

Notice of a public

Decision Session - Executive Member for Environment

To: Councillor Waller (Executive Member)

Date: Monday, 22 October 2018

Time: 1.00 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, 24 October 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, 18 October 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 - 8)

To approve and sign the minutes of the Decision Sessions held on 17 September 2018 and 1 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, 19 October 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

4. Government Consultations on Permitted Development Rights for Shale Gas Exploration and Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime (Pages 9 - 100)

This report informs the Executive Member of the government consultations on permitted development rights for shale gas exploration and inclusion of shale gas production projects in the NSIP regime, and seeks approval of a proposed response for submission to the Ministry of Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy by the deadline of 25 October.

5. 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

Meeting	Decision Session - Executive Member for Environment
Date	17 September 2018
Present	Councillor Waller

15. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or disclosable pecuniary interests that he might have had in respect of business on the agenda. He confirmed he had none.

16. Public Participation

It was reported that there had been no registrations to speak at the session under the Council's Public Participation Scheme.

17. Forgotten Corners - Fund Towards Transformation of Neglected and Unloved Green Spaces in York

The Executive Member considered a report that sought approval to award grants from the £100.000 fund created to improve forgotten corners within the city to those projects that had scored highly against the evaluation criteria.

The Community Involvement Officer gave an update and explained the fund, its objectives and how the opportunity to submit an expression of interest was advertised by means of a press release and through ward team distribution lists, York CVS, Minster FM and third party news bulletins.

The Executive Member noted that community groups, charities and other organisations across York were asked to identify a neglected corner of the city they wished to improve. Thirty expressions of interests were received from ten wards, where a project team defined the criteria assessed, considered the applicants eligibility and then ranked them against the fund criteria.

The Executive Member considered the list of organisations that had been offered funding and the Head of Equalities and

Communities explained the reasons for part funding a project or refusing an application. It was noted that the successful organisations would be required to fully deliver their projects by the end of March 2019 and were to report back by 30 April 2019.

In answer to the Executive Members questions it was noted that:

- Environment and Community Officers would support successful applicants in delivery of their projects and should a project not be delivered the funds allocated would be reimbursed.
- Application forms for projects receiving over £5000 could be viewed at www.york.gov.uk/forgottencorners and the Head of Equalities and Communities could be contacted on 01904 551812 or jennifer.allott@york.gov.uk regarding projects granted under £5000.
- The Council would not be purchasing any materials but officers could link groups that were purchasing similar items.
- A forgotten corners plaque could be considered in recognition to the scheme.

The Executive Member thanked officers for their update.

Resolved:

- (i) That funding requested for projects listed in Table 1 be agreed, subject to a change to the Keith Chapman Memorial Garden creation, which should be fully funded and not part funded.
- (ii) That officers also offer support and guidance to those organisations that were unsuccessful, Friends of Melrosegate Field, Chill in the Community and Cornerstone Methodist Church.
- (iii) That an update report be brought to an Executive Member for Environment Decision Session after 30 April 2019 on project delivery.

Reason: To allow community groups sufficient time to deliver their projects by the end of March 2019.

Cllr Waller, Chair

[The meeting started at 12:30pm and finished at 12:52pm].

This page is intentionally left blank

Meeting	Decision Session - Executive Member for Environment
Date	1 October 2018
Present	Councillor Waller

18. 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.

19. Minutes

Resolved: That the minutes of the Decision Session held on 3 September 2018 be approved and signed by the Executive Member as a correct record.

20. Public Participation

It was reported that there had been two registrations to speak at the session under the Council's Public Participation Scheme, and one request to speak by a ward member. Written comments had been submitted by another ward member.

Alasdair McIntosh, a resident of Heworth, spoke on matters within the Executive Member's remit, commenting on the lack of charging bays for electric vehicles in terraced areas. He offered to pay to have a cable gully installed outside his house, to enable him to switch from a diesel to an electric car.

Dave Merrett spoke on Agenda Item 4 (Air Quality – Annual Status Report), on behalf of CleanAirYork. He voiced concerns about the reduced decline in NO₂ emissions since 2013 and delays in implementing measures such as cleaner buses and stressed the need for action on particulates, for which there was no safe limit.

Cllr D'Agorne, Member for Fishergate Ward, also spoke on Agenda Item 4. He was concerned that developments in the city could reverse the downward trend for emissions and queried the progress made on freight consolidation and anti-idling measures.

Cllr D Myers, member for Clifton ward, had submitted written comments on Agenda Item 4 on behalf of the Labour Group. These supported the recommendations in the report but commented on the slow progress on measures 1, 2, 5 and 6 in the AQAP3 and highlighted the need for a plan on HGV emissions.

21. Air Quality - Annual Status Report

The Executive Member considered a report which provided an update on air quality in York following submission of the Annual Status Report (ASR) to DEFRA in June 2018 and made a series of recommendations regarding the current Air Quality Management Area (AQMA) boundaries.

