B classified roads and development should be located where suitable access to these routes can be obtained without harming the amenity of local communities and businesses. Proposals should include a Transport Assessment to demonstrate how suitable access will be achieved. Where a requirement for improved access infrastructure is identified, proposals to deliver this should be provided as part of the Assessment, including through the use of formal agreements under section 106 of the Town and Country Planning Act 1990 or section 278 of the Highways Act 1980, where appropriate.
- 5.132 Where produced gas needs to be transported off-site to remote processing facilities or other infrastructure, pipelines are the most appropriate method in order to minimise the need for vehicle movements and their associated impacts. As pipeline construction can itself give rise to adverse impacts, it is important that the need for new infrastructure is minimised and sharing of infrastructure is supported under part 2) iv) of this Policy. Where new pipelines are required, routes which seek to minimise any impacts on the environment or local amenity should be selected, recognising that there are a range of factors which can impact on this, including land ownership and economic factors as well as environmental constraints. Impacts from vehicle movements can be reduced by ensuring that development such as hydraulic fracturing, involving large volumes of water, is located where water can be supplied by means such as pipeline or directly from a suitable local source, without the need for road transport. This can be further supported by encouraging re-use or recycling of water where practicable and this is addressed in Policy M18.
- 5.133 The nature of hydrocarbon operations, particularly for unconventional hydrocarbons such as shale gas, means that development may be proposed incrementally within a given area, potentially over substantial periods of time. This is done to access new areas of gas or stimulate the flow of gas in a given location, therefore helping to ensure maximum recovery of the resource and an appropriate return on investment on items such as processing infrastructure. As a result there may be commercial pressure to construct progressively more well pads and/or drill more wells on an existing pad, or re-fracture existing wells.
- 5.134 At this early stage in commercial interest in shale gas in the area, there is considerable uncertainty about the potential scale and distribution of development that could come forward. Indications are that a typical well pad would have a surface area of some 2ha and that the density of well pads per PEDL area would depend on factors including surface constraints and geological factors. It would be influenced by the outcome of further initial exploration activity in the area. Each well pad could be expected to contain several individual well heads, from each of which a number of horizontally drilled wells would be drilled to access the shale gas resource, leading to the possibility of a substantial number of individual wells being drilled per pad. Such

a scenario has the potential to lead to cumulative impacts as more development is proposed within an area, and to the potential for an incremental increase in impacts on the environment or local communities, including from traffic movements.

- 5.135 If further exploration leads to commercial interest in the production of shale gas in the Plan area, it is vital that a reasonable balance is found between developing the resource and protecting local communities and the environment. This is particularly so bearing in mind that PEDL areas are subject to a range of environmental constraints; are places where people live, work or visit and that they make an important existing contribution to the overall character, economic well-being and perception of the area.
- 5.136 Consequently, it will be very important to ensure that cumulative impacts that could arise through a proliferation of development are assessed and taken into account in considering proposals for hydrocarbon development. Whilst the current state of the evidence does not make it practicable to impose, at this stage in the development of the industry, a specific policy limit on the number of well pads or individual wells that may be acceptable in any particular area, or to specify a minimum separation distance that should be maintained between well pads, the policy sets out a range of criteria which will be used when assessing proposals which could give rise to cumulative impact.
- 5.137 To give an indication at this stage, however, it is considered unlikely that proposals which would lead to a total development density, including operational and restored sites, of more than 10 well pads per 100km<sup>2</sup> PEDL area (pro-rata for PEDLs of less than 100km<sup>2</sup>) would be compatible with the purpose of this element of the Policy<sup>17</sup>. For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate. As PEDL boundaries are based purely on the OS grid and do not reflect other considerations, the location of existing or planned development in adjacent PEDL areas will also be considered in assessing cumulative impact under this Policy.
- 5.138 Where information is available as a result of exploration and/or appraisal activity in a PEDL area, operators should use this when putting forward specific proposals for production to set out, as far as practicable, how those proposals are expected to fit into an overall production scenario for the PEDL area, in terms of any further development that may be anticipated. Such information should refer to development that is anticipated over the whole of the PEDL area and take account of the entire likely duration of development activity. This can help to ensure that a strategic approach is taken to the development of the area, which includes directing development, as far as practicable, towards the least sensitive locations.
- 5.139 In assessing the potential for cumulative impact, account will be taken of the relationship between the proposed site and the location of other operational hydrocarbons development, the location of sites used for hydrocarbon development which are no longer operational but which have not yet been restored to an agreed condition or afteruse, and the location of other permitted but as yet unimplemented hydrocarbons development. Where a formal Environmental Impact Assessment is required in respect of a specific proposal, the cumulative impacts of that proposal in combination with other development may also be required, depending on the circumstances of the individual case.

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<sup>17</sup> Where a PEDL straddles the boundary of a National Park or an AONB then this guideline would be applied pro rata to the area of the PEDL falling outside the designated area.

- 5.140 Accommodating any processing facilities and other supporting infrastructure, such as gas treatment, compressor or storage facilities, which may be needed to serve hydrocarbons development may be a challenge, given the predominantly rural nature of the Plan area and the scale and character of the development that could be involved. There are likely to be benefits therefore in locating new hydrocarbon development where it can use existing infrastructure, such as processing and distribution facilities, effectively, thus reducing the need for new development across the Plan area. This could help to reduce overall adverse impacts, including cumulative impacts. Consideration should therefore be given when locating development, and at the design stage, to the potential for the development to use suitable existing infrastructure, including infrastructure developed to serve activities carried out by other operators in adjacent PEDL areas, and developers should seek to deliver this where practicable.
- 5.141 Where new processing or other supporting infrastructure is required, consideration should be given to locating and designing this so that it would have the potential to serve multiple surface sites, potentially including those within the control of other operators. In support of this Policy the mineral planning authorities will encourage and facilitate discussion between PEDL holders or operators where necessary.
- 5.142 Where co-location or sharing is not practicable the priority should be for new facilities to be located on brownfield sites, industrial or employment land or, where the use of agricultural land is necessary, on land of lower agricultural quality in preference to higher quality land<sup>18</sup> where practicable in order to ensure consistency with national policy and guidance.
- 5.143 Whilst oil and gas development has the potential to bring local economic benefits to the area, such as through employment and positive impact on the local service economy, there is also the potential for adverse impact on elements of the existing economy. Tourism and recreation are an important part of the wider economy in Ryedale, Scarborough and Hambleton Districts, in the North York Moors National Park and in the City of York. The quality of the natural environment, the opportunities for outdoor recreation and the cultural and heritage assets in the area all play an important part in attracting visitors. Furthermore, many local businesses in the area, including within the agricultural and manufacturing sectors, benefit from the current perception that they operate in a high-quality rural environment.
- 5.144 In some cases individual sites or locations important to the visitor economy are already designated for protection in law or policy. However, many are not and it will be important to ensure that, in determining proposals for hydrocarbons development in the area, consideration is given to the potential for adverse impact on the existing economy, including provision of appropriate mitigation measures where necessary.
- 5.145 It is acknowledged that some of the adverse impacts of hydrocarbon development can be of relatively short duration, or intermittent in nature. Examples include the need for increased heavy vehicle movements during the installation and removal of drilling equipment, or during phases where any hydraulic fracturing is taking place, and the need for 'workovers' at existing well sites. Where such activity is proposed in locations where there could be a significant impact on the visitor economy, proposals should include consideration of whether the activity could be timed to avoid local school holiday periods.

