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**Addendum for Executive**

**13<sup>th</sup> October 2016**

**Report of the Director of City and Environmental Services**

**Minerals and Waste Joint Plan – Publication Draft**

1. At the Local Plan Working Group meeting on 10<sup>th</sup> October 2016, the points included in Table 1 below were raised. Following the meeting, these points have been discussed with colleagues at North Yorkshire County Council and North York Moors National Park Authority. The Officers' responses to the points raised are recorded in Table 1 indicating further action.
2. In some cases although the points raised are accepted in principle, this will require further work to consider the detail of the policy wording and the 'knock on' effect throughout the document. We would therefore ask that the recommendations of the report are changed to allow the Director of City and Environmental Services (CES) in consultation with the Executive Member for Transport and Planning being authorised to approve any such changes to the Minerals and Waste Joint Plan document as necessary to implement the principles agreed by Members. I have set out the existing recommendations and the proposed additional recommendation (iv) at the end of this update.
3. The proposed changes included in Table 1 will also be put forward to the Executive Members at North Yorkshire County Council on 18<sup>th</sup> October and North York Moors National Park Authority on 20<sup>th</sup> October seeking their agreement.

**Table 1**

Section	Comments Made	Officer Response
M16 d) i)	SSSIs should be covered by the 3.5km buffer as well as National Parks and AONBs.	<p>Following discussions with other technical officers at North Yorkshire County Council and North York Moors National Park Authority, it is not considered appropriate to add SSSIs to this part of the policy given that it is a buffer for landscape impacts. However, an additional criterion to M16 d) and the supporting text (para 5.122) to this policy could be amended to require that applicants consider the Natural England Impact Risk Zones. These allow initial assessment of the potential risks posed by development proposals to: Sites of Special Scientific Interest, Special Areas of Conservation, Special Protection Areas (SPAs) and Ramsar sites. They define zones around each site which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.</p> <p><b>Action: Amend policy and supporting text</b></p>
M16	Policy needs to be clearer with regard to which criteria apply to surface development and sub-surface development	<p>This policy has been discussed in detail with colleagues at NYCC and NYM including legal advice and it is not therefore considered that restructuring this policy would aid in its clarity.</p> <p><b>Action: No amendment</b></p>
M17 1) iii)	Policy should include reference to the need to reduce water consumption by means of recycling water which in turn will reduce the transport implications.	<p>Text can be added to paragraph 5.132 making the connection that the reuse and recycling of water on site will reduce water consumption and subsequently the need for road transport. This is already considered in Policy M18 1) i).</p> <p><b>Action: Amend supporting text</b></p>
M17 2) ii)	Policy needs to set out how the well pad density and/or number of wells will be limited to avoid cumulative impact. Could the figures in para 5.137 be elevated into the policy itself?	<p>Following discussion with colleagues at the County and National Park Authority it is considered too prescriptive to include the reference to 10 well pads 'limit' in the policy. However it will be possible to add additional wording to the policy to provide more clarification on the factors to be considered in assessing cumulative impacts</p> <p><b>Action: Amend Policy</b></p>
M17 2) v)	Remove 'where practicable' and reword to require applicants to undertake a sequential approach in relation to brownfield and greenfield sites.	<p>Agree that policy can be strengthened by removing 'where practicable' to make it clear brownfield, industrial or employment land should be used before agricultural land.</p> <p><b>Action: Amend policy</b></p>
M17 4) i)	Should define what is an 'adequate separation distance' between hydrocarbon development	<p>Part i) of this policy provides the overall requirement to protect amenity through the use of adequate separation distances for all forms of hydrocarbons development. Part ii) addresses specific distances.</p>

	and residential buildings and sensitive receptors. Should also define 'sensitive receptors'.	Para. 5.146 can be added to, to provide clarity in relation of what will be considered when assessing what is an adequate separation distance. <b>Action: Retain policy and amend supporting text</b>
		Whilst there is not an established definition for 'sensitive receptors', officers will establish a list of land uses which provides clarity for this term. <b>Action: Amend policy and supporting text</b>
M17 4) ii)	Increase the residential buffer from 400m to 500m as per the distance used for wind turbines.	400m relates to a well-practiced separation distance between agricultural development and residential properties as set out in the GDPO, particularly in relation to noise and smells and their effect on residential amenity. As hydrocarbon development potentially has additional effects such as light pollution, perceived safety risks, perceived land and water pollution risks, it would seem appropriate to increase the separation distance. A buffer of 500m is commonly used in relation to separation distances between wind turbines and residential properties and could be used. <b>Action: Amend policy and supporting text.</b>
M17 4) ii)	Refer to the safety aspects as well as residential amenity in the supporting text.	Para. 5.149 covers the aspects of safety <b>Action: No amendment</b>
M17 4) ii)	Define 'sensitive receptors'.	As above. <b>Action: Amend policy and supporting text.</b>
M17 4) ii)	Remove the 24 hours limit as many 'sensitive receptors' such as schools and nursing homes would be affected by operations during the daytime which wouldn't be covered by the policy as it stands.	Agreed. By clarifying what is meant by 'sensitive receptors', it justifies the need to make this policy applicable to all types of surface hydrocarbon development, not just that which operates for 24 hours a day. <b>Action: Amend policy and supporting text.</b>
M17 4) ii)	Remove the 'unless' clause as it weakens the policy.	Keep part 4)i) as currently worded: <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 other sensitive receptors in order to ensure a high level of protection from noise and vibration, light pollution, emissions to air or ground and surface water, and induced seismicity, including in line with Policy D02.</i> Add in new text to follow on, as a replacement for current Part 4)ii) (ie in effect merging Parts 4)i) and ii): <i>Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m distance of residential buildings or other sensitive receptors,</i>

		<p><i>are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.</i></p> <p><b>Action: Amend policy and supporting text.</b></p>
M18	<p>Require the need for a waste water management plan to be in place before any application determined. The supporting text should be amended to reflect the need to consider the Water Framework Directive and to protect aquifers.</p>	<p>Agree that the policy and supporting text could be amended to require the applicant to demonstrate, by way of a waste water management plan, the removal and disposal of waste/returned water has been considered and planned for ahead of the determination of any application for hydrocarbon development. Reference to the WFD and protection of aquifers could be referred to in the supporting text and reference made to the wider waste water policy W08 and water environment policy D09.</p> <p><b>Action: Amend policy and supporting text</b></p>

## Recommendations

### 4. Members are asked to agree:

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

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

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

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

- iii. That the Director of City and Environmental Services (CES) in consultation with 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:- So that the three authorities can make changes specific to their authority areas where they will not impact on the other Joint areas.*

- iv. That the Director of City and Environmental Services (CES) in consultation with the Executive Member for Transport and Planning be authorised to approve any such changes to the Minerals and Waste Joint Plan document as necessary to implement the principles agreed by Members.

*Reason:- So that detailed wording of the policies can be agreed between officers at the Joint authorities once approval in principle has been received by all Joint authorities' Members.*