

**Notice of a public meeting of
Executive**

To: Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller

Date: Thursday, 29 October 2015

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

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 Monday 2 November 2015**.

*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 Corporate and Scrutiny Management Policy and Scrutiny Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

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

which they may have in respect of business on this agenda.

- 2. Minutes** (Pages 1 - 14)
To approve and sign the minutes of the last Executive meeting held on 24 September 2015.

- 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 Wednesday 28 October 2015**. Members of the public can speak on agenda items or matters within the remit of the committee.

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 this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

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 (whose contact details are at the foot of this agenda) in advance of the meeting.

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 http://www.york.gov.uk/downloads/file/6453/protocol_for_webcasting_filming_and_recording_of_council_meetingspdf

- 4. Forward Plan** (Pages 15 - 22)
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

- 5. The Next Phase of the Older Persons' Accommodation Programme: Deciding the future of Grove House and Oakhaven Older Persons' Homes** (Pages 23 - 86)
The purpose of this report is to provide Members with the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation, and for Members to make a decision about whether to close Grove House and Oakhaven.
- 6. Moving Forward with the Burnholme Health & Wellness Campus** (Pages 87 - 128)
This report examines the means to provide a viable future for the Burnholme school site in Heworth ward. Members are asked to agree further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
- 7. The Future of York's Guildhall & Riverside** (Pages 129 - 196)
The purpose of this report is to agree the next steps necessary to secure the future of the Guildhall complex following the project review, as agreed by Executive on 30 July 2015, and in response to the recommendations of the recent Scrutiny review.
- 8. York's Southern Gateway** (Pages 197 - 212)
This report sets out proposals to kick-start development along Piccadilly whilst simultaneously exploring the potential use of other council assets in the Southern Gateway (the area around Piccadilly, the Eye of York, St George's Field and the Foss Basin) to improve and regenerate the area.
- 9. Coppergate Traffic Restrictions** (Pages 213 - 224)
This report reviews whether and/or how to restrict traffic on Coppergate and recommends restricting traffic using the present 2013 Traffic Regulation Order and carrying out consultation in respect of ensuring adequate signage prior to commencing civil enforcement of the bus lane by camera.

- 10. Council Tax Support Scheme Review** (Pages 225 - 248)
This report provides the Executive with background on York's current Council Tax Support scheme, details of existing financial support available, the number of CTS customers seeking support and what further steps could be taken to support our most financially vulnerable customers in the short term but also in a sustainable way going forward.
- 11. CYC Future Workforce (Apprenticeships and Work Placements)** (Pages 249 - 268)
This report provides an update on City of York Council's approach to apprenticeships and employment offer to young people and seeks Members' approval to continue with planned work. Members are also asked to approve recommendations to increase Year 1 apprenticeship pay.
- 12. Recommendations of the Local Plan Working Group - City of York Local Plan - Objective Assessment of Housing Need and City of York Local Plan Economic Growth** (Pages 269 - 278)
This report presents the recommendations from a meeting of the Local Plan Working Group held on 29 September 2015 in respect of the City of York Local Plan – Objective Assessment of Housing Need and Economic Growth and asks Members to consider the advice given by the Group in their capacity as an advisory body to the Executive, in relation to these reports.
- 13. Protecting Public Houses** (Pages 279 - 322)
This report is in response to the motion passed by Council on 11 December 2014 in relation to protecting public houses. It provides Members with background information in relation to the options available to the Council to potentially afford greater protection to public houses, including Article 4 Directions and the Assets of Community Value Register.
- 14. Minerals and Waste Joint Plan - Preferred Options** (Pages 323 - 548)
This report updates Members on progress on the Minerals and Waste Joint Plan that City of York Council is producing with North Yorkshire County Council and the North Yorks National Park Authority, and asks Members to approve the Preferred Options documents for public consultation.

15. Urgent Business

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

Democracy Officer:

Name: Jill Pickering

Contact details:

- Telephone – (01904) 552061
- E-mail – jill.pickering@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	Executive
Date	24 September 2015
Present	Councillors Steward (Chair), Aspden (Vice-Chair), Ayre, Brooks, Carr, Gillies, Runciman and Waller
Other Members participating in the meeting	Councillors D'Agorne and Williams
In attendance	Councillors Craghill, Cuthbertson, Gunnell, Kramm, Levene, Rawlings and Taylor

Part A - Matters Dealt With Under Delegated Powers

49. Declarations of Interest

Members were 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 they may have in respect of business on the agenda. No additional interests were declared.

50. Minutes

Resolved: That the minutes of the last meeting of the Executive held on 27 August 2015 be approved and signed by the Chair as a correct record.

51. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme and that seven Members of Council has also requested to speak on items, details of which are set out below:

York Museums Trust Funding

Brian Watson expressed his concern at the attendance and sample figures in the report relating to the financial position of the Trust. He also expressed concern at the reference to

unforeseen structural problems but not to the capital grants received by the Trust and asked the Committee to obtain further information prior to taking a decision on charging.

Councillor Taylor presented a petition, containing 90 signatories, requesting the Council to allow free access to York Public Art Gallery. He referred to an additional online petition with the same request and to the lack of clarity and communication from the Museums Trust in relation to the proposed charges. He also thanked the Executive Member for his work in gaining free access for vulnerable residents however he felt that free access should be further extended.

Cllr Cuthbertson highlighted the Council membership of the Museum's Trust and expressed concern at the handling of the charging issue. He pointed to the success of the Museum and adjacent gardens and the boost this provided for the visitor economy but acknowledged that high maintenance costs presented severe challenges. He therefore asked Members to support the recommendations.

Cllr Gunnell spoke to acknowledge the work of the Museum's Trust over a number of years however she expressed concern regarding the charging arrangements and she reiterated earlier speakers comments regarding openness and transparency of the YMT's plans.

Progress Report: City of York Trading Ltd

Councillor Rawlings spoke in his capacity as the Council representative on the City of York Trading Ltd. He referred to a review he had undertaken of the company in which he had found a well run body which had taken commercial opportunities and received excellent returns. He did however express concern at some of the governance arrangements which required further strengthening and to levels of profit related remuneration which he confirmed would be considered further by the Shareholders Board.

Park & Ride Bus Contact Options

Councillor Levene spoke to request the option of ultra low emission vehicles in the Park and Ride specification for the improvement of air quality in the city. He questioned the late evening operation time of the Park and Ride sites and

requested the inclusion, as a core requirement, of a late service to support the early evening economy and expressed concern that no consultation had been undertaken with potential users of the service.

Draft Council Plan 2015-19: Report on the Consultation Exercise

Councillor Kramm, highlighted the pollution problems in the Micklegate Ward and to the effects on resident's health. He requested Members to adopt a Transport Strategy in place of the Congestion Commission to respond to the Council's duty of care to its citizens to improve air quality and pollution.

Councillor Craghill spoke of her concern at the lack of detail in the new Council Plan. She highlighted a number of good points for implementation and suggested that sustainability should underpin every decision taken by the authority. She also questioned the term front-line services and implementation detail.

52. Forward Plan

Members received and noted details of those items on the Forward Plan for the next two Executive meetings, at the time the agenda was published.

53. York Museums Trust Funding

Consideration was given to a report which proposed a new legal framework and funding relationship between the Council and the York Museums Trust (YMT). Members noted the issues relating to the YMT's financial position, the legal position regarding charging, the clause for the lease of the building and the Partnership Funding Agreement and Charitable status of the Trust.

The Executive Member highlighted the background to the Museums present charging plans and, in particular, the maintenance costs for the collections and buildings. He outlined details of the revised charging scheme and confirmed that consideration had been given to a number of options however he felt that the proposals provided the best way of funding the assets in the future.

Some Members expressed their disappointment at the method in which the charging proposals had been brought forward and suggested that other options should be considered to provide as wide access as possible to the YMT sites.

Consideration was then given to the following options:

1. To refuse YMT's request and continue to insist on free access for YorkCard holders
2. To agree to YMT's request and seek to reframe the legal and financial relationship between the Council and YMT

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Note York Museums Trust's (YMT) revised charging plans following discussions between the Council and YMT;
- (ii) Agree a process for updating the legal agreements between CYC and the trust to reflect new funding levels;
- (iii) Commission further work with regard to options for new legal structures to better protect the museum assets;
- (iv) Agree the release of £20k from contingency to fund the maximum cost of the new concessions.¹

Reason: To ensure a vibrant and sustainable museums service over the long-term.

Action Required

1. Proceed to commission work for new legal structures and a process for updating the legal agreements.

CC

54. Progress Report: City of York Trading Ltd (Updated Report)

Consideration was given to a report, which had previously been presented to Members at their 27 August meeting, providing an update on progress of the City of York Trading Ltd (CYT Ltd), the Councils trading organisation for Council services. Members had been asked to agree changes to the Shareholder Agreement and support the company's direction of travel and business development. The decision had however been deferred pending a review of the governance arrangements by Group Leaders.

Further consideration was given to the updated report which suggested additional recommendations to improve transparency in relation to governance and the company's key activities.

Officers highlighted the individual suggested changes to improve transparency of the company.

Members reiterated their support for the work of the trading organisation and noted the reference, by the earlier speaker, in relation to further consideration of remuneration by the Shareholders Board at their next meeting.

Consideration was then given to the following options:

1. Members can choose to agree or to disagree with the changes to the Shareholders Agreement as stated in recommendation a) or propose amendments.
2. There are no alternative options for recommendation b) which asks members to note the progress made by the company.
3. With regard to recommendation c) Members may consider alternative options for business development or disagree that that the business should be developed further in this way. Development of alternative proposals, as with those mentioned in paragraph 14 would be subject to Executive and CYT Board of Directors approval before any business case could be implemented.
4. Members can clearly determine whether to accept recommendations d) to h) which arise from the Group Leaders' review.

Resolved: That the Executive agree to:

- (i) The changes to the Shareholder Agreement.
- (ii) Note the progress and growth made to date by City of York Trading Ltd (CYT).
- (iii) Support the further development of the business including business cases for those areas identified in this report.
- (iv) Publish all future shareholder committee minutes on the CYC/CYT websites.
- (v) Provide an annual report to the Executive on the company performance and operation of the shareholder committee.
- (vi) Appoint an additional external non-executive Director onto the Board of Directors.
- (vii) Appoint an additional Councillor onto the Board of Directors.¹

Reason: To ensure Executive members understand the governance and progress of the council's Trading Company, and are involved in setting the direction of the future business.