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<sup>18</sup> i.e. not on land Grades 1, 2 and 3a within the DEFRA agricultural land classification system

- 5.146 Unlike other forms of minerals development currently taking place or expected in the Plan area, some phases of hydrocarbons development, such as the drilling of a well, require 24-hour operations. Such operations have acute potential to impact on local communities adversely, for example due to noise and light intrusion. This potential exists over much of the area that is currently subject to PEDLs, which is rural in nature, often with relatively low background noise levels, and relatively dark night skies. It is therefore important that locations for development are selected which will ensure adequate separation distances from residential property and other sensitive receptors. This would also help to ensure adequate protection from other potential impacts, such as emissions to air or water. The adequacy of separation distances to properties and other receptors will need to be determined by the Mineral Planning Authority on a case by case basis but in all cases a rigorous assessment of potential impacts is required and a high standard of mitigation provided where necessary. In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances. A 500m distance is considered to represent a reasonable distance taking into account the potential for a range of impacts including noise, vibration, light pollution, visual impact and other emissions, as well as the potential for some forms of hydrocarbon development to generate disturbance during night time periods, when there is potential for a greater degree of perceived impact. For the purpose of interpreting this approach, the term 'sensitive receptor' includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
- 5.147 In considering appropriate noise limits at sensitive receptors, operators will as a minimum be expected to meet the suggested limits set out in the national Planning Practice Guidance, with the objective of ensuring a high standard of protection for local amenity. Site lighting should be designed and located to ensure minimum light spillage beyond the site boundary.
- 5.148 A further specific consideration associated with hydraulic fracturing is the possibility of induced seismicity. This has the potential to impact local amenity adversely and can be a significant concern to local communities. Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it will be important to ensure that development which could give rise to induced seismicity is located in areas of suitable geology. Proposals should therefore be supported by information which demonstrates the known location of any faults and an assessment of the potential for induced seismicity to occur as a result of the proposed development. Operators will be expected to apply the DBEIS traffic light system (see Fig.15) during their operations.
- 5.149 The potential for emissions to water or air is also a key issue, particularly for proposals involving hydraulic fracturing. Although these are primarily matters controlled by other regulators (see below), they may have implications for the use and development of land, and local communities may be concerned about the potential for adverse impacts on health, which is also a relevant consideration in planning. Where proposals are put forward for development involving hydraulic fracturing, an air quality monitoring plan should be included. This should set out the measures to be taken to monitor air quality in the vicinity of the site, including the parameters to be monitored (to include parameters which relate to vehicle movements), the locations for monitoring and arrangements for reporting of results. A Health Impact Assessment should also be provided as part of an Environmental Impact Assessment, utilising any relevant data arising from baseline monitoring,



including air quality monitoring and from other sources. This assessment should identify any likely significant health impacts, any mitigation and also identify proposals for further monitoring.

- 5.150 A range of other impacts associated with hydrocarbon development have the potential to cause impact on local amenity, and further policy on this matter is contained in Policy D02, which will be applied as relevant when considering proposals for all forms of minerals and waste development activity. The requirements of Policy D11 relating to the sustainable design, construction and operation of development will also need to be considered, in order to help ensure that greenhouse gas emissions, water consumption and generation of waste are minimised.
- 5.151 Hydrocarbon development is subject to a range of other regulatory regimes which provide control over certain aspects of the operations. These are administered by organisations such as the Environment Agency, the Health and Safety Executive and the DBEIS. National planning guidance is clear that planning authorities should not seek to duplicate these controls, and should assume that other regulatory regimes will operate effectively. The mineral planning authorities will therefore seek to work effectively with other regulatory bodies to ensure that a robust approach is taken to protect the environment and local amenity, recognising that issues relevant to the use and development of land are matters for the planning system.
- 5.152 If significant environmental impacts are likely the minerals planning authority will require the applicant to undertake an Environmental Impact Assessment (EIA). It is established in law that 'projects' cannot be sub-divided to avoid proper application of the regulations. If EIA is required it is expected that applicants will submit sufficiently detailed information to allow the impact of the whole development to be considered.

### **Policy M18: Other specific criteria applying to hydrocarbon development**

#### **1) Waste management and reinjection wells**

- i) Proposals for hydrocarbon development will be permitted where it can be demonstrated, through submission of a waste water management plan, that arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should demonstrate that adequate arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.**
- ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will only be permitted in locations where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.**

**2) Decommissioning and restoration**

Proposals for hydrocarbon development will be permitted where, subject to other regulatory requirements, it can be demonstrated that:

- i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air; and
- ii) All plant, machinery and equipment not required to be retained at the site for operational purposes would be removed and the land restored to its original use or other agreed beneficial use within an agreed timescale.
- iii) For unconventional hydrocarbon development, the Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.

**Main responsibility for implementation of policy:** NYCC , NYMNPA, CYC and District and Minerals industry

**Key links to other relevant policies and objectives**

*M17, M18, S01, S05, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12*

*Objectives 5, 6, 9, 10, 12*

**Monitoring:** Monitoring indicator 18 (see Appendix 3)

**Policy Justification**

5.153 A significant issue with hydrocarbon development, particularly development involving hydraulic fracturing, is the need to manage the various forms of waste water that may be returned to the surface via a borehole. This can include water originally held within the rock (known as formation water) and, where hydraulic fracturing is involved, a proportion of the fracture fluid which returns to the surface via the borehole, known as flowback fluid. At production stage produced water arising as condensate in the gas can also occur. Such waste can arise in substantial volumes and may contain Naturally Occurring Radioactive Materials (NORM) and other contaminants. It may be practicable to prepare waste water on site for re-use, through cleaning it, or subject it to other reprocessing so that it can be recycled. Relevant processes can include filtration, disinfection, oxidation, sterilisation, sedimentation and electrocoagulation. It may also be practicable to treat some waste at the site prior to any requirement for off-site disposal.

5.154 Provided a high standard of environmental protection is maintained to prevent spillage that could result in contamination of surface or groundwater, on-site preparation for re-use, recycling or treatment is likely to represent the most sustainable option, minimising the need to transport waste and promoting increased re-use or recycling in line with waste policy objectives in the Joint Plan. Where this is not practicable or appropriate, then off-site treatment or disposal will be required. The need for appropriate management of waste water is an important consideration for these forms of development, given the potentially large volumes that could arise. Proposals which would generate waste water should therefore be supported by a waste water management plan, identifying the measures proposed, including any off-site arrangements, to ensure the safe and sustainable management and transport of the waste in order to minimise risks to local communities or the environment. Further information on the protection of ground and surface waters, including the

requirements of the Water Framework Directive, is provided in Chapter 9 in the section on the Water Environment.

- 5.155 Evidence suggests that there are a small number of existing facilities in and around the Yorkshire and Humber area which may be able to receive such waste, and these are likely to represent the nearest appropriate installations for management of this form of waste. However, it is possible that if hydraulic fracturing activity develops on a significant scale, either inside or outside the Plan area, there will be a need for further development of suitable waste management infrastructure. At this stage it is not practicable to assess in any detail the likely scale or location of the capacity that could be required. However, the existing waste policies in Chapter 6 of the Joint Plan, particularly relevant elements of Policies W10 and W11, provide a basis for considering any applications for the development of local capacity if required.
- 5.156 Reinjection of water down existing wells, or new wells drilled specifically for this purpose, is sometimes proposed as a disposal method and is most likely to be appropriate for water which does not contain returned flowback fluid, given that such fluid poses a pollution risk. Whilst the Environment Agency has indicated that reinjection of flowback fluid is not necessarily prohibited, it currently takes the view that a precautionary approach should be applied and that this method of disposal does not represent the Best Available Technique. This part of Policy M18 will therefore need to be implemented taking into account the position of other relevant regulators, particularly the Environment Agency, at the time any planning application is being considered. Whilst in some circumstances reinjection of water may be an appropriate means of helping to manage waste without the need for off-site transport, it will be particularly important to ensure that it would only take place where a high standard of protection can be provided to ground and surface water resources. A specific issue sometimes associated with this form of development is the potential for re-injected water to act as a trigger for the activation of geological fault movements, potentially leading to very small scale induced seismic activity. Proposals for this form of development should therefore be supported with detailed information on the underlying geology of the site and an assessment of the potential for induced seismicity, together with any proposed mitigation.
- 5.157 Hydrocarbon development can be of relatively short duration (i.e. several weeks or months) or, in the case of production of an oil or gas field, can last up to some 20 years. Whatever the duration of the development, it is important to ensure that applicants provide an appropriate level of detail, at the outset, on how it is intended to decommission and restore the site to a beneficial afteruse. This should include information about the dismantling of equipment and clearance of the site, the decommissioning of any wells to prevent the risk of contamination of ground or surface waters or any emissions to air; and how the site will be restored to an appropriate after use when operations cease, in accordance with relevant elements of Policy D10 'Reclamation and Afteruse', within a specified timescale. Other regulators also play a role in ensuring that decommissioned sites would not pose a risk as a result of pollution of ground or surface waters or emissions to air.
- 5.158 Unlike development of conventional gas resources, or indeed a range of other forms of minerals development, which are well-established industries, development involving hydraulic fracturing for shale gas, or development for some other forms of unconventional gas, would involve new and relatively unfamiliar processes in the Plan area and in the UK generally. As a result there is no well-established track record of the successful progression of development from the operational stage through to the final decommissioning and restoration of the site. The national Planning Practice Guidance states that a financial guarantee provided by the

operator to cover restoration and aftercare costs can be justified where a novel approach or technique is to be used.