It was reported that, overall, air quality in York had continued to improve year on year and feedback from DEFRA on the ASR had been positive. Concentrations of Nitrogen Dioxide (NO₂) were currently meeting objectives in both existing AQMA areas and levels of PM₁₀ particulates were well within EU and World Health Organisation (WHO) guidelines as well as meeting national objectives. Details were provided in the report, and progress against measures to improve air quality was set out in Annex A.

The recommended changes to AQMA no. 4 (City Centre) and AQMA no. 2 (Fulford Road) were outlined as Option A in paragraph 31 of the report, with further details in paragraphs 33-41. The 'Option B' alternatives - not to amend AQMA 4 and to revoke AQMA 2 as soon as possible - were not recommended.

In response to questions from the Executive Member, the officer at the meeting confirmed that:

- work to model emissions in traffic hotspots within the STEP programme was at an early stage;
- the government was reviewing the appropriateness of adopting the WHO guidelines.

The Executive Member expressed appreciation for those bus companies that had included electric vehicles in their fleet. Taking into account the comments made under Public Participation, he

Resolved: (i) That the contents of the report be noted.

(ii) That an amendment to the boundary of the City Centre AQMA (Order No.4), to include Coppergate and the buildings on either side of the road, be approved.

Reason: Whilst evaluation has shown that changes affecting traffic movements along Coppergate have had a positive impact in terms of local air quality throughout 2017, the annual mean nitrogen dioxide (NO₂) objective is still exceeded at relevant locations on the street.

(iii) That an amendment to the City Centre AQMA (Order No.4), to reflect the fact that breaches of the hourly mean objective are no longer considered likely, be approved.

Reason: The City Centre AQMA is currently declared on the basis of both the annual mean and the hourly mean NO₂ objectives, and recent monitoring of the hourly mean has shown that breaches of this standard are no longer likely in the vicinity of Rougier Street / George Hudson Street / Bridge Street.

(iv) That the option to retain the Fulford Road AQMA (Order No. 2) for a further 12 months, whilst the potential traffic and air quality implications of developments within both York and neighbouring local authority areas are considered, be approved.

Reason: Although concentrations of NO₂ monitored in the Fulford AQMA remain below the health based objective in 2017, the council must consider the potential air quality implications of developments in neighbouring local authority areas likely to affect future traffic movements into York, and future developments within York itself, before revoking this AQMA.

(v) That the monitoring of NO₂ continue in the former Salisbury Terrace AQMA, as indicated in paragraph 18 of the report.

Reason: To ensure that any future deterioration in air quality in this area is detected.

(vi) That information on the World Health Organisation (WHO) air quality guidelines continue to be included in the annual status reports.

Reason: So that progress against these stricter guidelines can also be monitored.

(vii) That reports on the following matters be brought to a future Decision Session:

- a) the effects of the Smart Travel Evolution Programme (STEP) on the reduction of traffic emissions in the city;
- b) progress on the enforcement of anti-idling measures, as approved by Executive on 25 January 2018;

Reason: To ensure that progress is maintained on measures to reduce traffic pollution.

(viii) That officers in the relevant department be asked to review the way in which charging points for electric vehicles can be provided in terraced areas.

Reason: In response to matters raised under Public Participation.

Cllr A Waller, Executive Member

[The meeting started at 5.30 pm and finished at 6.14 pm].



**Decision Session – Executive Member for
Environment**

22 October 2018

Report of the Assistant Director for Planning & Public Protection

Government Consultations on:

i) Permitted Development rights for Shale Gas Exploration;

ii) Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime.

Summary

1. On 17 May 2018 the Government published a Written Ministerial Statement on Energy Policy (WMS2018). That Statement reaffirmed the Government's position that there are substantial benefits to be gained from the safe and sustainable exploration and development of our onshore shale gas resources; that shale gas is of national importance, and; that further measures were under consideration to support a planning decision-making regime that facilitates timely decisions on proposals for such development, in line with previous pre-2017 election national government manifesto commitments. WMS2018 also reiterated a commitment to ensuring that such development is robustly regulated and that local communities are fully involved in decisions which affect them.
2. Specifically, WMS2018 set out an intention by Government to consult on whether:
 - a) 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.
3. Separate consultations addressing these matters were published by the Ministry of Housing, Communities and Local Government and the Department for Business, Energy and Industrial Strategy respectively on 19

July 2018. The closing date for responses to each consultation is 25 October 2018.