Action Required

1. Continue the further development of the business and implement the actions to improve transparency in relation to governance.

PS

55. Community Asset Transfer - Knavesmire Changing Rooms to Hamilton Panthers Football Club

Consideration was given to a report which outlined proposals for new changing rooms and a pavilion building to be built on the site of the existing building currently leased to the Hamilton Panthers Football Club. In accordance with the Council's Community Asset Transfer policy it was proposed to transfer the new building for the Club to take a 99 year lease.

Members noted that transfer of the buildings to the Football Club would also transfer all liability for future maintenance and responsibility to the organisation.

Consideration was given to the following options:

Option 1- 99 year lease at nil rent on Community Asset Transfer terms

Option 2 – grant a new lease on similar terms as the existing lease

Resolved: That the Executive agree to let the Changing Rooms and Pavilion to Hamilton Panthers for a term of 99 years at nil rent in accordance with the lease terms as set out in the Council's Community Asset Transfer Policy. ¹.

Reason: As the Knavesmire Changing Rooms and their proposed use for the community meets the criteria for a Community Asset Transfer as contained in the Council's policy and supports the Council Plan.

Action Required

1. Grant a new lease to the Club in accordance with the Council's Community Asset Transfer policy. PC

56. Appropriation of land at Huntington Stadium, for Planning Purposes

Members considered a report which set out proposals for the appropriation of land at Huntington Stadium and the surrounding area for planning purposes for development, in line with previous planning consent.

As part of the Community Stadium project, it was noted that land, as shown in red on Appendix 2 of the report, was required for development in order to provide sufficient land for the wide range of new facilities and to enable the approved development to take place. It was also noted the scheme would deliver considerable improvements and facilities that would benefit the local community. It was noted that Appendix 1 identified various land ownerships.

Officers reported that representations had been received regarding the proposed appropriation from a nearby

landowner's Solicitors. They had expressed concern that the appropriation could affect their client's claimed rights to access and drainage over the site. Legal advice had been sought and which advised that the appropriation was clearly justified and necessary for the development of the site.

Resolved: That the Executive approve the appropriation of the land owned by the Council within the area edged in red on the plan attached at Appendix 2 to this report for planning purposes as outlined in the report. ¹

Reason: To enable the delivery of this important council project.

Action Required

1. Proceed with appropriation of land.

TA

57. Park & Ride Bus Contract Options

Consideration was given to a report which examined options for the delivery of the Park and Ride service at the end of the current contract in February 2017. Members were asked to consider the principles for the specification for the service and delivery methodology to enable a contract to be prepared for operation for the next 8 years.

Officers confirmed the Council's bid to the Government's Low Emission Bus Scheme to support the purchase of ultra low emission vehicles (ULE) to be operated on the Park and Ride service. In particular, Members would be asked to decide which standard of bus best met the Council's requirements.

The Executive Member highlighted some of the enhanced specification items of the contract including overnight parking at one or more sites and late evening operation to assist the early evening economy. He also confirmed that consideration would be given to services stopping at intermediate stops during the early evening and Sundays and where stops were not covered by other services.

Other Members expressed their broad support for the proposals and suggested wider consultation and the inclusion of intermediate stops on Shipton and Fulford Roads. A request was also made for the core specification to include zero emission vehicles to assist with air quality, integrated ticketing

and index linking of parking charges to rise with those of the Park and Ride services.

Following further discussion, consideration was given to the following options:

1. Provision of services on a commercial basis with a fixed licence fee paid to the Council to secure access rights to the Park and Ride sites;
2. Continuation of the present system that has a fixed licence fee with revenue sharing between the Council and the operator dependent on variations in patronage;
3. A contractual arrangement under which the council would take the revenue risk (and income) with the operator providing the specified service at a fixed price.

Resolved: That the Executive approve;

- (i) The proposed specification principles and contract arrangements for the Park and Ride service under the terms detailed in Option 2 of the report.
- (ii) The procurement of the Park and Ride service to the timescales detailed at Paragraph 42 of the report.
- (iii) The undertaking of a review of the removal of stops along the Fulford Road - Park and Ride route to ensure access to local bus services for residents, within a suitable time frame.¹

- Reason:
- (i) To enable an improved service to be provided with the highest opportunity of an increased income to the council.
 - (ii) To ensure the service is procured in accordance with the financial regulations.
 - (iii) In order to review the bus services along Fulford Road into the city.

Action Required

1. Await decision of CSMC (Calling-In) meeting, 12 October 2015.

AB, TC

58. Highway Asset Management Report

The Executive considered a report which provided an overview of the strategy and approach the Council took in the management of its highway assets which were valued at over £2bn.

Officers confirmed that the highway maintenance programme was evidence led and governed by a range of national codes of practice and internal plans and strategies, with the annual programme being developed in the autumn of the preceding year. Officers reiterated that Members would receive communications on highway condition and priorities for works through the ward highway process and that any local requirements could be sent direct to the highway team at ycc@york.gov.uk

In answer to Members questions regarding the new street lighting policy, Officers confirmed that, in order to assist in the reduction of carbon emissions, work was underway on a street lighting programme with an LED rollout.

Following further discussion it was

Resolved: That the Executive agree to:

- (i) Note the review and update of the existing CYC strategy, policy and service delivery methods relating to highway maintenance in this paper and accept them as a sound basis for developing an evidence led programme. The policy will be updated biannually and any changes will be brought before the Executive Member. Any significant changes will be brought before the Executive.
- (ii) Confirm that the annual programme of maintenance works will be developed via the following process:
- (iii) An evidence led list of schemes being generated in accordance with Policy for approval by the Director for City and Environmental Services

- (iv) Members allocating a budget for highways maintenance in the annual budget process and identify local schemes as part of the Ward Highways Programme
- (iv) The final programme of affordable schemes being generated and approved by the Director of City and Environmental Services and ratified by the Executive
- (v) Note and support the work of the council with its partners in the Yorkshire Alliance to deliver shared approaches and efficiencies
- (vi) Note and agree the Streetlighting Policy document at Annex 1 of the report. ¹.

Reason: To ensure delivery of highway maintenance services in an efficient and cost effective manner.

Action Required

1. Proceed to develop the programme on the lines agreed.

SW

59. Draft Council Plan 2015-19: Report on the Consultation Exercise

Consideration was given to a report which summarised the findings of the recent consultation on the Council Plan which would set out the Council's priorities during the 2015 to 2019 period.

It was noted that the consultation had identified two areas of under representation and the need for York to take more of a leading role both regionally and nationally. These points had been incorporated into the Plan at Annex B of the report.

Officers confirmed that the Plan reflected the high level priorities at this stage however a scorecard was in the course of preparation to review available measures.

Some Members suggested that affordable housing and congestion should have more prominence in the Plan and questioned the consultation methods and detail.

Resolved: That the Executive agree to:

- (i) Note the results of the consultation process.
- (ii) Approve the changes proposed which have been incorporated in the updated Annex B of the report

Reason: To ensure that the Council Plan incorporates residents views.

Part B - Matters Referred To Council

60. Draft Council Plan 2015-19: Report on the Consultation Exercise

[See also Part A minute]

Consideration was given to a report which summarised the findings of the recent consultation on the Council Plan which would set out the Council's priorities during the 2015 to 2019 period.

It was noted that the consultation had identified two areas of under representation and the need for York to take more of a leading role both regionally and nationally. These points had been incorporated into the Plan at Annex B of the report.

Officers confirmed that, following Council approval, the Plan would be made available to residents, businesses and stakeholders and the priorities embedded in Services Plans.

Recommended: That Council adopt the draft Council Plan for 2015-19.¹

Reason: To ensure that the Council Plan is adopted by Council to inform service delivery of the priorities set out in the Plan.

Action Required

1. Initiate work to deliver the priorities following Council agreement.

DW

Cllr C Steward, Chair

[The meeting started at 5.30 pm and finished at 7.15 pm].

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Forward Plan: Executive Meeting: 29 October 2015

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 26 November 2015

Title and Description	Author	Portfolio Holder
<p>Q2 Capital Programme Monitor</p> <p>Purpose of Report: To provide Members with an update on the capital programme.</p> <p>Members are asked to note the issues, recommend to full council any changes as appropriate.</p>	Ross Brown	Executive Leader, Finance & Performance
<p>Q2 Finance & Performance Monitor 2015/16</p> <p>Purpose of Report: To provide Members with an update on finance and performance information.</p> <p>Members are asked to note the issues.</p>	Debbie Mitchell	Executive Leader, Finance & Performance
<p>Treasury Management and Prudential Indicators Mid Year Review</p> <p>Purpose of Report: To provide Members with an update on the treasury management position.</p> <p>Members are asked to note this issue and approve any adjustments required to the prudential indicators or strategy.</p>	Ross Brown	Executive Leader, Finance & Performance

Title and Description	Author	Portfolio Holder
<p>Community Stadium</p> <p>Purpose of Report: Prior to a recommendation to Council in December, this report presents the finalisation of the delivery of the Community Stadium and Leisure facilities contract.</p> <p>Members are asked to;</p> <ol style="list-style-type: none"> 1. Provide authority to award the contract for the design, build, operation and maintenance of the facilities. 2. Agree the financial costs for the delivery of the contract. 3. Any other appropriate decisions relating to the effective delivery of the project. 	Tim Akins	Executive Member for Culture, Leisure & Tourism
<p>Funding Criteria for Council Supported Bus Services</p> <p>Purpose of Report: To provide the opportunity to align the council's funding criteria for socially necessary bus services with the new council objective to "support rural bus services and others where there is most need".</p> <p>Members are asked to approve one of three options; two which would guarantee minimum levels of bus service to areas within the York boundary where the council currently supports a bus service (and for which no commercial alternatives exist), or a third option to retain the current criteria, which does not guarantee any minimum service level.</p>	Sam Fryers	Executive Member for Transport and Planning