- 5.159 At the time of preparing this Joint Plan, unconventional hydrocarbon development, particularly for shale gas and other technologies such as Underground Coal Gasification, is unproven on a commercial scale in the UK. The relevant mineral planning authority may therefore, depending on the scale and nature of the development proposed and sensitivity of the location, require provision of an adequate financial guarantee. This is to ensure that there is appropriate financial provision in place, at the outset, to safeguard the satisfactory restoration and aftercare of the land in accordance with planning requirements. Whether this policy should be continued throughout the plan period will be considered at the first review of the Joint Plan.

## Carbon and Gas Storage

<b>Policy M19: Carbon and gas storage</b>	
<b>Proposals for carbon capture and storage and the underground storage of gas will be permitted where it has been demonstrated that:</b>	
<ul style="list-style-type: none"> <li><b>i) The local geological circumstances are suitable;</b></li> <li><b>ii) The proposals would not have an unacceptable impact on the quality and availability of ground and surface water resources, on land stability, or on public health and safety;</b></li> <li><b>iii) There would be no unacceptable impact on the environment or local communities; and</b></li> <li><b>iv) The proposals are consistent with other relevant policies in the Plan.</b></li> </ul>	
<b>Transport of carbon or gas should be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.</b>	
<b>Main responsibility for implementation of policy:</b> NYCC , CYC, NYMNPA and Minerals industry	
<b>Key links to other relevant policies and objectives</b>	
<i>D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objectives 9, 10, 11, 12</i>
<b>Monitoring:</b> Monitoring indicator 19 (see Appendix 3)	

## Policy Justification

- 5.160 Carbon Capture and Storage is a technique which can be used to reduce carbon dioxide emissions into the atmosphere from sources such as fossil fuel power stations and Underground Coal Gasification. It involves capturing carbon dioxide, either before or after burning it, transporting it in pipelines and permanently storing it deep underground in suitable geological formations. The Government believes Carbon Capture and Storage has potential to be an important technology in climate change mitigation. Potentially suitable geologies have been identified across the UK including areas within Ryedale and Scarborough which may be suitable for such processes. Proposals have been under consideration (via the National Significant Infrastructure Planning procedures) for the capture and storage of carbon from Drax power station, in North Yorkshire, although the cancellation of the project was recently announced. Whilst the proposals would have involved construction of a carbon transport pipeline across part of the Plan area, carbon storage would have taken place within depleted gas fields under the North Sea. In the current circumstances, it is not expected that proposals for storage within the Plan area are likely within the Plan period. However, national policy requires minerals planning

## Chapter 9: Development Management

9.1 The following sections deal with a range of issues relevant to consideration of planning applications for minerals or waste development in the Plan area.

### Presumption in favour of sustainable minerals and waste development

9.2 At the heart of the National Planning Policy Framework is the principle of sustainable development, which should be seen as a golden thread running through both plan making and decision-making. This forms the basis of the Government's 'model policy' on the presumption in favour of sustainable development.

#### Policy D01: Presumption in favour of sustainable minerals and waste development

**When considering development proposals the Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Authorities will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.**

**Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.**

**Where there are no policies relevant to the application or relevant policies are out of date then the Authority will grant permission unless:**

- **Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or**
- **Specific policies in the NPPF indicate that development should be restricted such as policies relating to National Parks and AONBs. Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in Policy D04 of this Joint Plan.**

**Main responsibility for implementation of policy:** NYCC, CYC and NYMNPA and Minerals and Waste industry

#### **Key links to other relevant policies and objectives**

*D02, D04*

*Objectives 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12*

**Monitoring:** Monitoring indicator 45 (see Appendix 3)

### Policy Justification

9.3 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate that development should be restricted. A footnote indicates that this includes National Parks and AONBs, as well as certain other designations<sup>43</sup>. The fact that around a

<sup>43</sup> These include sites protected under the Birds and Habitats Directives, Sites of Special Scientific Interest, Green Belt, Local Green Space, Heritage Coast

third of the Plan area is within either the North York Moors National Park or one of the AONBs makes it appropriate to refer to these specifically in the Policy.

- 9.4 In the National Park and AONBs, proposals for ‘major development’ (which is not defined in legislation or guidance) should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Within these parts of the Plan area, the presumption in favour of sustainable development will need to be applied in the context of this clear policy. As there is potential for minerals and waste development to constitute major development, it is considered appropriate to refer to this in the Policy.

## Development Management Criteria

- 9.5 Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF states that local plans should contain development management policies for minerals development.
- 9.6 There are a range of matters which need to be considered in determining planning applications for minerals and waste developments, in addition to the specific considerations relating to particular types of minerals and waste development and related infrastructure addressed in the preceding Chapters. These include matters such as the protection of the environment and local communities and, where applicable, reclamation and aftercare requirements.
- 9.7 The NPPF requires minerals plans to ‘set out environmental criteria to ensure that minerals operations do not have unacceptable impacts on the natural and historic environment or human health including from noise, dust, visual intrusion, traffic, tip and quarry slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality’. National Waste Planning Policy requires planning authorities to give consideration to a range of effects including on water resources, land stability, visual intrusion, nature conservation, the historic environment, traffic and access, air emissions, dust, odour, vermin and birds, noise and vibration and litter.
- 9.8 The following sections present a range of development management policies for minerals and waste development. These policies operate alongside any other policies in the Joint Plan that are contained in the preceding Chapters.

## Local Amenity Issues

- 9.9 Although essential forms of activity, minerals and waste developments can, as a result of the nature and sometimes scale of activity, have the potential to cause adverse impacts on the amenity of local communities (including residents, visitors and local businesses operating in those communities). A key role for the Joint Plan is to help ensure that, where development does need to take place, it can be managed and controlled to ensure that unacceptable impacts on amenity do not arise.

### **Policy D02: Local amenity and cumulative impacts**

- 1) Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local**

location and the extent to which it has more than a local impact. It should be noted that major development in terms of paragraph 116 of the NPPF is not the same as that defined under the Town and Country Planning Act (Development Management Procedure Order) (England) Order 2010. For this reason, Policy D04 seeks to give further local guidance on the approach to be taken to this issue.