4. The main implication of both measures is that proposals for these forms of development, currently involving submission of a planning application for determination by the relevant minerals planning authority, would no longer require this. The consultation does set out exceptions to this including Areas of Outstanding Natural Beauty, National Parks and Sites of Special Scientific Interest (see paragraph 34 for the full list).
5. Currently applications for these forms of development require the submission of a planning application for determination by the relevant minerals planning authority. 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 then have the opportunity to challenge any decision made by the Local Planning Authority through the appeals process.
6. The Analysis section of this report contains more information about the consultations, as well as a proposed response to the specific matters on which views are sought.
7. The Executive Member will be aware that these consultations are 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 17th May 2018 and the Ministry of Housing, Communities and Local Government's Select Committee Report: Planning Guidance and Fracking on the 5th July 2018 the Inspector has asked the joint authorities to undertake consultation on both and respond to the Inspector, this is due to be made shortly. The Inspector will then decide whether a further hearing session is required.
8. Although the Government consultations on Permitted Development Rights for Shale Gas Exploration and Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime overlap with the concluding stages of MWJP preparation, the government consultations relate to matters of development management process rather than policy and therefore are not considered to give rise to any significant direct implications for the content of the MWJP policies. However, it should be noted that the overall scope of influence of the policies on development decisions would be reduced if the proposals set out in the government

consultations are implemented, as the policies could no longer be directly applied to some forms of shale gas development.

Recommendations

The Executive Member is asked to:

- 1) note the Government consultations on:
 - i) Permitted development rights for shale gas exploration;
 - ii) Inclusion of shale gas production projects in the *Nationally Significant Infrastructure Projects* (NSIP) regime.

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

- 2) 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 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 25th October 2018.

Background

9. 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.
10. The MWJP includes relevant policies to these government consultations. 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 the Schedule of Additional Changes and Draft Main Modifications to the Publication Draft can be found in Annex A to this the report. 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

The above policies have been amended through the Examination hearing sessions to date. 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 who will then write her Inspectors Report. Following receipt of the Inspectors report the Councils will then decide on whether they want to adopt the Plan.

11. 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 has appointed Inspector Elizabeth Ord LLB (Hons) LLM MA DipTUS to conduct the examination into the North Yorkshire County Council, City of York and North York Moors National Park Authority minerals and waste joint plan. The Examination in Public on the MWJP started in February 2018 with public hearing sessions with the Inspector in February, March and April 2018. Following the hearing sessions on 17th 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 5th July 2018 the Inspector has asked the joint authorities to undertake consultation on both and respond to the Inspector. This is due to be made shortly. The Inspector will then decide whether a further hearing session is required.

Consultation

12. This report doesn't require any formal consultation. We are seeking views through the Executive Member Decision Session for the Environment to the Government's consultation on:
 - i) Permitted Development rights for Shale Gas Exploration;
 - ii) Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime.

Options

13. 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 and Department for Business, Energy and Industrial Strategy as relevant;

- 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 and Department for Business, Energy and Industrial Strategy as relevant, 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 and agree to their submission to the Ministry of Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy as relevant and request that further work is undertaken. It should be noted that the closing date for the current consultation is the 25th October 2018.

Analysis

- 14. Officers consider that the most appropriate option is for the Executive Member for Environment to endorse the views set out in the 'Suggested Authority response' sections set out in the report below and agree to their submission to the Ministry of Housing, Communities and Local Government and Department for Business, Energy and Industrial Strategy as relevant. The response reflects the policies set out in the JMWP and the additional evidence put forward through the examination relating specifically to the protection of York's Historic Character and setting and the 500m buffer zone.
- 15. Below is a summary of the specific questions asked in each consultation and the suggested officer response.

Consultation on Permitted Development Rights for Shale Gas Exploration

- 16. Permitted development rights are in effect a national grant of planning permission in principle, the scope of which are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 17. Permitted development rights are already established for the temporary use of land for certain forms of minerals exploration development. This includes the making of excavations, the carrying out of seismic surveys

and, in some cases, where the scale and duration of development would be limited, the drilling of exploratory boreholes. The drilling of boreholes for petroleum exploration purposes is specifically excluded from the scope of the existing rights applying in all areas. The introduction of a permitted development right for non-hydraulic fracturing shale exploration development, outside the scope of the existing rights, would require new secondary legislation.

18. The consultation seeks views on a number of specific matters:
19. The consultation indicates that it would be necessary to tightly define in legislation what development is permitted, but that it is intended that rights would only apply to *'...shale gas exploration, and for non-hydraulic fracturing operations to take core samples for testing purposes. We consider that it would not be appropriate for it to allow for the injection of any fluids for the purposes of hydraulic fracturing. The right would not apply to all onshore oil and gas exploration and/or extraction operations.'*
20. The consultation therefore proposes the following definition of development that would be regarded as permitted development:

' Boring for natural gas in shale or other strata encased in shale for the purposes of searching for natural gas and associated liquids, with a testing period not exceeding 96 hours per section test'.

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?**

21. **Suggested Authority response** – 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.
22. 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.

23. 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

24. The consultation emphasises that the purpose of such a right would be to speed up decision making and to help avoid the uncertainty caused by delay. It also clarifies that any development permitted in this way would still be required to receive the appropriate consents from the three oil and gas regulators (Environment Agency, Health and Safety Executive and Oil and Gas Authority). Whilst Public Health England is not a regulator for oil and gas development, it is envisaged that the relevant regulators (including planning authorities) would also have due regard to the advice of that organisation.
25. Government is proposing through the consultation that a new permitted development right would not apply in National Parks or in other sensitive

designations including Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest, Scheduled Monuments, Conservation areas and Protected groundwater source areas.

