
Meeting	Local Plan Working Group
Date	10 October 2016
Present	Councillors Ayre (Chair), N Barnes, Carr (Vice-Chair), D'Agorne, Derbyshire, Lisle, Mercer, Orrell, Reid, Steward, Williams and Looker (Substitute for Councillor Levene)
Apologies	Councillors Levene and Warters

5. Declarations of Interest

Members were asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they might have in respect of business on the agenda.

Councillor Williams declared a personal non-pecuniary interest as he is employed by Yorkshire Water. Although not directly involved in fracking they could potentially be part of the supply-chain.

Councillor Steward declared a personal interest, as he had once owned shares in Sirius Minerals and may hold them again in the future.

Councillor Mercer declared a personal interest as she currently holds shares in Sirius Minerals.

Councillor Reid declared a previously registered pecuniary interest, in that she was the City of York appointee to YorWaste.

6. Minutes

Resolved: That the minutes of the meeting held on 27 June 2016 be approved as a correct record and then signed by the Chair.

7. Public Participation

It was reported that there had been three registrations to speak under the Council's Public Participation Scheme on the following item.

4. City of York, North Yorkshire and North York Moors National Park Minerals and Waste Joint Plan – Publication Draft

Mr Kit Bennett spoke on behalf of 'Frack Free York'. He stated that improvements had been made to the plan, including the provision of buffer zones, exemption of designated sites from surface oil and gas development and increased detail on the issue of waste water. He suggested that the following points be considered:

- Strengthening buffer zone provision by increasing the size of the zone, making them apply regardless of 24 hour working, looking at a wider range of designated sites and applying stricter controls to well pad density.
- Taking into account Climate Change in planning applications for oil and gas development.
- Application of the precautionary principle, as required by the Water Framework Directive.

Mr Peter Rollings, Chairman of the Rufforth with Knapton Neighbourhood Plan Group, spoke on the proposals relating to Harewood Whin Waste Recovery Site. He stated that the Neighbourhood Plan Group welcomed the proposals as currently laid out in the plan and the continued designation of the area as green belt land. They hoped that this, along with the planned boundary coinciding with the current operational site boundary, would be enshrined in the Local Plan.

Councillor Kramm reiterated that he was not in support of any fracking taking place in North Yorkshire. He then raised the following points:

- Whilst the addition of buffer zones was clear progress, there should be further discussion around the size of these zones.
- In respect of Policy M17 (Other spatial and locational criteria applying to hydrocarbon development) (Agenda page 120, 4ii) he felt the word '*unless*' should be deleted entirely, as there should never be a case to have a buffer

zone of less than 400m and that this would weaken the policy.

- A waste water treatment plan should be in place before consideration of planning applications.

8. City of York, North Yorkshire and North York Moors National Park Minerals and Waste Joint Plan - Publication Draft

Members were asked to consider a publication draft of the City of York, North Yorkshire and North York Moors National Park Minerals and Waste Joint Plan. Officers presented the report to Members for discussion and to allow them to make recommendations that would be considered by Executive at a meeting on 13 October 2016.

In response to issues raised by public speakers, Officers clarified:

- The plan was now at publication stage and if agreed at Executive this document would then go out for public consultation.
- In respect of climate change, policy D11 (Sustainable design, construction and operation of development) could perhaps be strengthened and climate change should be considered in planning applications.
- In regard to the ambiguity around 'sensitive receptors', the exact meaning would be clarified at Executive.
- With reference to the size of Buffer Zones, 400m was a general figure from the General Permitted Development Order (GPDO) but this could potentially be increased to 500m.
- The protection list in policy M17 (Other spatial and locational criteria applying to hydrocarbon development) currently covered areas considered the most valuable, however there was flexibility and smaller nature sites could be protected with buffer zones, although on a case by case basis.

During discussion Members raised the following issues:

- How would fracked water be disposed of and would on-site treatment be a possibility, thereby reducing water consumption and transport needs (Policy M17, 1iii).

- A Member suggested deleting '*Where practicable...*'. It was felt that Brownfield sites should always be first preference and adequate justification would have to be provided for other sites (M17, 2v).
- Could a clearer definition of '*sensitive receptors*' be included in the plan. Members also suggested removing the 24 hour limit as some '*sensitive receptors*' such as schools would be affected by daytime operations (M17, 4ii).
- In respect of separation distance, could Officers remove the wording '*unless...*' (M17, 4ii).
- Members suggested the inclusion of Sites of Special Scientific Interest (SSSIs) on the protection list, in addition to National Parks and Areas of Outstanding Natural Beauty (AONBs) (M16, dii).
- Some Members felt the policy needed to be clearer with regard to which criteria apply to surface development and sub-surface development (M16).
- Would it be possible to set out in the policy how numbers of wells/well density could be limited to avoid cumulative impact (M17, 2ii)?

Members then considered the following options:

1. Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents attached at Annexes A-J be approved for the purpose of public consultation;
2. Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents attached at Annexes A-J be approved subject to amendments agreed at this meeting;
3. Members recommend to Executive that the Minerals and Waste Joint Plan Publication documents be rejected and request that further work is undertaken.

Resolved:

- i. That Officers respond to comments made at the meeting and circulate their response to Executive on Thursday 13 October 2016.
- ii. That Option 1 be recommended to Executive:

- That the draft Minerals and Waste Joint Plan for York, North Yorkshire and North York Moors National Park (Annex A) be approved for the purposes of publication in accordance with the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- That the Executive Member for Transport and Planning be authorised to make non-substantive editorial changes to the main document (Annex A) and other supporting documents (Annexes B to I) proposed to be published alongside the Plan prior to publication.
- That the Executive Member for Transport and Planning be authorised to make changes to the main document (Annex A) and other supporting documents (Annexes B to I) arising from the equivalent Executive meetings at North Yorkshire County Council and North York Moors National Park Authority provided that they are non-substantive in terms of their impact on the City of York area.

Reason:

- I. So that the three authorities can make changes specific to their authority areas where they will not impact on the other Joint areas.
- II. So that a National Planning Policy Framework (NPPF) compliant Joint Waste and Minerals Plan can be progressed.

Councillor N Ayre, Chair

[The meeting started at 4.30 pm and finished at 5.15 pm].