- 9.25 For major development in the National Park and AONBs, the four strands of the major development test need to be addressed in order to determine whether the proposal represents an exceptional circumstance and is in the 'public interest'. One of the main considerations in this assessment, where relating to proposals for minerals extraction, should be the need for the resource itself, including at a national level, and whether there are alternative sources available to meet any national need. The outcome of these considerations will then, where relevant, need to be assessed in accordance with the Habitats Regulations and other relevant policies contained in this Joint Plan and the NPPF. Applicants will be expected to supply sufficient information to demonstrate robustly that proposals fulfil the requirements of the major development test.
- 9.26 Section 11A(2) of the National Parks and Access to the Countryside Act 1949, Section 17A of the Norfolk and Suffolk Broads Act 1988 and Section 85 of the Countryside and Rights of Way Act 2000 require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes. The duty applies to all public bodies, not just National Park Authorities. Planning guidance states that this duty is relevant when considering development proposals situated outside National Parks or Area of Outstanding Natural Beauty boundaries, but which might have an impact on and implementation of, the statutory purposes of these protected areas.
- 9.27 When considering the setting of National Parks and AONBs the issue is not whether the proposal will be seen but whether its scale, nature and location will detract from the special qualities of the area. One of the purposes of National Park designation is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. This purpose can be significantly eroded by development located outside the National Park boundary, especially where the development would be prominent in the context of the views into and out of the Park, particularly from important public rights of way, or where it would harm tranquillity and impact on the dark night skies. Applicants will be expected to demonstrate that proposals will not harm the special qualities of the AONBs and the North York Moors National Park. Although the Yorkshire Dales National Park is producing its own development plan for minerals and waste, consideration also needs to be given to the potential for any impact on the setting of this National Park as a result of proposals in the Plan area.

## Green Belt

- 9.28 The Government attaches great importance to Green Belts. The NPPF advises that when considering planning applications for development in such areas, substantial weight should be given to any harm to the Green Belt.

### **Policy D05: Minerals and waste development in the Green Belt**

#### **Part 1) - Minerals**

**Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where it would preserve the openness of the Green Belt and, where the development would be located within the York Green Belt, would preserve the historic character and setting of York. Where minerals extraction in the Green Belt is**

permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.

#### Part 2) - Waste

Proposals for waste development in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will be considered inappropriate.

Substantial weight will be given to any harm to the Green Belt and inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.

The following forms of waste development will be appropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York:

- i) open windrow composting;
- ii) individual farm-scale on-farm composting and anaerobic digestion;
- iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry or minerals transport site and is linked to the life of the quarry or site;
- iv) short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;
- v) recycling, transfer and treatment activities at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site;
- vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;
- vii) small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and
- viii) continued activities within the footprint of established waste sites in the Green Belt.

**Main responsibility for implementation of policy:** NYCC and CYC and Minerals and Waste industry

#### **Key links to other relevant policies and objectives**

*101 M16, M17, W03, W04, D10*

*Objectives 9, 12*

**Monitoring:** Monitoring indicator 49 (see Appendix 3)

### Policy Justification

- 9.29 There are significant areas of Green Belt in the Plan area, including parts of the West Yorkshire Green Belt (affecting parts of Selby District and Harrogate Borough) and the York Green Belt (affecting parts of Ryedale, Hambleton and Selby Districts as well as the City of York area). A detailed inner Green Belt boundary for York is yet to be defined, along with parts of the outer boundary. The City of York Green Belt is different to the West Yorkshire Green Belt in that it is one of only six Green Belts in England whose primary purpose is to safeguard the character and setting of a historic city. Although the York Green Belt performs some of the other Green Belt functions to some extent, these are not as important as its primary purpose.



- 9.30 Minerals extraction can only take place where suitable resources occur and there is significant overlap between the distribution of some resources (such as Magnesian Limestone) and the Green Belt. There are a number of long established quarries in the Green Belt in Selby District. National policy states that minerals extraction in the Green Belt is not inappropriate provided the openness of the Green Belt is preserved and where it would not conflict with the purposes of including land in the Green Belt. The purposes of the Green Belt as defined in national policy include:
- to check the unrestricted sprawl of large built up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 9.31 It is likely that in many cases suitably designed, landscaped and restored minerals workings can be accommodated in the Green Belt. Where proposals for extraction in the Green Belt are made, applicants should ensure that careful consideration has been given to the potential impact of the development on the openness of the Green Belt and the purposes of the relevant Green Belt designation, including the impact from any associated plant and infrastructure. Particular consideration should be given to the impact of proposals for the exploration, appraisal and development of hydrocarbons, including unconventional gas resources in the Green Belt, owing to the particular characteristics of, and potential impacts associated with, this form of development. These can include the need for tall structures associated with drilling and related appraisal activity and, potentially, the need for multiple well pads to access the resource. In all cases appropriate design and mitigation measures should be incorporated, where necessary and it will also be necessary to ensure that any proposed reclamation and afteruse is compatible with Green Belt objectives.
- 9.32 In this regard, it should be noted that mineral workings subject to a restoration condition are specifically excluded from the definition of Previously Developed Land in the NPPF (Annex 2) and therefore do not benefit from any additional flexibility afforded to previously developed land in the Green Belt, in terms of any further uses that may be acceptable. The primary aim of the restoration and aftercare of sites in the Green Belt should be to ensure that the site remains in an undeveloped state and returned to the condition and use that existed prior to minerals development or other use compatible with Green Belt objectives.
- 9.33 Waste management activities are generally not constrained by geology in the same way as minerals extraction and there is therefore more locational flexibility. However, other national policy has a bearing on the choice of locations for waste management, including the need to promote community responsibility in the management of waste and to reduce travel. As a result there can be benefits in ensuring that waste facilities are well-located in relation to main sources of arisings, which tend to be in the more urbanised parts of the Plan area, to help to reduce the need for transport. There can also be benefits in using established infrastructure effectively. As Green Belt is designated in association with larger urban areas there can be some conflict between identifying suitable locations for waste facilities, and protection of the Green Belt.
- 9.34 National waste planning policy indicates that planning authorities should first look for suitable sites and areas outside the Green Belt for waste management facilities that, if located in the Green Belt, would be inappropriate development and local planning authorities should recognise the particular locational needs of some types of waste management facilities when preparing their Local Plan. This suggests that some

forms of waste development might be permissible in the Green Belt, in the circumstances of a particular case.

- 9.35 In order to provide local guidance on this matter, the policy identifies a number of types of waste management activities and types of locations where waste development may be appropriate, provided that openness is maintained and the development would be consistent with the purposes for which the land is included in the Green Belt.
- 9.36 The Harewood Whin (WJP11) site in the City of York is a well-established waste facility in the general extent of York's Green Belt, where a range of waste management activities are taking place. The site plays an important strategic role in the management of waste arising in York and North Yorkshire and is located in close proximity to York as the largest urban centre in the Plan area. It is considered that further development within the footprint of existing sites such as this could be appropriate in principle provided that any existing impact on openness, or extent of conflict with the purposes of Green Belt designation associated with the site would not be significantly increased.
- 9.37 The North Selby Mine (WJP02) site is also allocated within the general extent of York's Green Belt. This site holds an unimplemented permission for a substantial anaerobic digestion facility, which was approved as it was considered compatible with the site's continued location within the Green Belt.
- 9.38 Duttons Farm (WJP05) is also allocated within the Green Belt as a site for waste disposal to support the restoration of the site following the extraction of engineering clay. A number of other established waste management sites are also located in the West Yorkshire Green Belt within Selby District.
- 9.39 As with minerals development, where proposals for waste development in the Green Belt are made, applicants should ensure that careful consideration has been given to the design of the development and that mitigation measures are incorporated where necessary.

## Landscape

- 9.40 The Plan area has a rich and varied landscape ranging from moorland to rolling farmland to low-lying areas, and seascapes characterised by high cliffs. Landscape is defined by the European Landscape Convention as 'An area as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'.