26. **Suggested Authority response** – 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.
27. 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.
28. 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

29. 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 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.

30. 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.
31. 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.
32. 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.
33. 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.

34. 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.
35. 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?**

36. The consultation indicates an intention that a new permitted development right would not apply in the following areas but seeks views on this restriction and whether there are any other areas which should be excluded:

National Parks
The Broads
Areas of Outstanding Natural Beauty
World Heritage Sites
Sites of Special Scientific Interest
Scheduled monuments
Conservation Areas
Sites of archaeological interest
Safety hazard areas
Military explosive areas
Land safeguarded for aviation or defence purposes
Protected groundwater source areas

37. **Suggested Authority response** – 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.

“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.

38. On the basis of the above explanation York's Historic and Character Areas should also be excluded from permitted development rights.
39. 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.
40. 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?

41. The consultation document acknowledges that, despite being a temporary form of development, the scale of shale gas exploration development means that any permitted development right would require specific conditions and restrictions to mitigate potential adverse impacts. Views are sought on what conditions or restrictions would be appropriate. Views are also sought on whether a requirement should be imposed to ensure that the developer seeks prior approval from the local planning authority for specified elements of the development before the work can proceed, including potentially, a requirement for public engagement. The consultation notes that this is intended to be a much less prescriptive process than that required for planning applications, as prior approval is intended to be a 'light touch' process which applies where the principle of the development is already established.
42. **Suggested Authority response** – 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.
43. 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.
44. 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
- 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.

45. 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.

46. 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 receptors¹ 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 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.

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

47. 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’.

48. 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?

49. The consultation states that, at this stage, it is unclear the impact a permitted development right for non-hydraulic fracturing shale gas development would have or even whether such a right would be effective given the exclusions, limitations and restrictions that it may be subject to. Views are therefore sought on whether a new permitted development right should be permanent or only apply for a period of two years, to allow monitoring by Government of its success.
50. **Suggested Authority response** – 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?

51. **Suggested Authority response** – The impact of the matters raised in this consultation could affect all people and not just those people with protected characteristics.

Consultation on Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime (NSIP)

52. The Planning Act 2008 created a planning process for NSIP in fields of development including energy, waste, water, road and rail transport. The Act defines the type and scale of infrastructure development considered to be nationally significant. Proposals falling within the regime are dealt with by the Planning Inspectorate, rather than via a planning application to the local planning authority, with the final decision to grant development consent resting with the Secretary of State.
53. The main objective of the NSIP regime is to streamline decision making on nationally significant infrastructure projects, including those which span local authority areas and involve multiple consenting regimes. Key aspects of the regime include a presumption that there is a need for the development, if it is compatible with national policy statements and the national evidence base relevant to the infrastructure in question; a fixed timescale for decision of 12 months, and; the ability to incorporate other powers within the decision making process, for example in relation to the compulsory acquisition of land. Changes to the scope of the NSIP regime would require new secondary legislation.
54. This consultation seeks views on the following matters:

Question 1

Do you agree with the proposal to include major shale gas production projects in the Nationally Significant Infrastructure Project regime?

Question 2

Please provide any relevant evidence to support your response to Question 1.

55. The consultation indicates that inclusion of major shale gas production projects within the scope of the NSIP regime would bring such projects in line with other energy projects of national significance, such as major wind farms and gas fired generating stations. The consultation emphasises that it is only intended that production phase projects would be brought within the scope of the regime, not exploration or appraisal stage developments (which typically are of shorter duration).

56. **Suggested Authority response** – it is not considered that there is adequate justification to bring major shale gas production projects within the scope of the NSIP regime. There is no evidence at this very early stage in the development of a shale gas industry in the UK to indicate with any clarity the scale and distribution of viable resources that may exist, or the scale or specific mode of operation of any industry that may arise, particularly at production stage, if initial results of exploration activity are positive. Furthermore, it is less than clear at this stage whether there is any potential for development to come forward at a scale, or with a degree of importance, that is genuinely of national significance, particularly when compared with other minerals and mining projects not falling within the scope of the NSIP regime, despite involving production of minerals resources considered by Government to be of national and local importance.
57. It is therefore considered premature to bring such development within the scope of the NSIP regime. There is also concern that to bring such proposals within the regime would further undermine fragile public confidence in the regulatory processes applied to shale gas development, by reducing the opportunities available for local involvement in decision making and the extent to which local knowledge can inform the decision making process.
58. In this respect it is noted that the Housing, Communities and Local Government Committee Inquiry on planning guidance recommended, in its July 2018 report, that fracking planning applications at any stage should not be brought within the NSIP regime. The report notes that there is little to be gained from bringing fracking applications under the regime; limited evidence that it would expedite the application process, and; that such a move is likely to exacerbate existing mistrust between local communities and the fracking industry. The Committee also noted that there would be no relationship between applications brought under the regime and local plans in communities.