Title and Description	Author	Portfolio Holder
<p>ICT Services Report Purpose of Report: To raise the awareness of ICT Services, its strategy, approach and scope.</p> <p>Members are asked to endorse the ICT strategy and service approach.</p> <p>This report will now be considered by Executive on 26 November as recent developments around shared services have created the need for additional information which will influence the report. This will also allow further time to undertake discussions regarding the input from scrutiny in relation to the digital customer work stream that is one of the key features of this report.</p>	Roy Grant	Executive Leader, Finance & Performance
<p>Building Stronger Communities – Adult Social Care funding Purpose of Report: To present information about the proposal to invest funding over the next 2 years in community initiatives which prevent or delay the need for people to access statutory social care provision. Use of £75,000 of this funding has already been agreed, as per the ‘Listening to Residents: Ward Committees’ paper presented to Executive on 30th July 2015 (whereby £75k will be devolved into ward budgets on a ‘per capita’ basis). Therefore this report makes proposals for the remaining funding.</p> <p>Members are asked to agree the use of this funding for the purposes outlined in the report.</p>	Catherine McGovern Michael Melvin	Executive Member for Adult Social Care and Health

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 17 December 2015

Title and Description	Author	Portfolio Holder
<p>York Central and Access Project Purpose of Report: To update Members on the current status of the project to develop the York Central site.</p> <p>Members will be asked to consider a range of matters regarding the project.</p> <p>This report may contain an annex that may be considered in private as it contains Exempt Information as described in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that the information relates to the financial or business affairs of any particular person (including the authority holding that information).</p>	Sarah Tanburn	Executive Member for Economic Development and Community Engagement
<p>Review of Fees & Charges Purpose of Report: To propose an increase in Fees and Charges from 1st January 2016.</p> <p>Members are asked to approve the recommended increase in Fees and Charges.</p>	Sarah Kirby	Executive Leader, Finance & Performance
<p>Award of Discretionary Rate Relief Purpose of Report: To approve any new awards of discretionary rate relief for the period 2016-2018.</p> <p>Members are asked to consider any new applications against budget available and approve any new awards.</p>	David Walker	Executive Leader, Finance & Performance

Title and Description	Author	Portfolio Holder
<p>Lord Mayoralty 2016-17 Purpose of Report: Members are asked to consider which of the political groups should be invited to appoint the Lord Mayor for the 2016-17 municipal year.</p> <p>Members are asked to invite the group with the most points for the Mayoralty to nominate a Lord Mayor for the 2016-17 municipal year.</p>	<p>Anne Platt</p>	<p>Executive Leader, Finance & Performance</p>

Table 3: Items slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>York Central and Access Project Purpose of Report: To update Members on the current status of the project to develop the York Central site. Members will be asked to consider a range of matters regarding the project.</p> <p>This report may contain an annex that may be considered in private as it contains Exempt Information as described in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) in that the information relates to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>This decision will now be taken by Executive on 26 November to enable further discussions to take place with the Portfolio Holder around the complexities involved in this project.</p>	<p>Sarah Tanburn</p>	<p>Executive Member for Economic Development and Community Engagement (Deputy Leader</p>	<p>30 July 15</p>	<p>17 Dec 15</p>	<p>It was agreed to slip the report until after the Chancellor's Autumn Statement as there may be implications for the project.</p>

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>Building Stronger Communities – Adult Social Care funding</p> <p>Purpose of Report: To present information about the proposal to invest funding over the next 2 years in community initiatives which prevent or delay the need for people to access statutory social care provision. Use of £75,000 of this funding has already been agreed, as per the ‘Listening to Residents: Ward Committees’ paper presented to Executive on 30th July 2015 (whereby £75k will be devolved into ward budgets on a ‘per capita’ basis). Therefore this report makes proposals for the remaining funding.</p> <p>Members are asked to agree the use of this funding for the purposes outlined in the report.</p>	<p>Catherine McGovern</p> <p>Michael Melvin</p>	<p>Executive Member for Adult Social Care and Health</p>	<p>29 Oct 15</p>	<p>26 Nov 15</p>	<p>In order to allow more work to be undertaken with Public Health to align agendas.</p>

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>ICT Services Report</p> <p>Purpose of Report: To raise the awareness of ICT Services, its strategy, approach and scope.</p> <p>Members are asked to endorse the ICT strategy and service approach.</p>	Roy Grant	Executive Leader, Finance & Performance	29 Oct 15	26 Nov 15	As recent developments around shared services have created the need for additional information which will influence the report. This will also allow further time to undertake discussions regarding the impact from scrutiny in relation to the digital customer work stream that is one of the key features of this report.



Executive**29 October 2015**

Report of the Director of Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

The Next Phase of the Older Persons' Accommodation Programme: deciding the future of Grove House and Oakhaven Older Persons' Homes

The purpose of this report is to provide Members with the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation, and for Members to make a decision about whether to close Grove House and Oakhaven. The context for this decision is that the Older Persons' Accommodation Programme aims to meet people's changing needs for accommodation with care, and in-particular the needs of those with dementia and the demographic challenges faced by the city, through delivering additional Extra Care accommodation and new, good quality, residential and nursing care accommodation.

Recommendations

1. The Executive are asked to:
 - a. Note that the Older Persons' Accommodation Programme aims to address the needs and aspirations of older people who need accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which meets modern day standards.
 - b. Receive the outcome of the consultation undertaken with residents, family, carers and staff of Grove House and Oakhaven to explore the option to close each home with current residents moving to alternative accommodation.

- c. Agree to the closure of Grove House and Oakhaven residential care homes and require that residents' moves to their new homes are carefully planned and managed in line with the Moving Homes Safely protocol.
- d. Agree that the Grove House site should be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.
- e. Agree the procurement of a partner to develop the Oakhaven site as a new Extra Care facility for Acomb.

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

Summary

- 2. The Older Persons' Accommodation Programme aims to meet people's changing needs for accommodation with care, and in-particular the needs of those with dementia and the demographic challenges faced by the city, through delivering additional Extra Care accommodation and new, good quality, residential and nursing care accommodation.
- 3. On the 30th July 2015 the new Executive agreed its vision for a new Older Persons' Accommodation programme. This involves delivering, by the end of 2018, 525 new units of accommodation of which 343 will serve those with high care needs including dementia, facilitating the replacement of 225 out of date care beds. All new facilities would incorporate modern day features including bigger bedrooms, self-contained bathrooms and better communal and social spaces, all absent from current facilities. The current CYC run facilities fall short of current CQC expectations and would therefore provide no certainty of provision into the future.
- 4. This increase in the supply of accommodation with care will set York on the right path to deal with a 50% increase in the number of citizens over 75 by 2030.
- 5. This report provides Members with the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation

6. The consultation has engaged all residents, many of their relatives as well as staff. A range of issues, concerns and queries have been raised, which have been addressed at the time or in follow-up conversations and/or correspondence. Many expressed understandable concern about the impact that closure can have upon elderly and vulnerable residents and for this reason oppose the closures. The six week consultation concluded on 16th October 2015.
7. The issues raised in the consultation process had been anticipated in the development of the Programme and in the conduct of consultation upon home closure and the management of any potential moves. In particular, the Moving Homes Safely protocol has been developed (and used) to ensure that the management of any move is focused on the needs of each individual and handled in such a way as to minimise distress. We therefore conclude that no new issues have been raised which bring into question the need for the closure of Grove House or Oakhaven nor the plan and purpose behind the Older Persons' Accommodation Programme.
8. In addition, the views and wishes of current residents, their relatives and staff at Grove House and Oakhaven should be considered in the light of the needs of the wider older persons' population of York, both now and in the future. For these the overwhelming wish is to remain living independently in their own home if they can and when this is not possible, to live independently in Extra Care accommodation or, for the smallest proportion, to move to good quality residential or nursing care.
9. The public consultation which underpins the Older Persons' Accommodation Programme identifies that 97% of questionnaire respondents agreed that bigger bedrooms, en-suite facilities, wider corridors and more social space should be key features of residential care homes. Bigger bedrooms give more social space for residents to entertain visitors, they can accommodate the resident's own furniture and bigger rooms give staff more space in which to work and support residents, particularly where bed hoists need to be used.
10. The consultation has revealed the historic bias in provision of Extra Care and residential care towards the east of the city. However, provision in the west is growing and the recommendation to Planning Committee on 22nd October to approve the application to build a 90 bed care home at the Terry's Chocolate Works site will further redress the balance. The council's intention to use the site of Oakhaven as the location of a new Extra Care facility for Acomb is further proof of progress towards re-balancing of provision in the city.

11. The progress forward of the Older Persons' Accommodation Programme is dependant upon the closure of existing council-run OPHs as this releases revenue savings, capital receipts and land to allow us to invest in modernising York's provision. Any delay in closures will incur an additional monthly cost to the Programme of £22k, or £260k for a full year, and will delay the conclusion of the Programme, currently scheduled for Q4 2018.

Background

12. For older people it is recognised that having adequate accommodation is fundamental for dignity and security. Having access to appropriate accommodation with care underpins health and well-being and is the cornerstone to the delivery of sustainable NHS and social care services. York's older residents want to remain living independently in their own home for as long as they can and, if they must move, want choice over where to live to receive care.
13. York's older population is growing rapidly with the number of 75+ residents expected to increase by 50% by 2030; the number with complex needs including dementia is growing even faster. York does not currently have sufficient accommodation with care to cater for this rising population. Further, current supply is no longer fit for purpose, particularly Council run OPHs which are outdated and lack modern facilities: for example, just 31 of the 225 bedrooms have en-suite facilities.
14. In 2011 many residents, relatives and many others were engaged in consultation on the Council's review of residential care homes and the options available to replace them. Following that consultation the Council started on a programme to replace council-run older persons' homes with new and alternative provision and, later in 2011 and in 2012, consulted on and then closed Fordlands older persons' home and Oliver House older persons' home. Over the following three years there has been further progress and change with residents being kept informed via meetings, press coverage, etc.
15. On 30 July 2015, the Council's Executive agreed detailed plans for Older People's Accommodation in the city. These plans seek to address the needs of York's ageing population, replacing the council's seven outdated Older People's Homes with more modern accommodation.
16. One of the key aims of the plan is to maximise use of York's existing Sheltered Housing stock, converting some to Extra Care Housing and therefore making it more accessible for people with higher care needs by

increasing the care and support available. This will include increasing overnight care services and developing individual packages of care so people can remain independent in their own home. This work has begun: Auden House Extra Care scheme now has 24/7 care available and early in 2016 Glen Lodge will also have 24/7 care available. These changes allow a person with high care needs to live in these schemes as a viable alternative to residential care.