### Policy D06: Landscape

- 1) All landscapes will be protected from the harmful effects of development. Proposals 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.**
- 2) For proposals which may impact on nationally designated areas including the National Park, AONBs, and the adjacent Yorkshire Dales National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable landscape impact on these areas will not be permitted.**
- 3) Protection will also be afforded to the historic character and setting of York and to areas defined as Heritage Coast. Permission will only be granted where it would not lead to an unacceptable impact on the historic character or setting of**

<b>York or on the undeveloped character of Heritage Coast, unless the need for, or benefits of, the development outweigh the harm caused.</b>	
<b>4) Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site and any visual impact, as well as for the delivery of landscape enhancement where practicable.</b>	
<b>Main responsibility for implementation of policy:</b> NYCC, NYMNP, CYC, Minerals and Waste Industry and Natural England	
<b>Key links to other relevant policies and objectives</b>	
<i>Strategic policies in Chapters 5, 6, and 7</i>	<i>Objectives 9, 12</i>
<b>Monitoring:</b> Monitoring indicator 50 (see Appendix 3)	

## Policy Justification

- 9.41 The variety of landscapes in the area adds much to its overall distinctiveness. A large part of the area is designated or defined nationally (as either National Park or AONB or Heritage Coast) for the quality of its landscape, and some District and Borough Councils have identified local areas of landscape value in their own local plans. A range of other designations are of relevance to landscape considerations, including heritage land which is conditionally exempt from inheritance tax because of its national significance<sup>44</sup>. Unlike National Parks and AONBs, Heritage Coast is not classed as a nationally designated landscape. Its definition is non-statutory, and can only be made with the agreement of local authorities and landowners, and agreed by Natural England. The North Yorkshire and Cleveland Heritage Coast falls mainly within the Plan area, with approximately 70% of the defined area falling within the North York Moors National Park. However, the southern and northern parts do not benefit from protection via National Park designation. A small part of the Flamborough Head Heritage Coast also falls within the Plan area. The NPPF (para 114) requires local planning authorities to ‘maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access and enjoyment of the coast’. Such areas are therefore afforded a relatively high level of significance in national policy terms. Maintaining the setting of the historic City of York is also an important landscape consideration as it is not the subject of specific statutory protection yet is a distinctive and important part of the Plan area. The Vale of York has a flat and low lying landscape with historic views of York Minster tower, Terry’s clock tower and other landmark structures<sup>45</sup> and this setting within the landscape forms an intrinsic part of the city’s historical significance. In considering impact on landscape setting, regard will be had to factors including the scale and character of the development proposed, any inter-visibility between the development site and the protected asset and the duration of the proposed development.
- 9.42 Although areas afforded specific protection through designations are of particular significance, all landscapes are important in their own right. Due to their nature and sometimes scale, minerals and waste developments can have significant impacts on the landscape. It is therefore important that, in bringing forward proposals, applicants give careful consideration to potential landscape impacts.

<sup>44</sup> These areas are not identified under planning legislation but may be material considerations relevant to planning. A number of such areas have been designated in the Plan area. They largely coincide with areas already designated as National Park and AONB, where a high level of policy protection already exists. However some are found elsewhere in the Plan area. Areas currently so designated can be viewed at <https://www.gov.uk/tax-relief-for-national-heritage-assets>.

<sup>45</sup> Further information can be found in the City of York Council Heritage Topic Paper update 2013

- 9.43 There are a number of Landscape Character Assessments (LCAs) covering the Plan area, including those produced by District and Borough councils, which provide a useful source of information relating to the various landscapes in the area. In addition to the LCAs, a Historic Seascape Characterisation for the Scarborough to Hartlepool coastline is currently being undertaken by Historic England and a North Yorkshire and Lower Tees Valley Historic Landscape Characterisation programme has been produced. Within the National Park and AONBs relevant information may also be available in their respective Management Plans. Applicants should use any available local landscape studies and other relevant information to assist in identifying any potential landscape impacts and mitigation.
- 9.44 In particular, such studies can assist in gaining a wider understanding of the significance of a location or settlement in landscape terms, and how a development proposal may impact not just on the immediate site but on any wider area it may influence. Careful consideration should therefore be given to the wider landscape setting and context of the site, both designated and undesignated, when designing schemes (including any mitigation). In some cases there may be opportunities to enhance local landscape character and quality, for example through landscape planting both on and offsite and as part of minerals site reclamation and applicants should look for opportunities to provide these as part of any proposals.
- 9.45 A study commissioned by NYCC with funding from Historic England in 2010 suggested that landscape provides an important context within which other important assets are found, particularly those relating to biodiversity and the historic environment. It is therefore important to ensure that proposals are informed by a good understanding of any such interactions, as this can lead to a more integrated approach when considering overall impacts and opportunities. The report also highlights the need for effective mitigation and management of any landscape impacts, and the need to ensure that connections between landscape and the natural and historic environment are considered and reflected in the design and implementation of proposals. For major schemes this is likely to require detailed pre-application research and discussion with relevant organisations. More information on the study can be found in the summary report <http://www.northyorks.gov.uk/article/26667/Local-core-documents---managing-landscape-change-project-April-2012> .
- 9.46 An important aspect of the environment of the Plan area, of relevance when considering landscape impact, is the concept of tranquillity. Tranquillity mapping undertaken for CPRE in 2007 indicated that North Yorkshire was the 7<sup>th</sup> most tranquil of 117 County and Unitary authority areas, with a high degree of tranquillity particularly in the National Parks and AONBs and other less developed parts of the Plan area. A more recent survey by CPRE indicated that 72% of respondents identified tranquillity as the characteristic they valued most about the countryside, and protection of tranquil areas is an objective of the Management Plan for the NYMNP. Although tranquillity cannot be measured in any definitive way, the potential for a development proposal to impact adversely on tranquillity will be a matter to be taken into account when considering applications, particularly those located within or in close proximity to the National Park and AONBs.
- 9.47 A further consideration related to landscape, and which could potentially be impacted by minerals or waste development, particularly in the more rural areas, is the maintenance of dark night skies. The relatively undeveloped nature of large parts of the Plan area, particularly within the National Park and AONBs, mean that there are substantial areas with low levels of light pollution, leading to high-quality starscapes at night which are increasingly rare in England. Proposals for minerals or waste

development, particularly those with a requirement for significant amounts of external lighting and which are situated in rural locations should ensure that the impact of development on dark night skies is considered and that mitigation in the form of carefully designed and controlled site lighting is provided where necessary.

- 9.48 In those parts of the Plan area designated as National Park or AONBs, any proposals for major development will also need to satisfy the major development test. Effects on the landscape are a specific consideration under the test.

## Biodiversity and geodiversity

- 9.49 The NPPF requires protection and enhancement of biodiversity by ‘minimising impacts and providing net gains where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’. The NPPF also requires planning authorities to set criteria-based policies against which proposals for any development on or affecting protected wildlife sites will be judged. Plans should also be positive for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure at a landscape scale. Protection of geodiversity is also an objective of national planning policy.

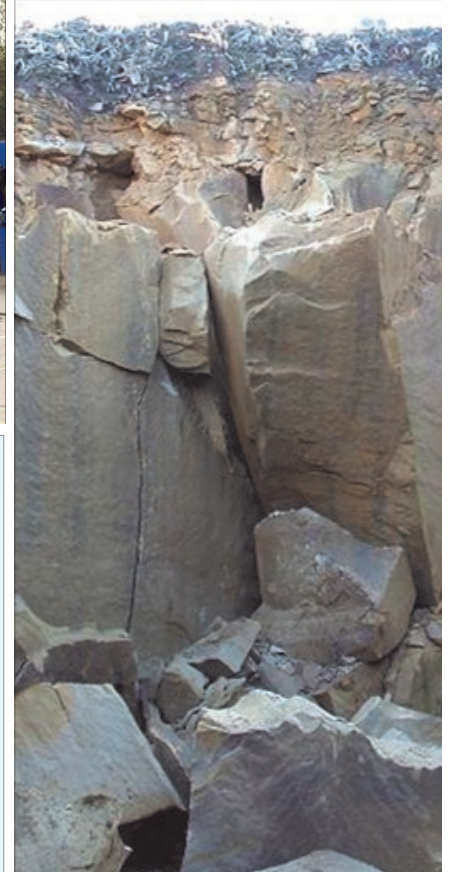
### Policy D07: Biodiversity and geodiversity

- 1) **Proposals will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.**
- 2) **A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites. Development which would have an unacceptable impact on these sites will not be permitted.**
- 3) **Development which would have an unacceptable impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs, or the loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where the benefits of the development would clearly outweigh the impact or loss.**
- 4) **Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts and include proposals for mitigation where relevant.**
- 5) **Through the design of schemes, including any proposed mitigation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.**
- 6) **In exceptional circumstances, and where the development site giving rise to the**