Question 3

If you consider that major shale gas production projects should be brought into the Nationally Significant Infrastructure Project regime, which criteria should be used to indicate a nationally significant project with regards to shale gas production? Please select from the list below:

- The number of individual wells per well-site (or 'pad');

- The total number of well-sites within the development;
- The estimated volume of recoverable gas from the site(s);
- The estimated production rate from the site(s), and how frequently (e.g. daily, monthly, annually or well lifetime);
- Whether the well-site has/will require a connection to the local and/or national gas distribution grid;
- Requirement for associated equipment on-site, such as (but not limited to) water treatment facilities and micro-generation plants;
- Whether multiple well-sites will be linked via shared infrastructure, such as gas pipelines, water pipelines, transport links, communications, etc;
- A combination of the above criteria;
- Other.

Question 4

Please provide any relevant evidence to support your response(s) to Question 3.

59. **Suggested Authority response** – it is considered that none of the suggested specific criteria would provide a satisfactory basis for including projects within the NSIP regime. Significantly, in most cases the criteria do not reflect the substantial variability and/or incremental change in key development parameters that may be expected during the life of a shale gas production project. Examples include the likelihood of progressive development of additional well pads and individual wells during the production stage of a licence area; variability in production rate over time, and; change in the nature of processing infrastructure that may be required during the production life of an area. It is difficult to see how such variability could adequately be accommodated within a relatively inflexible consenting process such as the NSIP regime, which is more appropriately applied for consenting large scale, permanent, fixed infrastructure. Conversely, the development management processes available through Town and Country Planning legislation are designed to provide a range of flexible options for consideration of planning proposals, including where necessary in response to proposed changes during the life of a project.

Question 5

At what stage should this change be introduced? (For example, as soon as possible, ahead of the first anticipated production site, or when a critical mass of shale gas exploration and appraisal sites has been reached?)

Question 6

Please provide any relevant evidence to support your response to Question 5.

60. The consultation seeks views on the most appropriate stage in the industry's development for major shale gas production projects to be included under the NSIP regime. It notes that large scale production sites may still be many years away, but that it is feasible that applications for the first production sites could be ready in the coming years. The consultation suggests as potential options that implementation of NSIP procedures could be as soon as possible, or that it be timed to come into effect ahead of the first anticipated production site, or when a critical mass of exploration and appraisal sites has been reached.
61. **Suggested Authority response** – for the reasons expressed in relation to questions 1 and 3 above, it is not considered that the NSIP regime should be applied to major shale gas production projects. However, if such a change is introduced, it would need further clarity in order to provide the greatest certainty to the public, developers and other interested parties on how such matters are to be determined, and to facilitate early consideration of the need for coordination of major infrastructure provision at a point in the development process where meaningful benefits from such an approach can still be achieved.

Summary

62. In summary, officers do not consider that there is sufficient public interest justification for introducing the proposed new permitted development right, or to bring shale gas production projects within the scope of the Nationally Significant Infrastructure Projects regime.
63. In both cases, a balance needs to be struck between the benefits of timely decision making and the need for appropriate scrutiny of proposals at a local level. This is particularly so in the case of forms of development

such as this, where there is a high level of national and local community interest and public concern, and where the industry is at a very early stage of establishment.

64. Previous Government statements have referred to the existence of a robust regulatory regime for on-shore shale gas as part of the justification for a positive national policy stance towards this form of development, as well as to the need for the public to be fully involved in decisions which affect them. The submission and determination of planning applications provides a well-established regulatory mechanism for giving proper and public consideration to planning issues associated with such development, whilst providing appropriate flexibility for developers to deal with changing circumstances.
65. Officers therefore have concerns about both the principle of the proposed new measures, as well as concerns about some of the detailed matters contained in the consultations, including definitions and criteria proposed to be used in association with the new measures under consideration.

Council Plan

66. 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

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 Question 7 and the answer in paragraph 51. In the main report.
- **Legal** Implementation of changes to permitted development rights and the criteria for inclusion of projects within the NSIP regime would both require new secondary legislation.
- **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

67. 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:

Anna Pawson
Development Officer
Strategic Planning
Tel No. 553312

Chief Officer Responsible for the report:

Mike Slater
Assistant Director of CES
Tel No: 551448

**Report
Approved**



Date 11/10/2018

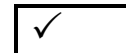
Specialist Implications Officer(s)

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:

1. Permitted development for shale gas exploration (Ministry of Housing, Communities and Local Government consultation, July 2018);
<https://www.gov.uk/government/consultations/permitted-development-for-shale-gas-exploration>
2. Inclusion of Shale Gas Production Projects in the Nationally Significant Infrastructure Project Regime (Department for Business, Energy and Industrial Strategy, July 2018).
<https://www.gov.uk/government/consultations/inclusion-of-shale-gas-production-projects-in-the-nationally-significant-infrastructure-project-nsip-regime>