17. The Older Persons' Accommodation Programme will provide replacement accommodation to facilitate the replacement of the Council's seven OPHs. Further, it creates additional capacity in order to allow for population change. The provision of accommodation for those with high care needs is particularly important as it means that the needs of the increasing number of people with complex care needs including dementia can be met. The expected outcomes are listed below:

Table: Expected outcomes achieved by the Programme

Where	When	Total	High Care Needs	Medium Care Needs	Low Care Needs
Auden House Extra Care	Apr - 15	41	16	15	10
Glen Lodge Extra Care (existing)	Feb -16	42	17	15	10
Marjorie Waite Court Extra Care	Q3 -16	42	17	15	10
Chocolate Works Care Home	Q1 -17	90	90	0	0
Red Lodge – Care Home	Q2 -17	46	46	0	0
Glen Lodge Extra Care (extension)	Q3 -17	27	20	4	3
New Extra Care Scheme in Acomb	Q2 -18	50	20	15	15
Red Lodge - Extra Care	Q2-18	105	35	35	35
Burnholme Care Home	Q4-18	82	82	0	0
TOTAL		525	343	99	83

18. The Older Persons' Accommodation Programme should also be seen in the context of our wider efforts to re-model the provision of care services and, in particular, our work with Health colleagues to modernise re-ablement services, align step-down provision and extend support for people with dementia.

The Context for the Consultation

19. Following the decision of Executive on 30th July 2015 to sanction “a six week period of consultation... with the residents, family, carers and staff of two of the Council's OPHs to explore the option to close each home with current residents moving to alternative accommodation”, this

consultation began on 7th September 2015 and ended on 16th October 2015. It is agreed “that a... report on the outcome of this consultation be received at the Executive before a final decision to close is made”.

20. Grove House on Penleys Grove Street [Guildhall ward] and Oakhaven on Acomb Road [Holgate ward] will be the first CYC run older persons' homes to be consulted on closure during this phase of the Older Persons' Accommodation Programme. The reasons for choosing these homes are described in **Annex 1**.
21. The majority of residents at Grove House and Oakhaven have lived there for only a short period of time:

	Moved in 2015	Moved in 2014	Moved 2013 or before
Grove House	26%	34%	39%
Oakhaven	22%	39%	39%

The Consultation Process

22. It was agreed that we would follow the same approach to consultation and, subject to Member decision, closure, as was followed for Oliver House and Fordlands Road. For these homes we used the Moving Home Safely protocol which proved to be appropriate and successful; a copy is attached at **Annex 2**.
23. Residents, relatives and staff have been engaged in consultation. Each was invited to meetings on 7th September 2015 and was informed that their home would be the subject of consultation on closure. They each then received a letter giving more detail of the reasons why closure is considered necessary and setting out how the consultation would be conducted. Copies of these letters are attached at **Annex 3**.
24. A key feature of the consultation is that everyone affected (residents, relatives and staff) had the chance to talk on a one-to-one basis about the proposal to close the home. Most importantly, each resident who had capacity was able to be consulted individually and face-to-face, alongside a care manager. Residents were able to choose to have a family member, or close friend, present and could also call on the support of independent advocacy support. At these meetings we:
- a. talked through and explained the proposals and recorded views and discussed wishes;

- b. explained and explored the options that could be open to the resident should the closure be agreed; this may include sheltered housing with extra care or moving to an alternative care home, this will be based on individuals' needs;
 - c. talked through the 'Moving Homes Safely' protocol so that the resident fully understands (and hopefully was reassured by) the process that would be followed should the closure be agreed.
25. Residents and their family / friends were also offered the opportunity to respond to the consultation in writing.

The Outcome of the Consultation

26. The following residents, relatives and staff have been engaged in the consultation process:

	Grove House	Oakhaven
Residents	23	23
Relatives	23	23
Staff	30 staff (1 manager/24 care staff/5 general assistants)	30 staff (1 manager/21 care staff/6 general assistants/2 cooks)

27. The following engagements were made and/or responses received:

	Grove House	Oakhaven
Residents	10 residents attended briefing (7 Sept) 15 residents face to face meetings (7/8 Oct) One resident died 15/09 Two residents in hospital One resident is about to move to nursing care Four residents lack capacity 9 verbal comments received	2 residents attended briefing (7 Sept) 6 residents face to face meetings (8 Oct) 16 residents lack capacity 6 verbal comments received

	Grove House	Oakhaven
Relatives	<p>23 letters sent (7 Sept)</p> <p>23 telephone calls and meeting requests made (16 Sept)</p> <p>2 relatives had meetings with Management (16 Sept)</p> <p>20 telephone calls made by Home Manager to confirm any additional comments (7/8 Oct) No additional meetings needed.</p> <p>18 sent MHS protocol</p> <p>3 calls to the Hotline</p> <p>3 Care Homes Consultation contact</p> <p>1 MP contact</p> <p>1 General email/letters</p>	<p>23 letters sent (7 Sept)</p> <p>23 telephone calls and meeting requests made (16 Sept)</p> <p>2 relatives had meetings with management (15/21/28 Sept)</p> <p>7 relatives group meeting (2 Oct)</p> <p>8 relatives group meeting with MP (2 Oct)</p> <p>23 sent MHS protocol</p> <p>1 call to the Hotline</p> <p>10 Care Homes Consultation contact</p> <p>1 MP contact</p> <p>16 General emails/letters</p> <p>1 Freedom of Information request</p>
Staff	<p>Staff briefing 7 Sept</p> <p>18 attended staff drop-in session on 10 September</p> <p>Full staff meeting 17 Sept to discuss Code of Conduct</p> <p>Offered further individual meetings</p> <p>No staff used hotline/Email address</p>	<p>Staff briefing 7 September</p> <p>12 attended staff drop-in session on 10 September</p> <p>Offered further individual meetings</p> <p>No staff used hotline/Email address</p>

28. The majority of relatives did not request an additional meeting with the Home Manager and wanted to wait until the Executive decision was made before having a meeting, if necessary, with the care manager/home manager to discuss next steps. On a daily basis the Managers speak with residents/relatives and discussions relating to the consultation have been recorded. It should also be noted that a significant number of residents do not have the capacity in terms of

decision making to fully engage with the consultation process. In this case relatives have been contacted and a discussion has taken place.

29. A general petition that opposes the closure of Grove House (2,136 signatories) and a separate petition that opposes the closure of Oakhaven (921 signatories) have been collated by family members and received by the council. The Grove House petition also included 136 qualitative comments and these have been read and feed into the analysis below.
30. The themes that emerge from the consultation are:
 - a) Effect on residents happiness and wellbeing
 - b) Concern over where residents will be moved to
 - c) Closure of home will be a loss to the community
 - d) Residents settled living in the same neighbourhood they've lived in all their lives
 - e) Important for current residents to stay together
 - f) Unnecessary stress and upset to residents and families
 - g) Loss of quality OPHs
 - h) Issues with original letter sent
 - i) Lack of alternative provision in Acomb
 - j) Loss of jobs.
31. We have also received an enquiry from Julian Sturdy MP regarding the consultation on the option to close Grove House. Rachael Maskell MP has met with the relatives of residents at both homes and also met with Officers of the Council; she asks that the closure of the homes be delayed.

Responses to the Issues raised during Consultation

Concerns about Closure

32. Residents, relatives and staff are understandably concerned about the proposal to close their home.

33. Issue: The stress it will cause to residents.
34. Response: We are aware that the process of consultation on the option to close a residential care home can be stressful and, should the decision be made to close, the process of moving equally so. The Council developed and adopted the Moving Homes Safely Protocol in 2011, drawing upon good practice guidance, in order to minimise stress where we can. In addition, we follow good practice by setting a reasonable time period for the consultation but ensuring that it is not too long, in order to keep to a minimum the period of uncertainty. Likewise, we ask Executive to make a decision regarding closure soon after the consultation period has closed in order to minimise any period of uncertainty.
35. Issue: The choice of new accommodation available.
36. Response: There are a range of options available to the 46 residents of Grove House or Oakhaven should they be required to move.

We work with each individual resident. We will explore their wishes and, as part of this, their needs and abilities.

For some, they may have the wish and the ability to move to a place where they can live more independently but safe in the knowledge that care support is available if they need it. This model of accommodation with care is called Extra Care.

Some residents could move to nursing care if they require it; the authority cannot provide this type of care in its own care homes. It is not uncommon for some of our residents to move to nursing care as and when their needs increase.

Some residents could move to other residential care in the city including independent sector provision; at any one time the authority has access to approximately 20 care beds although each is only to be used if it is suitable for the individual needing care.

Some may choose to move with friends from their current home, although as yet none have expressed this as a preferred choice.

Should the decision to close be made, we will have given residents over three months to identify their preferred new home and up to a further two months to move. Availability of accommodation will depend upon the individual choices made by residents but what we do know is that, in any week, the council has access to a range of care beds in the independent sector and some may choose to move to Haxby Hall. In addition, Extra

Care accommodation is becoming available. By arranging moves over a relatively long period of time we maximise the opportunity for people to get the home they choose and we minimise the impact on care placements for people currently living in their own home who need to move.

37. Issue: The perceived quality of any new accommodation compared to the existing home.
38. Response: The quality of care provided at Grove House and Oakhaven is not in doubt: it is good. However, the quality of the building is not and the lack of en-suite accommodation and small bedrooms mean that the majority of alternative provision in the city is far better. While Oakhaven has more ensuite bedrooms than most, the bathrooms are small and, because they were retro-fitted to an existing building, the bedroom sizes are small. The existing buildings are no longer fit for purpose.

The Council has previously assessed [as reported to Executive in 2011] whether any of the council run older persons' homes can be re-modelled in order to address these physical limitations. The conclusion was that the size of each, with the exception of Haxby Hall, prevent this being cost-effective and even in the case of Haxby Hall, remodelling when compared to re-provision is not cost-effective.

With specific reference to Grove House and Oakhaven, re-modelling would have the following impact:

- Grove House: loss of at least 7 bedrooms with an estimated capital cost for remodelling of c£2.5m;
- Oakhaven: loss of at least 11 bedrooms with an estimated capital cost for remodelling of c£2.2m.

However, such work and expenditure will not change the fundamental problem with each home: that social space is inadequate and cannot be extended because the buildings are too small. Further, small site sizes combined with 40 year old buildings make any investment a poor choice for the future.