# Minerals and Waste Joint Plan



# Addendum of Proposed Changes to Publication Draft

## July 2017

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## Introduction

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

## Explanation of the Proposed Changes

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



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

#### **General**

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

#### **Minerals (PC50-PC53)**

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

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

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

#### Background text

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

#### Policy M16

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

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

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

#### Policy M17

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

#### Policy M18

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

#### **Potash and salt supply (PC07 – PC11, PC82)**

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

#### **Waste (PC12-PC14, PC83)**

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

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

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

**Safeguarding polices (PC17-PC19, PC84-PC88)**

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

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

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

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

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

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

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

**Policies Map (PC41-PC42)**

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

## How to get involved

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

## Legal Compliance

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

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## Tests of Soundness

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

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

### Key

**Example:** New Text

**Example:** Deleted Text

**Example:** Text in bold is Policy wording

### Part A - Proposed changes initiated by the Local Planning Authorities

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

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

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

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



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

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

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

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

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

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

## Schedule of Additional Changes and Draft Main Modifications to the Publication Draft

It has been accepted by the Inspector that the changes suggested in the “Addendum of Proposed Changes” (July 2017)(CD09) be treated as part of the Plan as submitted for examination, along with the Publication Draft and its Appendices (CD17-21).

The changes identified in this document include those identified in the “Schedule of Further Proposed changes to Publication Draft” (November 2017)(SD01), which were incorporated into “Suggested Main Modifications between Submission and MIQs” (February 2018)(LPA37). LPA37 also included amendments to Tables and other supporting text in the draft plan which arose from the document “Implication of any changes resulting from the North Yorkshire sub region LAA 2017 and Addendum of Proposed Changes to Publication Draft July 2017”(January 2018)(LPA06). Some further changes need to be made to those Tables and supporting text (see the Note LPA/68) and these are incorporated into this Schedule. Also included in this Schedule are modifications identified in the Authorities responses to the MIQs and discussed at the examination hearings.

Two types of change/modification will be listed in this document;

- Additional Changes (AC) – this will include corrections to text, typographical errors and any changes which will not influence the policies in the Plan
- Main Modifications (MM) – this will include any changes to Policy or supporting text which will have an influence on the Policy.

The ‘Stage’ column in the table will indicate where the addition/deletion has originated from, the documents will be identified by their library reference or stage of the process:

**CD09** – Addendum of Proposed Changes to Publication Draft

**LPA37** – Suggested Main Modifications between Submission and MIQs (February 2018)

**MIQ** – Main Modification suggested by LPA in response to Matters Issues and Questions and included as part of hearing statements

**EiP** – Main Modification suggested by Inspector during hearing sessions

### Key

**Example:** New Text

~~Example:~~ Deleted Text

**Example:** Text in bold is Policy wording

**Example:** Suggested during hearing sessions

**Example:** Suggested Main Modification

				boundary.		
AC24	77	5.105	<p>Add in text</p> <p>Whilst permission for hydraulic fracturing of an existing gas well near Kirby Misperton was granted in 2016, there is still a high degree of uncertainty about the commercial viability of any resources in this area or the UK generally, and hence the potential scale or distribution of development activity that may come forward. This uncertainty is likely to prevail until further exploration <u>and appraisal</u> activity has taken place.</p>	To provide clarity	EIP	Additional text at request of the Inspector
AC25	78	5.109	<p>Revise 2<sup>nd</sup> last sentence</p> <p>Although typically 98-99% of the liquid is water, small quantities of chemicals are often added. Operators must demonstrate to the Environment Agency that all the chemicals used in the process are non-hazardous <u>to groundwater</u>.</p>	To provide clarity	EIP	Additional text at request of the Inspector
MM30	81	5.114	<p>Add additional text:</p> <p>Each proposed development is assessed by the Environment Agency, which regulates discharges to the environment, issues water abstraction licences, and acts as a statutory consultee in the planning process. The Environment Agency has issued guidance which notes that an environmental permit will be required for matters such as the emission of waste gasses, <u>the management of waste above ground</u> and the disposal of waste underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology</p>	To provide clarity	EIP	Additional text at request of the Inspector
MM31	81	5.115	<p>Add additional text:</p> <p>All drilling operations are subject to notifying the Health and Safety Executive, which will check operators' plans, assess engineering designs and reports and be responsible for checking sites to ensure they meet the requirements of the relevant legislation. The Health and Safety Executive requires that an independent well examiner reviews the design of the well before drilling begins and subsequently monitors its' construction and operation. <u>The drilling</u></p>	To provide clarity	EIP	Additional text at request of the Inspector



			operations are also regulated by the Oil and Gas Authority who will approve each stage of the progression of the well through their WONS system (Well Operations Notification System).			
MM32	84	5.119	<p>Revise text</p> <p>To ensure that the local policy approach to hydrocarbon development is as clear as it can be, it is helpful to define some key words and concepts that will be used by the Mineral Planning Authorities when implementing the Joint Plan:</p> <ul style="list-style-type: none"> <li>a) 'Hydrocarbon development' includes all development activity associated with exploring, appraising and/or producing hydrocarbons (oil and gas), including both surface and underground development.</li> <li>b) 'Surface hydrocarbon development' and 'surface proposals' includes use and/or development of the land surface for the purposes of the exploring, appraising and/or producing hydrocarbons.</li> <li>c) 'Sub-surface hydrocarbon development' and 'sub-surface proposals' includes development taking place below the ground surface for the purposes of exploring, appraising and/or producing hydrocarbons.</li> <li>d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability, <del>extracted using conventional drilling and production techniques.</del></li> <li>e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, <del>extracted using unconventional techniques, including hydraulic fracturing in the case of shale gas,</del> as well as the exploitation of in situ coal seams through underground coal gasification.</li> <li>f) For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.</li> <li>g) In planning terms it is <u>considered that relevant distinctions can be</u></li> </ul>	To provide clarity	EIP	Additional text at request of the Inspector

			<p><u>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 the management of related wastes.</u></p> <p><del>important to distinguish between:</del></p> <p><del>i. — the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and</del></p> <p><del>ii. — the use of more conventional, less complex drilling and production techniques to extract hydrocarbons.</del></p>			
MM33	84	M16 b i)	Provide a definition for 'Historic Character'	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM34	84	M16, d) i)	<p>Revise text of Part d):</p> <p><b>d) All <u>Additional criterion applying to</u> surface hydrocarbon development:</b></p> <p><b>i) Where proposals for surface hydrocarbon development <u>meet other locational criteria set out in this policy but</u> fall within a National Park or an AONB or <u>the associated visual sensitivity zone around these areas, as</u> <del>3.5km buffer zone</del> identified on the Policies map, or <u>are</u> otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications <u>should</u> <del>must</del> be supported by a detailed assessment of the potential impacts on the designated area(s) <del>–</del> <u>unless it</u></b></p>	Clarifies the approach to hydrocarbon development in these areas.	LPA37/EIP	Additional text at request of the Inspector

			<p>can be demonstrated that such an assessment is not required taking into account the particular locational circumstances of the proposed site relative to the designated area/s. Where detailed assessment is required this should include an assessment of views of and from the designated area/s. <del>This includes views of and from the associated landscapes</del> from significant viewpoints and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area(s) or are incompatible with their statutory purposes in accordance with Policy D04.</p>			
MM35	84	M16 and 5.124	<p>Provide a note to explain distinction between conventional and unconventional</p> <p>Provide a note to explain why subsurface development triggers the MDT and provide more information on the straddling applications</p>	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM36	86	5.122	<p>Revise text:</p> <p>While the Infrastructure Act 2015 and secondary legislation address hydraulic fracturing which occurs underground, the Government has also introduced <del>consulted on</del> further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from <del>taking place being carried out</del> from new or existing wells that are drilled at the surface in <del>certain</del> specified protected areas, <del>although they are not yet in force. As proposed,</del> The restrictions <del>would apply to</del> will principally affect surface development that is used for the carrying out of “associated hydraulic fracturing” the definition of which is contained in section 4B(1) of the Petroleum Act 1998. The Government has stated that, in addition, these restrictions will apply where an operator is required to get consent from the SoS for hydraulic fracturing that is not “associated hydraulic fracturing”, and that the SoS intends to require that such consent be obtained for operations which use more than 1,000 cubic metres of fluid at any single stage, or</p>	Requested by the inspector	EIP	Additional text at request of the Inspector