Annexes

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

List of Abbreviations Used in this Report

MWJP Minerals and Waste Joint Plan

NSIP Nationally Significant Infrastructure Projects

WMS2018 Written Ministerial Statement on Energy Policy

This page is intentionally left blank

Annex A

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

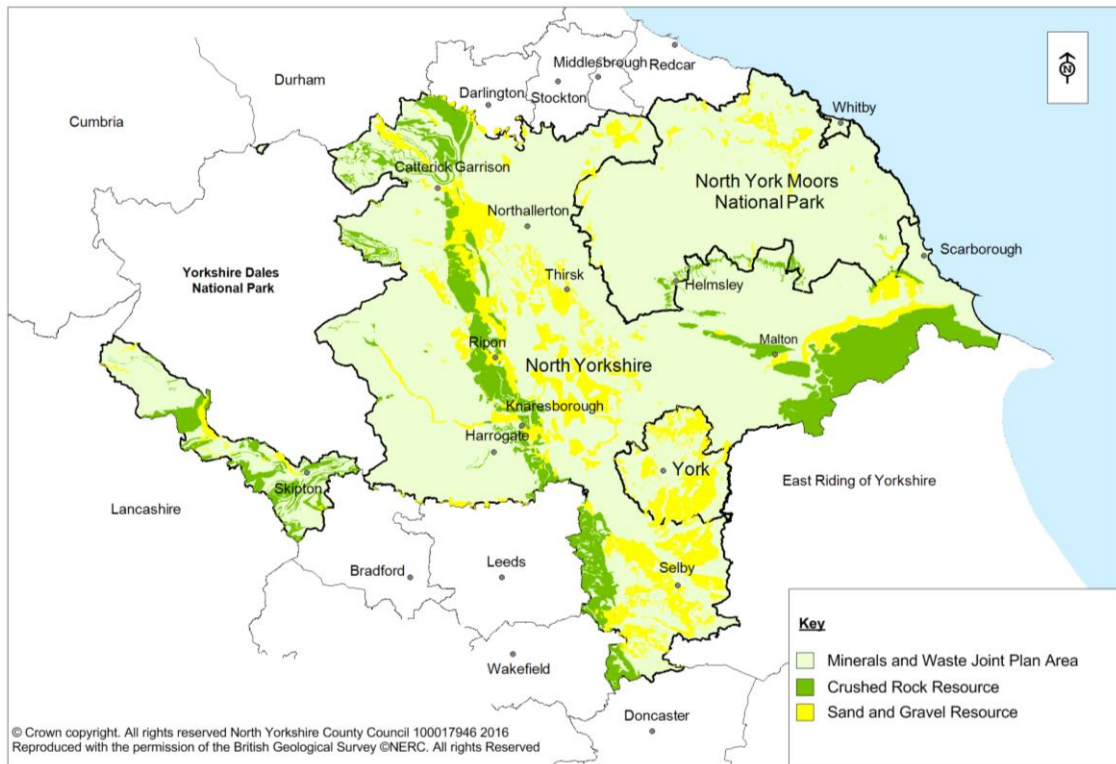


Figure 9: Aggregate resources in Plan area

- 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

<p>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.</p> <p>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.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M02, M03, M05, M07, M08, M09, M10, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i></p>	<p><i>Objectives 6, 7, 9</i></p>
<p>Monitoring: Monitoring indicator 1 (see Appendix 3)</p>	

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 1st January 2016 to 31st 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:

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.	
Main responsibility for implementation of policy: NYCC , NYMNPA, CYC and District and Minerals industry	
Key links to other relevant policies and objectives	
<i>M17, M18, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objectives 5, 6, 9, 10, 12</i>
Monitoring: 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 2016¹³, that high volume hydraulic fracturing¹⁴ 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

¹³ The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2016

¹⁴ 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 1,000m³ of fracture fluid per frack or 10,000m³ 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.¹⁵ 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

¹⁵ 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 1,000m³ 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 communities¹⁶, 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**

¹⁶ 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>3) Local economy</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>4) Specific local amenity considerations relevant to hydrocarbon development</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>Main responsibility for implementation of policy: NYCC , NYMNPA, CYC and District and Minerals industry</p>	
<p>Key links to other relevant policies and objectives</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>Monitoring: 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 100km² PEDL area (pro-rata for PEDLs of less than 100km²) would be compatible with the purpose of this element of the Policy¹⁷. 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.

¹⁷ 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 land¹⁸ 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.

¹⁸ 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

Policy M19: Carbon and gas storage	
Proposals for carbon capture and storage and the underground storage of gas will be permitted where it has been demonstrated that:	
<ul style="list-style-type: none"> i) The local geological circumstances are suitable; 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; iii) There would be no unacceptable impact on the environment or local communities; and iv) The proposals are consistent with other relevant policies in the Plan. 	
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.	
Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and Minerals industry	
Key links to other relevant policies and objectives	
<i>D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12</i>	<i>Objectives 9, 10, 11, 12</i>
Monitoring: 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 designations⁴³. The fact that around a

⁴³ 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**

York or on the undeveloped character of Heritage Coast, unless the need for, or benefits of, the development outweigh the harm caused.	
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.	
Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste Industry and Natural England	
Key links to other relevant policies and objectives	
<i>Strategic policies in Chapters 5, 6, and 7</i>	<i>Objectives 9, 12</i>
Monitoring: 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 significance⁴⁴. 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 structures⁴⁵ 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.