The public consultation which underpins the Older Persons' Accommodation Programme engaged citizens and stakeholders via public meetings attended by 104 people, drop-in sessions across the city and a questionnaire completed by 1,163 people. 97% of questionnaire respondents agreed that bigger bedrooms, en-suite facilities, wider corridors and more social space should be key features of residential

care homes. In particular, bigger bedrooms were seen as essential: they would give residents more space to entertain visitors, allow for more personalised rooms (e.g. accommodating the resident's own furniture) and give staff more room in which to work and support residents. They will need to have enough circulation space for wheelchairs. En-suite facilities were seen by most as being essential, although 11 questionnaire respondents felt that they were not needed.

The Fundamental Standards (Health and Social Care Act 2009 (Regulated Activities) Regulation 2014 discuss premises and equipment under Regulation 15. It states that these “must be suitable for the service provided, including the layout, and be big enough to accommodate the potential number of people using the service at any one time. This includes sufficient toilets and bathrooms for the number of people using the service, adequate storage space, adequate seating and waiting space”. The Standards also require that building layout and services ensure that privacy, dignity and confidentiality are not compromised. The key factor is that people's needs must be taken into account when premises are designed, built, maintained, renovated or adapted.

39. Issue: The perceived impersonal nature of larger care homes.
40. Response: The decision as to where a resident will move to, if the decision to close is made, will follow careful examination of their wishes. A dedicated care manager will explore options with each resident and, if this is needed and appropriate, ensure that time is taken to visit new accommodation to “see how it feels”. Because these choices will be driven by the wishes of each individual, larger care homes are neither ruled in nor ruled out.

However, it is worth noting that many of the larger care homes actually organise themselves along “family” lines, with residents living in areas that encourage smaller groups to form and for those groups to develop “family” habits of eating and socialising together.

41. Issue: Residents remaining living in the same community they have lived all their lives and fear for them losing touch with family and friends.
42. Response: An analysis of where existing Grove House and Oakhaven residents lived before they moved shows that only two Grove House residents lived in the Groves and a further four lived locally (out of 23) while only six Oakhaven residents lived locally (out of 23), as illustrated by the maps in **Annex 3**. Therefore, closing either of these homes will not break community links for the majority of residents.

A further analysis shows that family of the residents of both Grove House and Oakhaven live across the city and some live further afield. Only 8 relatives of residents at Grove House live close by while only 10 relatives of Oakhaven residents actually live in Acomb.

43. Issue: Moving very elderly and very frail people and a fear that they will be unable to build relationships with the new residents and carers they find themselves among.
44. Response: We are aware of the frailty of residents and have developed our approach to consultation and, should a decision to close be made, our approach to moving residents specifically with this in mind. Our approach is set down in our Moving Home Safely protocol. This protocol draws upon nationally recognised good practice and was used to positive acclaim during previous moves. Key to this process is that a dedicated care manager will be assigned to support each resident through any change.

Should a decision to close be made we will not rush to move residents. Instead, the dedicated care manager will work with each resident and together they will seek out new accommodation; practical and other support will be given to facilitate the move. During this process residents can and may choose to move as a friendship group and effort will be made to accommodate this wish.

Each of these steps and the individual approach taken is intended to ensure understanding and engagement, reduce anxiety and make the move go smoothly.

As part of the process to move we will review new arrangements a few months after they have begun in order to check that all is going well.

45. Issue: The loss of a valued community facility.
46. Response: The Older Persons' Accommodation Programme is mindful of the need and wish to allow people to continue to live in their own home for as long as possible and, should they have to move to more suitable accommodation, we wish to see this located across the city so that, if they choose, people can maintain friendship and other links. However, to achieve this and in order to modernise the range of accommodation available to older people, we need to close some facilities, such as Oakhaven, and then re-build new Extra Care accommodation on that site.

Concerns regarding communication

47. Issue: The original letter sent to residents of Oakhaven.
48. Response: At the beginning of the consultation process one error was made in written communication with relatives of residents of Oakhaven: the letter they received referred to Grove House rather than Oakhaven. While this error may have caused some confusion, and is unfortunate, the contents of the letter were otherwise as they should have been and all relevant information was communicated. Staff contacted each relative to apologise for the error and to seek their views on the consultation on closure; each relative also received a corrected copy of the letter.
49. Issue: the conduct of the meeting held at Oakhaven on 7th September 2015.
50. Response: The meeting was challenging for all concerned and in order to ensure that proper communication and understanding flowed from it, following the meeting everyone received a letter with details of the content of the meeting. A follow up telephone call was made to all relatives and a range of face to face meetings have taken place with the Home Manager to further discuss matters relating to the subject of the consultation.

The information shared at the meeting on 7th September 2015 was in line with the proposal and the plans to modernise older people's homes across the City, and, where questions were asked and a detailed response was required, staff have taken time and effort to talk to relatives since that date, either on the telephone or, in the case of the Home Manager, face to face.

It is clear from the reports that we have received that emotions were evident at the meeting on 7th September (as is to be expected) and, in those circumstances, it is a judgement-call as to whether those emotions should be allowed to be expressed (even if this does mean that people end up "talking over each other") or whether the expression of view should be more tightly controlled. As the meeting was held in the home and was attended by people who knew each other or at least are likely to have been in similar home meetings before, it was felt appropriate that emotions were allowed to be expressed. It is also appropriate that, following that meeting, each relative was contacted on a one-to-one basis in order to discuss matters further.

Some questions were asked at the meeting on 7th September which were outside of the Manager's area of responsibility – such as wider issues to do with council-wide budget management, debt and financial control – and it was appropriate that they did not answer these questions. The purpose of the meeting was to begin the discussion of the option to close Oakhaven and the Manager's role was to focus on that subject.

The distribution of care beds across the city

51. Issue: The distribution of accommodation for older people across the city is of concern to some respondents to the consultation with a belief that Acomb is under-served.

Response: An analysis of independent sector care beds across York show a bias of provision on the east side of the river. This bias is also reflected in the distribution of current council owned care beds. This bias is historic although in recent years there has been new home development on Gale Lane and at Poppleton Park. Because this bias is historic it is clear that many residents currently choose to move location when they need residential care, as the maps in **Annex 3** show.

The Older Persons' Accommodation Programme seeks to begin to correct this bias, and at the same time move towards the provision of better quality residential care provision and, more importantly, independent living models of care, by supporting the building of a new residential care home at the Terry's Chocolate Works and a new Extra Care scheme in Acomb.

Planning Committee, when they meet on 22nd October 2015, are recommended to approve the application for the building of a new 90 bed residential and nursing care home at the Terry's Chocolate Works. It will open early in 2017.

Impact on Delayed Transfer from Care

52. Issue: there is concern that the option to close one or more residential care homes will have an adverse effect upon the efforts of social care and health partners to effectively manage the transfer or patients from NHS care [Delayed Transfer from Care].
53. Response: as described above, the process of closure and movement of existing residents is a deliberative one and one which will not be rushed; we have given ourselves five months to do this. Because the process is deliberative we will also factor in any potential impact upon

and competing demands from our health colleagues, ensuring that we minimise the impact upon patients transferring from care. We will keep this matter under constant review and adjust any plans accordingly.

It is also worth noting that the vast majority of patients who transfer from NHS care move back to their own home; of those who are going to a care home, two-thirds move into residential care and one third into nursing care. The numbers for 2014/15 are as follows:

- 78.5% return to their own home; and
- only 21.5% (96 in total) moved into residential (58) or nursing care (38).

The four step-down beds at Grove House could be moved to Windsor House. However, before any decision is made about this we will further engage Health colleagues in order to ensure that any changes we made dovetail with their wider review of step-down and rehabilitation services.

Ownership

54. Issue: Julian Sturdy MP has queried, amongst other matters raised by constituents, the basis upon which the Council owns the site of Grove House: was it sold for the use of care provision only?
55. Response: The acquisition of the land upon which Grove House now stands was a land purchase from a charity but no encumbrance on use is recorded in the Deed of Sale dated 8th March 1965.

Speed of closure

56. Issue: Rachael Maskell MP has met with relatives of residents of both Grove House and Oakhaven and has also spent time with Officers of the council, seeking to understand the proposals for Grove House and Oakhaven. She reports many of the concerns which are detailed above. However, she also queries the need for urgency in closing the homes, particularly Oakhaven given that any re-development will not begin for some months.
57. Response: Should a decision to close Oakhaven be made, the proposal would be to seek a development partner – to include a Housing Association – who would fund, build and operate an Extra Care scheme on the site. We would procure this partner via a competitive process (most likely the North Yorkshire County Council Extra Care Framework).

In order for this procurement to be a success, those bidding for the opportunity would need certainty that the site will be available and so the

procurement should not start until the decision to close has been made. Therefore, any delay in closing the home will delay the provision of new facilities on this site. Further, delay and uncertainty can be equally as unsettling for residents as is the decision to close.

With regard to Grove House, should a decision to close be made, it is proposed that the site be sold so that the capital receipt could support the delivery of the Programme. This sale would need to take place as soon as possible as the Programme currently relies on the use of the Venture Fund to pay for up-front investment; early receipt of the money from the sale of Grove House would reduce the use of the Venture Fund and associated costs.

It is estimated that, should the decision be made to not close or to delay the closure of Grove House or Oakhaven the authority will incur an additional monthly cost to the Programme of £22k, or £260k for a full year.

However, we continue to evaluate other sites in the Acomb area which could be used to deliver the wider objectives of the Programme and, importantly, which help to re-balance the provision of accommodation with care.

Other concerns raised by Rachael Maskell MP and covered in a local news report are addressed in responses listed above but, for completeness, can be summarised as:

- a. The consultation process for Grove House and Oakhaven has been on-going for six weeks and in that time we have engaged all residents (with capacity) and all relatives, as detailed above.
- b. Good practice guidance says that consultation on closure should allow sufficient time but should not be overly long. Similarly, once a decision to close has been made, moves should take place within a reasonable amount of time and not be prolonged. A process which is too lengthy can cause stress and anxiety amongst those affected.
- c. Should the decision be made to close either Grove House or Oakhaven, or both, we will work with individual residents and their relatives to identify where they can and wish to move to next and assist with this move. The process is personalised and deliberative and will not be rushed. We have allocated up to five months to complete this process.