			<p><del>expected stage, unless an operator can persuasively demonstrate why requiring such consent would not be appropriate in their case. for unconventional hydrocarbons involving high volume hydraulic fracturing but not to conventional hydrocarbons development, or development for unconventional hydrocarbons which do not require high volume hydraulic fracturing.</del> The areas <del>proposed for protection</del> protected through this means are National Parks, AONBs, World Heritage Sites, Groundwater Source Protection Zone 1, SSSIs, Natura 2000 sites (SPAs and SACs) and Ramsar sites. Although these areas all benefit from strong national planning policy protection in their own right, the <del>proposed</del> restrictions <del>would do</del> not, in themselves, constitute planning policy as <del>they are proposed to</del> <u>will</u> be implemented through the oil and gas licensing regime.</p>			
MM37	86	5.123	<p>Revise text:</p> <p>The net effect of the existing restrictions would be to prevent subsurface development involving high-volume hydraulic fracturing at a depth of less than 1,000m below the surface anywhere in the Plan area, and at a depth of less than 1,200m below the surface in some highly protected areas (as indicated in para. 5.121). However, a range of other important types of designation would not be subject to similar legislative protection. Furthermore, whilst the <del>proposed</del> surface restrictions <del>would</del> <u>will</u> provide protection to a range of important designations, albeit not as a matter of planning policy, there are other types of sensitive areas that would not receive equivalent protection.</p>	Requested by the inspector	EIP	Additional text at request of the Inspector
MM38	86	5.124	<p>PC66 form Addendum of Proposed Changes</p> <p>Revise last sentence of para. 5.124 and add new text at end: Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, <u>there is potential for this to give rise to a generally similar range of issues and potential impacts, although it is acknowledged that fracturing for stimulation of conventional gas production would be likely to involve generally lower volumes and/or pressures. In these circumstances it is therefore appropriate that such</u></p>	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised

			<p><u>development is subject to the same policy approach. However, it is not the intention of the Mineral Planning Authorities to unreasonably restrict activity typically associated with production of conventional resources, which is a well-established industry in the Plan area and they will therefore apply the policy accordingly and reasonably based on the specific circumstances of the proposal under consideration</u> <del>this should be subject to the same policy approach that is applied to hydraulic fracturing for unconventional gas, as the range of issues and potential impacts are likely to be similar.</del></p> <p>The above revised text does not adequately address the industry concerns, need to review and look at further changes</p>			
MM39	86	5.125	<p>Add text to 1<sup>st</sup> sentence:</p> <p>In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy. <u>aligning with expressed government policy of seeking to maintain the highest standards.</u></p>	Requested by the inspector	EIP	Additional text at request of the Inspector - wording still to be finalised
MM40	87	5.126	<p>Revise text:</p> <p>5.126 Mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act 1990 (“development” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land). Where horizontal drilling beneath a National Park is proposed from a location outside the Park, a ‘straddling’ application to both mineral planning authorities will be required <u>in accordance with the Town and Country Planning Act 1990, Schedule 1, paragraph 1(1)(i). Such a development, which is likely to fall under EIA regulations, involves mineral extraction from a protected landscape and may be</u></p>	Requested by the inspector	EIP	Additional text at request of the Inspector

			<p>regarded as major development in combination with the wider surface development activity associated with it which could impact on the National Park environment itself. For example, emissions to air and ground and surface water close to the National Park could in turn result in ecological impacts in such a sensitive area, where there are important interactions between ground and surface waters and the heath and moor habitats, which are designated as Special Protection Areas and Special Areas of Conservation for both their vegetation and specific bird species they support. <del>As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and should be steered away from these highly protected areas.</del> Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.</p>			
MM41	87	5.127	<p>Add additional text:</p> <p>A key factor leading to designation of an area as a National Park or Area of Outstanding Natural Beauty is the quality of its landscape. These areas benefit from a very high degree of protection in national policy, which states that major development within them should be refused unless there are exceptional circumstances and the development would be in the public interest. National Parks and AONBs are very important in contributing to the overall environmental quality, distinctive character and rural economy of the Plan area, yet substantial areas of PEDLs are located in them. In some cases, development outside a National Park or AONB could have an impact on its setting, and conflict with the statutory purposes of its designation. A particular consideration is whether the scale, nature and location of a proposed development <u>close to the designated area</u> would detract from <del>it's the special qualities of the designated area.</del> Tall elements of surface hydrocarbons</p>	Requested by Inspector	EIP	Additional text at request of the Inspector

			<p>development, such as drill rigs associated with exploration and appraisal, or production wells, may typically be 35-40m in height. Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently <u>over a period of years at established well pads where successive wells are drilled or re-fracturing of existing wells take place.</u> However, where they would be located in close proximity to National Parks or AONBs, they have the potential to cause significant adverse impact on the setting of these important areas. This could include impact on important views to or from the National Park or AONB, or on the dark night skies typically associated with such areas as a result of the need for site lighting during 24-hour operations at some stages of development. Further justification for the protection of the setting of National Parks and AONBs is provided in paras. 9.26 and 9.27.</p>			
MM42	88	5.128	<p>Revise text:</p> <p>In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, proposals for surface hydrocarbons development within <u>the visual sensitivity zone of the National Park or AONB</u> <del>a 3.5km zone around a National Park or AONB</del> should be supported by detailed information assessing the impact of the proposed development, <u>including view into and out of</u> <del>on</del> the designated area, <u>including views into and out from the protected area.</u> <del>The Authorities consider that, for development outside the boundary of the designated area, such a requirement is most likely to apply within a 3.5km zone around the boundary, as defined on the Policies Map. This 3.5km zone is based on standard planning practice relating to the 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. The is distance is 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.</del> Whilst it is considered that a 3.5km <u>zone</u></p>	Requested by the inspector	EIP	Additional text at request of the Inspector

			is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. <u>Similarly, the particular topography of the landscape surrounding the designated area in places may, within this 3.5km zone, effectively screen the development in views from or towards the designated area and in such cases, such additional assessment and supporting information may not be required.</u> Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.			
MM43	88	5.130	Revise text:  Areas of Heritage Coast have been defined in the Plan area. In these nationally defined non-statutory areas, local planning authorities are required to 'maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes and improve public access to and enjoyment of the coast'. Such areas are therefore afforded a relatively high level of significance in national policy terms and it is appropriate to reflect this in the spatial approach <u>and regard will be had to the requirements of any associated local plan policy.</u>	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM44	88	M17	Provide more flexibility, review use of 'exceptional circumstances' Provide a note as to why the 500m needs to be retained with supporting evidence to form a view on soundness	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM45	89	M17	M17 1) iii) revise wording to read  ...via underground pipeline where practicable... and ...of water where practicable and having regard to the nature of proposals and cross reference to	Requested by the inspector	EIP	Additional text at request of the Inspector



			other policies			– wording still to be finalised
MM46	90	M17	M17 3)  Revise wording to add flexibility to look at individual circumstances not limited to school holidays, e.g. agreeing to a TMP which takes into account seasonal variation and other considerations.	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM47	95	M18	Provide additional text to M18 1) i) to provide clarity by referring to there being adequate capacity for the waste	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
MM48	96	M18	Clarify position on decommissioning and sub surface restoration and clarify text in M18 and link with text in para 5.151	Requested by the inspector to provide consistency with explanatory text	EIP	Additional text at request of the Inspector – wording still to be finalised
AC26	96	M18, Key links to other relevant policies and objectives	Amend Key Links section to include: <a href="#">W08</a>	Reflects the links between Part 1) of Policy M18: Waste Management and reinjection of wells and Policy W08: Managing waste water and sewage sludge.	LPA37	