⁴⁴ 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>.

⁴⁵ 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 7th 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

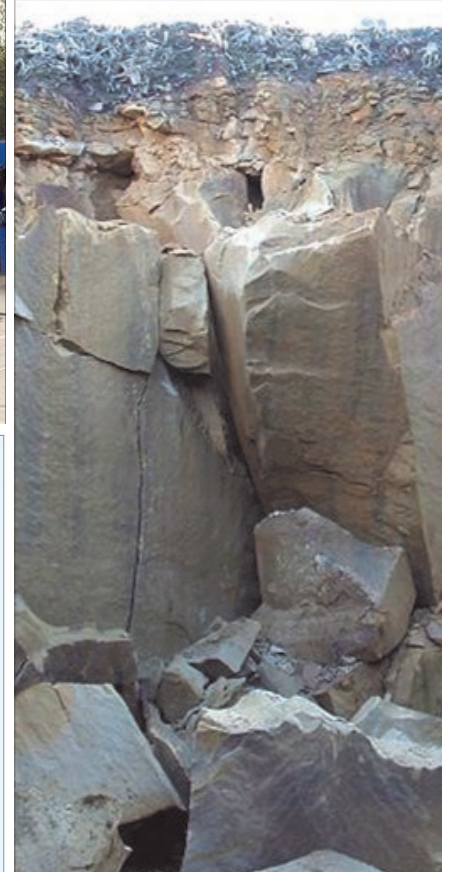
- 9.49 The NPPF requires protection and enhancement of biodiversity by ‘minimising impacts and providing net gains where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to 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

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 9th November to 21st 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. 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).

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. 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
42. The closing date for representations is **5pm on 6th 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 th line	...were publisjhed by...	To correct a typographical error
PC03	78	Para. 5.108 2 nd 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 rd line	... the policies map or is are otherwise considered...	To correct a typographical error
PC05	86	Para. 5.121 5 th sentence	... reference to their special qualities can be found in the relevant M M anagement Plan for the area.	To correct a typographical error
PC06	87	Para. 5.125 5 th Sentence	This includes the need to take account of any Impact Risk Zones identified by Natural England for SACs, SPAs, Ramsar sites and S S SSIs, via the requirements ...	To correct a typographical error
PC07	102	Potash, Polyhalite and Salt Section	Replace section heading Potash, Polyhalite and Salt with Potash and Salt	For consistency with proposed modifications to paras. 5.171 and 5.172
PC08	102	Para 5.171	Replace current para. 5.171 " There are various forms of potassium-bearing minerals which can be mined for potash including sylvinite, polyhalite and carnalite. Potash is	To clarify terminology relevant to potash and salt mineral resources

			<u>strategic transport prospectus) and the York and North Yorkshire & 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 nd sentence	Revise 2 nd sentence: This is a highly relevant issue for the Plan area following the announcement by Government 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 st sentence	Revise 1 st sentence: The Government <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 st bullet	Revise last sentence of 1 st bullet point: For unconventional hydrocarbons, exploratory drilling <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 rd bullet	Revise last sentence of 3 rd 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 th 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 nd line	Replace reference to DBEIS in 2 nd 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 carry out their own assessments of potential impacts which are controlled by other regulatory bodies. <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 those <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, extracted using conventional drilling and production techniques. Revise para. 5.119 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. 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> important to distinguish between: i) The use of unconventional techniques to extract hydrocarbons such as hydraulic fracturing, underground gasification and coal bed methane extraction; and The use of more conventional, less complex drilling and production techniques to extract hydrocarbons</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 consulted on <u>introduced</u> further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from taking place <u>being carried out</u> from new or existing wells that are drilled at the surface in specified protected areas, although they are not yet in force. As proposed The restrictions would will principally affect apply to surface development for unconventional hydrocarbons involving high-volume hydraulic fracturing <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 proposed for protection <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 proposed restrictions would do not, in themselves, constitute planning policy as they would will be implemented though the oil and gas licensing regime.	
PC64	86	Para. 5.123 3 rd sentence	Furthermore, whilst the proposed surface restrictions would will 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 st sentence	An additional consideration is that the new Regulations and proposed surface protections <u>restrictions</u> would will 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> 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.	To clarify the intended approach and ensure appropriate flexibility in the Plan