- d. This specific element of the Older Persons' Accommodation Programme should be seen in the light of a programme that begun in 2011 and of which there has been extensive debate and engagement since March of this year.
- e. An analysis shows that family of the residents of both Grove House and Oakhaven live across the city and some live further afield. Only 10 relatives of Oakhaven residents actually live in the Acomb area. For many residents a move may bring them closer to relatives not further away.
- f. An analysis of independent sector care beds across York show a bias of provision on the east side of the river. This bias is also reflected in the distribution of current council owned care beds. This bias is historic although in recent years there have been new residential care developments on Gale Lane and at Poppleton Park. Because this bias is historic it is clear that many residents currently choose to move location when they need residential care.
- g. The Older Persons' Accommodation Programme seeks to begin to correct this bias, and at the same time move towards the provision of better quality residential care provision and, more importantly, independent living models of care, by supporting the building of a new residential care home at the Terry's Chocolate Works and a new Extra Care scheme in Acomb. The best location for the new Extra Care Scheme in Acomb is on the Oakhaven site.
- h. Planning Committee, when it meets on 22nd October, is asked to approve the building of the 90 bed residential care home at the Terry's site, adding to provision in the West of the city. It will open early in 2017.
- i. The use of the Lowfields site for specialist accommodation with care for older people has been the subject of previous procurement which concluded that such development was unaffordable. However, we continue to examine the use of this site to meet housing, health and care objectives.
- j. Should Oakhaven close, Acomb will still retain a wide range of accommodation with care for older people including the council run provision at Windsor House and Gale Farm Court and several privately run residential and nursing care homes.

Staff concerns

58. We continue in discussion with staff and do not envisage significant staff loss.
59. HR drop in sessions have taken place in each home (9 Sept-1 Oct) with additional sessions at West Offices for staff to discuss their options. There are 60 staff currently employed in Grove House and Oakhaven (including two managers) and a preliminary mapping exercise has been completed regarding the needs of the business, job roles, training needs, location of individuals, and current requests for voluntary redundancy/redeployment. Staff could potentially be redeployed across the five remaining services with minimum voluntary or compulsory redundancy needed.
60. Should a decision to close be made, a dedicated resource from the Workforce Development Unit would work one day per week with individual staff to tailor training and support to ensure staff are up-skilled and competent in their role moving forward. This includes ensuring there is a benchmark for all staff to achieve i.e. NVQ Level 2 in care. Courses relating to change management and development are an integral part of this.

Grove House and Oakhaven Transition Plan

61. Should the decision be made to close either Grove House or Oakhaven, or both, we have assessed what a likely transition plan would look like.
62. There are currently 46 permanent residents at Grove House and Oakhaven although two have been long-term in hospital. Should Members decide to close both homes, we would expect moves to take place between February and March 2016, although some residents may choose to move sooner.
63. Home Managers have updated the care assessments for current residents and assessed their dependency levels. This exercise identifies possible demand for new accommodation as follows. However, we will also factor into this assessment the wishes of each individual and therefore the profile of demand for new accommodation may change.

	Grove House	Oakhaven	TOTAL
Extra Care	10	5	15
Residential Care	7	4	11
Residential dementia care	2	14	16

Nursing Care	2	0	2
	21	23	44

Note: two Grove House residents are currently in hospital.

64. Normal changes at Grove House and Oakhaven is likely to mean that there may be 4 fewer people to place by the end of Q1 2016.
65. The Commissioning Team have assessed the likely supply available in the first quarter of 2016.

Proposal	numbers	Action
Hold on Extra Care Vacancies at Glen Lodge & Auden House from 1/11/15	5	Based on normal rates of change which would equate to 2 at Auden House and 3 at Glen Lodge
Hold vacancies at Haxby Hall	8	Hold on referrals to Haxby Hall from 1/11/15
Nursing Home Vacancies	3	Monitor availability.
Independent sector provided residential care or residential with dementia care beds	24	Engage with providers as part of our normal and regular spot-purchasing activities once individual resident's needs are known.
	40	

66. Should it be necessary, we can seek to create more CYC residential care vacancies by moving 8 Woolnough House Step-Down Beds to Windsor House and create a further 3 by holding on referrals to Woolnough. However, people who move to Haxby Hall or Woolnough House will do so in the knowledge that they may need to move again within two to three years.
67. We can also seek to create more Extra Care vacancies, if required, by supporting voluntary moves for those who live at Auden House or Glen Lodge and who have low or no care needs.

The future use of the Grove House and Oakhaven sites

68. Should Executive decide to close either Grove House or Oakhaven, or both, the Older Persons' Accommodation Programme, as agreed by Executive on 30th July 2015, plans:
 - a. that the Grove House site would be sold and the capital receipt use to support the delivery the Programme; and
 - b. that the Oakhaven site be used as the location for a new Extra Care facility for Acomb.
69. With regard to the Grove House site, the property team advise that:
 - a. The Grove House site is a valuable asset and should be marketed to achieve the highest sale price. Experience from the sale of Oliver House demonstrates that we can achieve significant value from city centre land sales as there is currently healthy competition for such opportunities.
 - b. Grove House is in a sought after residential location, with York St John's University close by. It is likely, therefore, that some form of private residential use would achieve the highest value. However, York St John University may well put in a strong bid for educational use.
 - c. We propose that the property is put up for sale on the open market.
 - d. It is anticipated that the sale process, to offer and exchange of contract, can be concluded in 2016. It is likely that any sale would be subject to obtaining satisfactory planning permission which would mean that sale completion will be another three to four months. These timescales are very approximate because of unforeseen circumstances that could arise.
70. With regard to the Oakhaven site, we would seek a development and Housing Association partner to fund, build and operate an Extra Care Home on this site with the authority retaining nominations to homes in the facility. We would also seek to accommodate health service provision of site. The procurement would begin imminently and we would expect construction to begin in Q1 2017 and be completed in Q2 2018.

Consultation

71. The portfolio holder for Adult Social Care and Health is responsible for this Programme and will receive regular briefings and updates on its progress to ensure that it is delivered in a timely and effective manner.
72. Ward Members have been briefed and kept informed.
73. Meetings have also been held with the Central York MP, Rachael Maskell.
74. The Health and Adult Social Care Policy and Scrutiny Committee will scrutinise delivery of this Programme and assess and monitor its impact upon the other key strands of the Adult Social Care Transformation programme. They are scheduled to look at the Programme at their meeting in November 2015.
75. The Health and Wellbeing Board will also be kept fully informed.
76. We have followed the approach that has served us well when previously consulting on the potential to close OPHs: delivering sensitive messages in a careful, well managed sequence:
 - i. Briefing key external stakeholders who have been actively involved to date (e.g. Age UK York and York Older People's Assembly).
 - ii. Briefing OPH Managers/staff & Care Management colleagues.
 - iii. Updating OPH residents/relatives.
 - iv. Updating all other stakeholders, including NHS commissioner and provider organisations.
 - v. Media briefing.

Council Plan 2015-2019

77. The proposals work towards achieving the following Council plan priorities:
 - **A prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities.
 - **A focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities.

Implications

Balancing Competing Priorities

78. In order to make a decision on the future of the residential homes, members must take into account a number of factors. The following is a summary of matters which Members are asked to consider:
- The views expressed in the consultation process by participants.
 - Legal responsibilities such as those pertaining to the Human Rights Act and Equality Act.
 - Potential impact on residents and families.
 - Financial impact on the authority and its Council Tax payers.
 - Responsibilities to staff.
 - Future demand and needs as expressed through commissioning strategies.
 - Research and knowledge about demand for older people's accommodation.
 - Central Government policies, directives and financial targets.
 - Value for money in service delivery.
 - Current standards of care.
 - Supply and demand for residential care in City of York
 - Occupancy levels of each home.
 - The estimated cost of maintaining or improving the buildings.
 - The availability of alternative provision.
 - The service development opportunities in that location.
79. All these issues have been considered extensively in the work to date on this Programme and covered in the reports to Executive on the matter and listed at the end of this report.

Equalities

80. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
81. The Equalities Act 2010 explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
82. An Equality Impact Assessment for the Older Persons' Accommodation Programme was produced for the 15 May 2012 Executive Report and has been reviewed and updated (copy attached at **Annex 5**). It particularly highlighted the potential implications of the programme for the health, security and wellbeing of frail residents and also female members of staff who are older and also carers themselves.
83. In response, the Council developed and followed a 'Moving Homes Safely' protocol which it followed when (in the first phase of the Programme) it closed Fordlands and Oliver House in March 2012, to ensure that residents' moves to their new homes were as well planned and carefully managed as possible. Likewise, careful management of staff change helped to mitigate the impact of these closures. The Moving Homes Safely protocol is still in place and continues to guide actions relating to closure.
84. An OPH Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Programme unfolds. The project team also continues to use

established channels to communicate with, and gather the views of, OPH managers and staff, care management staff and Health colleagues.

Financial

85. The gross cost of running both Grove House and Oakhaven is c£1.4m per year. The average gross operating cost per bed, per week, across all of the City's care homes is currently £608.
86. Should some customers require it, provision has been made to fund care beds in the independent sector.
87. Provision has been made within the Programme budget to fund the cost of staff change.
88. Overall, the Older Persons' Accommodation Programme is forecast to deliver annual savings of £284k per annum from 2019/20 rising to £553k by the end of 2023/24 and £9.6m over 25 years.
89. Capital receipts are anticipated from the possible sale of the following sites if a decision is made to close the current OPH on the site:
 - Grove House OPH;
 - Haxby Hall OPH;
 - Morrell House OPH;
 - Willow House OPH;
 - Windsor House OPH; and
 - Woolnough House OPH.
90. The site of Oakhaven OPH, at nil capital value, can also be used to achieve the outcomes of the Programme if a decision is made to close it.
91. It is estimated that, should the decision be made to not to close or delay the closure of Grove House or Oakhaven the authority will incur an additional monthly cost to the Programme of £22k, or £260k for a full year.

Legal

92. The consideration of the closure of existing council run OPHs should follow a clear and consultative path. There are a number of potential challenges to local authorities during the process of closing OPHs which have been considered. Previous advice is held and has been updated

by specialist legal colleagues. This advice includes an examination of the application of the Human Rights Act and the Equality Act.