MM49	98	5.159	Possibly add wording to 5.159 to explain that waste water management is subject to other regulatory controls and that the LPA will work with those other bodies.	To provide clarity	EIP	Additional text at request of the Inspector – wording still to be finalised
AC27	99	Figure 16	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.	Reflects the change in the YDNP boundary.	LPA37	
MM50	100	M20	Add wording about climate change – may be an overarching policy rather than adding text into individual policies.	To make sure climate change is taken into account	EIP	Additional text at request of the Inspector – wording still to be finalised
AC28	102	5.171	<p>Revise wording of paragraph:</p> <p><del>There are various forms of potassium bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is mainly used as a fertiliser. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York Moors National Park. Potash is the generic term for potassium bearing minerals and has an important economic value for fertiliser. Within the Plan area it takes the form of sylvinite, which can be processed to create ‘muriate of potash’, and polyhalite, which although lower in terms of potassium content, also includes other important plant nutrients, particularly sulphur. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the Plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York</del></p> <p><u>There are various forms of potassium bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is mainly used as a fertiliser. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York Moors National Park. Potash is the generic term for potassium bearing minerals and has an important economic value for fertiliser. Within the Plan area it takes the form of sylvinite, which can be processed to create ‘muriate of potash’, and polyhalite, which although lower in terms of potassium content, also includes other important plant nutrients, particularly sulphur. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the Plan area, where existing extraction takes place. Identified resources lie mainly beneath the North York</u></p>	Text for clarification	EIP	

MM73	157	S05	Revise Policy:  Add in additional criterion relating to 'lack of viability'	Requested by the inspector	EIP	Additional text at request of the Inspector – wording still to be finalised
AC55	158	S06	Revise 1 <sup>st</sup> sentence of the Policy:  <b>Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, <u>as set out in paragraph 8.47, is proposed....</u></b>	To provide a cross reference to location of exemptions list	MIQ/EIP	Additional text into Policy at request of the Inspector
AC56	159	8.47, Safeguarding exemption criteria list ( <i>Italics: PC88 in the Addendum of Proposed Changes to Publication Draft (July 2017)</i> )	Revise 12 <sup>th</sup> bullet point:  Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, waste <i>and minerals and waste transport infrastructure</i> safeguarding requirements, <u>or, in the case of an emerging local plan allocations, where the Minerals and Waste Planning Authority has raised no safeguarding concerns during consultation on the emerging plan allocation</u>	To clarify that the Safeguarding Exemption Criteria list includes reference to allocations in emerging local plans, in addition to those that are adopted.	LPA37	
MM74	160	D01	Policy not required, but leaving it in does not make the Plan unsound. LPAs to take a view whether to leave in or take out	Only MM if removed	EIP	Inspector raised as a consideration – still to be decided
MM75	161	D02	Revise Part 1) of the Policy:  <b>1) Proposals for minerals and waste development, including ancillary</b>	Change of text to include local communities and	MIQ/EIP	Additional text into Policy at

			<u>which were important reasons for its designation.</u>			
MM79	168	D05	<p>Revise 2<sup>nd</sup> Para of Part 2) of the Policy:</p> <p><b>Substantial weight will be given to any harm to the Green Belt and <del>inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must</del> <u>will need to</u> be demonstrated by the applicant, in <del>which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations.</del> <u>order to outweigh harm caused by inappropriateness or and any other harm.</u></b></p>	To provide consistency with National policy	MIQ/EIP	Additional text into Policy at request of the Inspector
MM80	169	D05	<p>Revise Part 2) of the Policy</p> <p><b>Part 2) - Waste</b></p> <p><del>Proposals for waste development in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, that include the construction of new buildings in the Green Belt will be considered inappropriate.</del></p> <p><b>Substantial weight will be given to any harm to the Green Belt and <del>inappropriate waste development in the Green Belt will only be permitted in very special circumstances, which must</del> <u>will need to</u> be demonstrated by the applicant, in <del>which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations</del> <u>order to outweigh harm caused by inappropriateness, or any other harm.</u></b></p> <p><u>Proposals for other forms of waste development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic charater and setting of York, will only be permitted</u></p>	To provide consistency with National policy	MIQEIP	Additional text at request of the Inspector

			<p><u>in very special circumstances, which must be demonstrated by the applicant, in which the harm is clearly outweighed by other considerations.</u></p> <p>The following forms of waste development <del>will be appropriate</del> <u>may be permitted</u> in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York:</p> <ul style="list-style-type: none"> <li>i) open windrow composting;</li> <li>ii) individual farm-scale on-farm composting and anaerobic digestion;</li> <li>iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry or minerals transport site and is linked to the life of the quarry or site;</li> <li>iv) short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;</li> <li>v) recycling, transfer and treatment activities at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site;</li> <li>vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;</li> <li>vii) small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and</li> <li>viii) continued activities within the footprint of established waste sites in the Green Belt.</li> </ul>			
MM81	170	9.35	<p>Revise text</p> <p>In order to provide local guidance on this matter, the policy identifies a number of types of waste management activities and types of locations where waste development may be <del>appropriate</del> <u>permitted</u>, provided that openness is</p>	To be consistent with change in policy D05	EIP	Additional text at request of the Inspector

			maintained and the development would be consistent with the purposes for which the land is included in the Green Belt.			
MM82	173	D07	<p>Revise Policy</p> <p>1) Proposals will be permitted where it can be demonstrated that, <b>having taken into account any proposed mitigation measures</b>, there will be no unacceptable impacts on biodiversity or geodiversity. <del>including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.</del> <b>The level of protection provided to international, national and locally designated sites are outlined in parts 2) to 8) below.</b></p> <p>2) A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites. Development which would have an unacceptable impact on these sites will not be permitted.</p> <p>3) Development which would have an unacceptable impact on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs <b>will only be permitted where the benefits of the development would clearly outweigh the impact.</b> <del>or the</del> <b>The</b> loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where <b>both</b> the <b>need for, and the</b> benefits of the development would clearly outweigh the impact or loss.</p> <p>4) Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts</p>	Policy redrafted to provide more clarity	MIQ	Additional text into Policy at request of the Inspector

AC68	Policies Map	Revise MJP11, MJP17 and WJP22 site allocation boundaries, and safeguarded Showfield Lane waste facility on the interactive map	To reflect change in boundaries for these sites	MIQ/EIP	To provide accurate site boundaries at request of the Inspector
AC69	Policies Map	Revise MJP11, MJP17 and WJP22 site allocation boundaries and add in Allocations for WJP01 and MJP15 as well as safeguarded Showfield Lane waste facility on paper version of the following maps: <ul style="list-style-type: none"> <li>• Aerodrome Safeguarding - Policy No. = D10</li> <li>• Agricultural Land Classification - Policy No. = D12</li> <li>• Coal Mining Development Referral Area - Policy No. = D13</li> <li>• Water Environment including Flood Risk - Policy No. = D09</li> <li>• PEDL licences - Policy No.s M16, M17 &amp; M18</li> <li>• Environmental and Historic Designations - MAP FIVE</li> <li>• Environmental and Historic Designations - MAP SIX</li> <li>• Environmental and Historic Designations - MAP EIGHT</li> <li>• Minerals Resource Safeguarding Maps - MAP 5</li> <li>• Minerals Resource Safeguarding Maps - MAP 6</li> <li>• Minerals Resource Safeguarding Maps - MAP 8</li> </ul>	To reflect change in boundaries for these sites	MIQ/EIP	To provide accurate site boundaries at request of the Inspector
AC70	Policies Map	Revise title on 4 <sup>th</sup> page of the paper version (CD23):  <del>Coal Mining Development Referral Area</del> <u>Development High Risk Area</u> == Policy Ref No. D13	Corrected for accuracy	MIQ	Revised text at request of the Inspector
AC71	Policies Map	Add in PEDL 258 onto hydrocarbon layer	Corrected for accuracy	EIP	

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