PC67	87	Para. 5.127 15 th line	Revise 7 th 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: The proximity of a proposed new well pad site to other existing, <u>planned-permitted</u> or unrestored well pads, ...	To clarify the proposed approach
PC71	91	Para. 5.131 9 th 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 st sentence and add new sentence between 1 st and 2 nd 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 ² PEDL area (pro-rata for PEDLs of less than 100km²) 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 100km² the density guideline will be applied pro-rata.</u>	To clarify the approach to preventing unacceptable cumulative impact
PC73	92	Para 5.137 7 th line	Revise 2 nd 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 st sentence: Whilst oil and gas <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 suggested <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 rd sentence	Although evidence suggests that any earth tremors that could be induced are likely to be of very low magnitude, it <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 st sentence: The potential for emissions to water or air is also a key issue, particularly for proposals involving hydraulic fracturing <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 nd sentence to DBEIS with <u>Oil and Gas Authority</u>	To correct a factual inaccuracy
PC79	96	Policy M18 2) i)	Revise text of 2) part 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 ...	To more accurately reflect the relevant regulatory requirements relating to decommissioning of wells
PC80	96	Para. 5.153	Revise 1 st sentence: 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. Revise 4 th sentence: <u>Water constituting waste and requiring management as waste</u> Such waste 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 th line	Revise text: ... potentially leading to very small scale -induced seismic activity (<u>earth tremors</u>). Proposals for this ...	To clarify the position
PC82	102	Policy M22 2 nd para.	Add new sentence at end of 2 nd paragraph: ... 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>	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: 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 ... 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 th bullet point: Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, and 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)	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 preserve the openness of the Green Belt and, where the proposed development would be is located within the York Green Belt, it would preserve the historic character and setting of York.	To more closely reflect the requirements of national policy
PC93	168	Policy D05 part 2) 2 nd paragraph	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 <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. order to outweigh harm caused by inappropriateness, or any other harm.</u>	To more closely reflect the requirements of national policy
PC94	179	Policy D09 3) 2 nd sentence	Revise 2 nd sentence to read: 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 groundwater flooding from rivers and coastal waters) will not be permitted.	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: Promoting the delivery of Achieving significant net gains for biodiversity and the establishment of a <u>which help create</u> coherent	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 2nd 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"> 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 <u>considered that relevant distinctions can be</u> 	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>important to distinguish between:</p> <p>i. — the use of unconventional techniques to extract hydrocarbons, such as hydraulic fracturing, underground coal gasification and coal bed methane extraction; and</p> <p>ii. — the use of more conventional, less complex drilling and production techniques to extract hydrocarbons.</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>d) All <u>Additional criterion applying to surface hydrocarbon development:</u></p> <p>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 3.5km buffer zone</u> 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> must be supported by a detailed assessment of the potential impacts on the designated area(s) – <u>unless it</u></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. This includes views of and from the associated landscapes 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 consulted on further restrictions, in the form of a prohibition on high-volume hydraulic fracturing operations from taking place being carried out from new or existing wells that are drilled at the surface in certain specified protected areas, although they are not yet in force. As proposed, The restrictions would apply to 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>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. The areas proposed for protection 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 proposed restrictions would do not, in themselves, constitute planning policy as they are proposed to <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 proposed surface restrictions would <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> 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.</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 1st 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. 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.</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 it's the special qualities of the designated area. 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> a 3.5km zone around a National Park or AONB should be supported by detailed information assessing the impact of the proposed development, <u>including view into and out of</u> on the designated area, <u>including views into and out from the protected area.</u> 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. 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: W08	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>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</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 st sentence of the Policy: 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>	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 th 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: 1) Proposals for minerals and waste development, including ancillary	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 2nd Para of Part 2) of the Policy:</p> <p>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 <u>will need to</u> be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations. <u>order to outweigh harm caused by inappropriateness or and any other harm.</u></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>Part 2) - Waste</p> <p>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.</p> <p>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 <u>will need to</u> be demonstrated by the applicant, in which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations <u>order to outweigh harm caused by inappropriateness, or any other harm.</u></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 will be appropriate <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"> 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. 			
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 appropriate <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, having taken into account any proposed mitigation measures, 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. The level of protection provided to international, national and locally designated sites are outlined in parts 2) to 8) below.</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 will only be permitted where the benefits of the development would clearly outweigh the impact. or the The loss or deterioration of ancient woodland or aged or veteran trees, will only be permitted where both the need for, and the 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"> • Aerodrome Safeguarding - Policy No. = D10 • Agricultural Land Classification - Policy No. = D12 • Coal Mining Development Referral Area - Policy No. = D13 • Water Environment including Flood Risk - Policy No. = D09 • PEDL licences - Policy No.s M16, M17 & M18 • Environmental and Historic Designations - MAP FIVE • Environmental and Historic Designations - MAP SIX • Environmental and Historic Designations - MAP EIGHT • Minerals Resource Safeguarding Maps - MAP 5 • Minerals Resource Safeguarding Maps - MAP 6 • Minerals Resource Safeguarding Maps - MAP 8 	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 th page of the paper version (CD23): Coal Mining Development Referral Area <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	

This page is intentionally left blank