93. Legal advice has been sought and has guided the approach to consultation and the wording of letters.

Human Resources

94. Formal individual consultation has taken place with all staff at Grove House and Oakhaven. The closures of both of these homes can be achieved via a combination of re-deployment, vacancy management and voluntary redundancy; we do not anticipate any compulsory redundancies and if they are necessary, the number will be small.
95. In addition we will identify workforce gaps elsewhere in the social care sector and enable appropriate recruitment initiatives to secure the future workforce.

Other Implications

96. There are no specific Crime and Disorder, Information Technology or other implications arising from this report.

Risk Management

97. The process of closure of care homes, should that be the decision made, has risks associated with it; these have been identified, will be kept under review and will be carefully managed. However, because the authority has done this before, and followed a similar process, it is believed that these risks are manageable.

ref	Risk	Mitigating Action
a)	Options for accommodation for older people do not match the expectations and aspirations of current residents.	A wide range of options are made available and current residents are supported to assess these against their needs and wishes.
b)	Those with high care needs and their cares/advisers/assessors do not recognise Extra Care accommodation as suitable because there are limited examples in York of this type of	A dedicated care manager will work with residents to explore with them and their relatives how Extra Care operates, how it can be a flexible model for those with high care needs and how it

ref	Risk	Mitigating Action
	accommodation and the care pathways are unclear.	operates in other towns as a viable alternative to residential care.
c)	The Grove House site does not realise the anticipated level of capital receipt included in the financial model.	Work closely with partners & the Council property team to maximise the capital receipt including open marketing and a competitive bidding process.
d)	Insufficient funding to deliver all elements of the project.	The early receipt of capital from the sale of Grove House, should it be agreed to close, will make a positive contribution to cash flow in the Programme financial model.
e)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to the disposal of land, procurement of capital works and/or a development partner is applied.
f)	Increase in interest rates would impact negatively on borrowing.	An interest rate sensitivity test has been run against the proposed Programme and it remains affordable.
g)	Risk of the new developments/deals driving up the price the Council pays to external residential care providers	Undertaking negotiations with Independent providers. Do not "flood" the market with purchase requirements but instead take a slow and considered approach to purchase of care bed places.
h)	Loss of OPH staff morale leading to negative impact on service provided to existing OPH residents	Maintain staff morale and focus through regular, open and honest briefings/updates; engagement through OPH Managers and staff

ref	Risk	Mitigating Action
		groups; investment in staff training, support and development.
i)	The cost of any associated redundancy is greater than estimated.	<p>The financial model has been “stress tested” to assess the impact of a 50% increase in the cost of staff change and is still viable.</p> <p>Staff change will be managed carefully in order to minimise cost and legal risks.</p>
j)	Challenge and negative publicity from existing OPH residents and relatives, OPH staff/TUs, other stakeholders, opposition parties, wider public	Development of well planned Communications approach through briefings to Residents and relative, Executive, group leaders, TUs, OPH Management & Staff, OPH Review Wider Ref Group, Media.
k)	A partner cannot be found to provide the new Extra Care facility in Acomb.	We will offer land at nil value to facilitate this development and make use of an appropriate procurement framework in order to seek a suitable partner.

End

Contact Details

Author:		Chief Officer responsible for the report:	
Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 Email: roy.wallington@york.gov.uk Jo Bell Head of Service (Operations) Adult Services Mob: 01904 554142 Email: j.bell@york.gov.uk		Martin Farran, Director of Adult Social Care Tel: 01904 554045	
		Report Approved	<input checked="" type="checkbox"/> Date 21 October 2015
Specialist Implications Officer(s)			
Legal – Ruth Barton (Ext 1724) and Melanie Perara (Ext 1087) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Tim Bradley (Ext 3355) and Ian Asher (Ext 3379)			
Wards Affected: Guildhall and Holgate			
For further information please contact the author of the report			

Background Papers

19 July 2011	Report to Executive by the Member for Health, Housing and Adult Social Services. Formal commencement of Programme.
1 Nov 2011	Report to Executive by the Member for Health, Housing and Adult Social Services. Results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive by the Member for Health, Housing and Adult Social Services. Consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive by the Member for Health, Housing and Adult Social Services Successful homes closure and transition for residents
4 June 2013	Report to Executive by the Member for Health, Housing and Adult Social Services Agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes

	designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive by the Acting Director of Adult Social Care. Approval of revised proposals based on creating new Extra Care Housing and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities; and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive by the Acting Director of Adult Social Care. Approval of the Business Care for the Older Persons' Accommodation Programme and agreement to proceed.

Annexes:

Annex 1 – How have we decided which homes should be the first to be consulted on closure?

Annex 2 – Moving Homes Safely Protocol

Annex 3 – Copies of letters sent to residents and relatives

Annex 4 – Maps showing previous addresses of residents and current addresses of relatives

Annex 5 – Equality Impact Assessment

Plan A – Grove House site

Plan B – Oakhaven site

Abbreviations:

NHS – National Health Service

OJEU – Official Journal of the European Union

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the 2014 amendment regulations

How have we decided which homes should be the first to be consulted on closure?

1. The criteria for deciding which should be the first are:
 - a) the presence of serious repair or maintenance problems which, if they cannot be addressed in a cost-effective manner, would impact on the quality of care provided to residents;
 - b) the potential alternative uses for the OPH site in order to deliver the wider Older Persons' Accommodation Programme;
 - c) whether a home accommodates a resident who has already been moved from another CYC OPH which was the subject of closure, e.g. Oliver House and Fordlands; and
 - d) the size of the home, with the smaller homes struggling to provide a cost-efficient service to residents.

2. Applying these criteria to the seven homes we find that:
 - a) None of the homes are known to have serious repair or maintenance problems.
 - b) Grove House, Haxby Hall, Oakhaven and Willow House have strong potential for alternative uses for the current site:
 - i. Grove House, because of its location, is the most likely to generate a sizable capital receipt to help fund the Programme;
 - ii. Haxby Hall as the home where others CYC OPH residents will move to during the programme and, further, as a site for redevelopment of a new/redeveloped residential care home as an alternative to the Burnholme Health and Wellness Campus.
 - iii. Oakhaven as the target site for a newly build Extra Care scheme for Acomb.
 - iv. Willow House as the site of alternative provision of new build age related housing including apartments and/or Extra Care.
 - c) Haxby Hall, Willow House and Woolnough House accommodate residents who were previously moved from Oliver House and/or Fordlands Road.
 - d) Grove House, Oakhaven & Windsor House are the smallest homes.

OPH	Res	Ward	No Physical Problems	Alternative Programme Uses	No Oliver/Fordlands Resident
Grove House	23 ✓	Guildhall	✓	✓	✓
Haxby Hall	42	Haxby & Wigginton	✓	✓	x
Morrell House	29 ✓	Clifton	✓	x	✓
Oakhaven	23 ✓	Holgate	✓	✓	✓
Willow House	31	Guildhall	✓	✓	x
Windsor House	28 ✓	Westfield	✓	x	✓
Woolnough House	33	Hull Road	✓	x	x

Note: ✓ means that the selection criteria is positive and therefore applies

3. Reviewing this information in the round we identify **Grove House and Oakhaven** as the first two homes to be the subject of consultation on closure because they are both small, the potential to re-use each site is important to the overall Programme and, further, no resident who previously lived at Oliver House or Fordlands Road lives in either home.
4. Haxby Hall is ruled out for early consultation on closure both because of its size, that this size suits it to accommodate residents moving from Grove House or Oakhaven and, further, it accommodates residents who previously moved there from Oliver House and/or Fordlands. Willow House is ruled out for early consultation because it accommodates a resident who had previously moved from Fordlands or Oliver House and the target site for the first new build Extra Care Home should be Acomb due to the shortage of such accommodation in that area; Willow House is close to Auden House Extra Care. Windsor House is ruled out for early consultation, despite being small, because the re-use of the site does not have delivery benefits for the overall programme. Woolnough House is ruled out for early consultation because it accommodates residents who had previously moved from Fordlands or Oliver House. Morrell House is ruled out for early consideration because the site is not of strategic significance for the progress of the Programme.



A Protocol For

Moving Homes Safely

How City of York Council will support the residents of registered care homes which are facing planned closure

CONTENTS

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Purpose of this document

This document describes the process that will be followed when a registered residential or nursing home (whether run by the council, private or independent sector) faces planned closure, and its residents need to be re-assessed and moved to a new home.

Once we know that a home is expected to close we will make sure we tell you as soon as we can. We know this will be worrying news for everyone concerned, and so we will make sure we tell you in a way which gives you as much support as possible. We will explain things clearly and simply. We will involve families and friends, and we will ensure that you know who to speak to if you have any questions.

Following this, there are four main stages within the process:

- Stage 1 – Re-assessment
- Stage 2 – Choosing a new home
- Stage 3 – Moving to a new home
- Stage 4 – Reviewing the move.

This document outlines what will happen at each stage of the process, and who will be involved in supporting you (the resident) along the way.

We recognise that moving home can be a stressful event for anyone. The aim of this document is to help reassure you and your family and friends that we plan to do everything possible to ensure that your move to a new home is well planned and carefully managed. You will be involved in all aspects of the decision as to where you move.

Basic principles underpinning the process

There may be some occasions where a decision has to be made urgently but if we have to decide to close a home we will, wherever possible, consult with residents before a decision is taken.

We will make you aware of the reasons why a move is necessary.

When re-assessing your needs and planning your move to a new home we will ensure that:

- Your wishes, preferences and hopes are identified and considered.
- Your current support needs are taken into account, and that changing or future support needs are also considered.
- Discussions are conducted in your preferred language and in a way that suits you.
- You can have support from your family and friends and/or an independent advocate to support you if you wish (we talk more about advocates on page 6).
- All available options will be fully shared with you – we will be open and honest about the reasons if any preferred option is not available.
- Your re-assessment will be timely, efficient and comprehensive and will be carried out in a sensitive way.
- You will be kept up to date with what is happening.

Stage 1 – Re-assessment

Adult Social Services will lead the process to re-assess your needs and help you move to a new home.

You will have a Care Manager allocated to you to co-ordinate your re-assessment and support planning. The Care Manager will work with you and with a number of other people and professionals, for example:

- Your family and friends
- An independent advocate
- Care home staff – and especially your key worker
- Occupational therapist
- District nurse
- GP
- Anyone else you want to be involved

You will have a detailed assessment of your needs including your mental health needs, your emotional needs, your cultural needs, your spiritual needs, and your physical needs.

The registered care home manager in your current home will be asked to complete a short Risk Assessment, which will highlight any areas of support where you may have specialist needs or be vulnerable.

The manager and staff in your current care home know you well and will be heavily involved in supporting you through the whole process of re-assessment, choosing your new home, and moving into it.

Advocacy is a very important part of the moving home process. You may be happy for a friend, family member, or an organization who knows you to help you to think about what the move means for you. If you do want more advice and support you and your family/friends will have access to one of two independent information, support and advocacy services.

- Older Citizens Advocacy York (OCAY) is a local advocacy service, which offers support to people who are able to make their own choices but may find it helpful to have someone to talk things over with.

- Cloverleaf is a specialist advocacy service for people who do not have the mental capacity to make a reasoned choice, and an IMCA (Independent Mental Capacity Advocate) will be appointed to talk to the person and to try and understand how their wishes for the future can be met.

We will ask you if you would like this help. If you want help contacting an advocacy organisation, or another organisation that you would trust to help you, we will help you to do this. Please let either your Care Manager, or a member of staff know.

Life Profile. Many care homes already complete a 'Life Profile' with each resident as a means of recording personal aspects of them and their life. The content is decided by the person and can include such things as a personal history, likes and dislikes, relationships, education, memories, and interests and photographs both past and present. This profile can go with the person when they move. A member of staff at your current care home, probably your key worker, will work with you to ensure that you have such a Life Profile and that it is fully up to date before your move.

Care Support Plan. At the end of the re-assessment process, you will have been involved in producing your new and detailed Care Support Plan. This document will provide clear information on current and future support needs and the preferred way in which this care should be provided.

The Care Support Plan will need to be agreed and signed by you, and you and your family will be given a signed copy for your information and records. A copy of your re-assessment and new Care Support Plan will move with you to your new home so that the staffs there are clear about how they need to support you.

Stage 2 – Choosing a new home

It is important for you to feel that you have choice and control over your future home and support arrangements. This means making sure that you are able to:-

- Consider all available options
- Make a positive choice about which future support service you prefer

The options for you to consider will include: –

- Another registered residential or nursing care home in York or an area nearer family and friends.

Some people may want to think about other options that can increasingly help people live with support in their own homes. If you are interested in thinking about other options these may include:

- Extra Care Housing, where you would have your own apartment with on site support and a flexible care team for residents
- Sheltered Accommodation with monitoring & support available
- Independent/supported living
- Living with family and others.

If you have friends in your current care home that you would ideally like to move with, it is important to discuss this with them and your Care Manager as you explore the various options. If you have a pet that you would like to move with you, you will need to make this known. It may affect the options open to you, as some homes may not be able to accept pets.

Once you have decided which option you want to pursue, your Care Manager will find out as much information as possible about what support and services are available. We will encourage and support, with the help of the current care home staff, opportunities to visit potential homes.

If we have any information that suggests some of the options may not be suitable we will discuss this with you. For some people we recognise the number of choices may be limited.

Adult Social Services will have up-to-the-minute information on vacancies in registered care homes and extra care/sheltered housing units and will try, as far as possible, to match people's preferred choices with available places.

We will be able to give you a list of all the registered care homes in York and other housing options. This information can also be accessed at <http://www.york.gov.uk>.

The Care Quality Commission is another source of information on the quality of care provided by different homes, see <http://www.cqc.org.uk/>. Your friends, family, or advocate may help you to get information you want, but we can also help you get information on the homes you are interested in.

The financial implications of the various options being considered will be discussed and, where necessary, welfare benefit checks and financial assessments can be done so that you have all the information you need about future costs before making a final decision about which is the best option for you.

Stage 3 – Moving to a new home

Moving to a new home is a significant event for anybody, and needs to be carefully planned.

Staff at your current care home will work closely with you in the lead up to the move to ensure that everything that needs to be done is done. We have developed a series of checklists which will be worked through with you to ensure that everything is covered. For example, we will help notify everybody who needs to know about your move (e.g. GP, bank, pension).

We will make sure the new home has all the information they need to care for you properly and ensure continuity of care for you.

In terms of your own furniture and possessions, you will need to think about what you want and are able to take with you to your new home. We will provide opportunities for you to visit your new home before the move, and, wherever possible, involve you in choosing the decoration of your room, the date of your move, and the staff who will support you on the day of the move. We will also provide help with packing up your belongings and unpacking them in your new home.

The actual day of your move will be carefully planned so that the right staff support and transport is available, to ensure the move is managed as smoothly as possible.

Wherever possible, we will try to ensure that the manager and key worker from your old care home will visit you in your early days/weeks in your new home to help you to settle in. If you have any worries or problems we want to know about them as soon as possible so that we can try to sort them out.

Stage 4 – Reviewing the move

A review of your new care arrangements will be co-ordinated by your Care Manager 28 days after you have moved into your new home. An earlier review can be arranged if required. A review can involve you, a relative or friend, your Care Manager, the manager from your new home, and anyone else you would like to involve (e.g. advocate, your key worker or manager from your old care home).

The review will consider what went well with your move and what is working well in your new home, but it will also explore any difficulties that may have arisen. It will consider what you had hoped to experience in your new home and consider whether your actual experience has met these expectations. It will also identify whether there are new opportunities you would like to access in your new home, and how this might be achieved. Your Care Support Plan will be amended as necessary as a result of the discussion at the review.

Even if the first review does not raise any issues of note that need attention, your Care Manager will continue to be your allocated worker for a further 28 days to ensure consistency in case of any issues that arise. At the end of this period the responsibility for your case file will transfer back to the team responsible for reviewing placements.

Your ongoing needs will then be monitored on a regular basis by the home you live in, and reviewed by an Adult Social Services care manager every 12 months.

For more information

For more information please speak to your current Care Home Manager in the first instance. He or she should be able to help you or advise you on who is best placed to deal with your specific query or concern.

If, however, you wish to speak to someone else please try the following contacts.

Care Management Team	(01904) 553818
Older Citizens Advocacy York (OCAY)	(01904) 676200

Our complaints procedure

If you have not been able to sort out a concern or problem through talking to us, or you are unhappy about the service you have received please contact the Complaints Manager, who will agree with you how best to deal with your complaint - Tel: (01904) 554080 or email haveyoursay@york.gov.uk.

**Copies of letters sent to residents and relatives at the start of the
consultation period**

Resident's Letter



Health & Wellbeing
West Offices
Station Rise
York
YO1 6GA

Tel: 01904 554155

7 September 2015

Dear

Consultation on council plans for Older People's Homes in York

I wanted to take this opportunity to update you on our plans to modernise care for older people in York, which includes consulting you on the option to close Oakhaven with current residents moving to alternative accommodation.

Background

In 2011 residents, relatives and many others were engaged in consultation on the Council's review of residential care homes and the options available to replace them. You may have been involved at the time. Following that consultation the Council started on a programme to replace older persons' homes with new and alternative provision and, later in 2011 and in 2012, consulted on and then closed Fordlands older persons' home and Oliver House older persons' home. Over the following three years there has been further progress and change, both at your current home and across the city, with residents kept informed via meetings (the most recent in March and July of 2015). You, your carers or family may also have followed progress in the local newspaper or on the radio.

On 30 July 2015, the council's Executive agreed detailed outline proposals for Older People's Accommodation in the city. These proposals seek to address

the needs of York's ageing population, replacing the council's seven out-dated Older People's Homes with more modern accommodation.

One of the key aims of the plan is to maximise York's existing Sheltered Housing, making it more accessible for people with higher care needs by increasing the support available at some. This will include increasing overnight care services, and developing individual packages of care so people can remain independent in their own home.

Our aim has always been to help older people to remain independent in their own home for as long as possible. The new and improved facilities will, over time, replace our now out-dated older people's care homes.

The alternative option to closure of Oakhaven is to keep it open and run it as it is. However, this would limit the range of care that can be provided and, because the building is now out-dated, means we cannot provide the same standard of accommodation as modern care homes. Only a limited number of the rooms available have en-suite facilities and some bedroom sizes and daytime facilities do not meet modern standards. Another important issue is that the size and design of the home does not allow people with different needs to be cared for in the same home. This means that people have to be moved from one home to another as their needs change. Oakhaven is small, with just 25 residents; modern residential care homes tend to be much larger so that they can accommodate people with a much wider range of needs. Because Oakhaven is small it cannot be easily or economically updated or expanded in size. It is intended that any new accommodation will address these shortcomings.

Proposals

At their meeting in July 2015, the Council's Executive agreed to carry out a consultation with residents, relatives and staff at two care homes that are being first considered for closure.

The results from this further consultation period will be reported to the Council's Executive on 29 October 2015.

Each of the council's seven care homes have been assessed against a criteria looking at the age and condition of the building, the needs of residents, staffing issues, future plans for the sites and financial factors, to assess which should first be considered for closure.

I wanted to let you know that your home, Oakhaven, has been considered for closure early next year, together with Grove House. This is for the reasons set out in the paragraph above.

Whilst I understand that the proposals will cause some upset and anxiety, I want to reassure you that we will be working closely with you to understand your views and concerns about the proposals as well as understanding your individual needs and preferences about where you would like to move to if Oakhaven closes.

Your care home manager will shortly be in touch to arrange to meet with you, alongside a care manager (social worker). This meeting can be held with a family member, or close friend, or we can meet with you individually – the choice is yours. We are planning for these meetings to take place sometime between 7 September and 30 September 2015.

At this meeting we will:

- Talk through and explain the proposals again, and record your views and discuss your wishes, on them for inclusion in the feedback report to Executive.
- Explain and explore the options that could be open to you should the closure be agreed. This may include sheltered housing with extra care or moving to an alternative care home, this will be based on your individual needs.

As part of this exploration of options, we can arrange visits to the council's other care homes (or alternatives) to help you decide upon a preferred plan of action should the closures be agreed. We will also talk through the 'Moving Homes Safely' protocol, a document that explains how we would support residents and their relatives during a move. This way, you will fully understand (and will hopefully be reassured by) the process that would be followed should the closure be agreed.

During this consultation process, **independent advocacy** support can be made available to any resident or relative that requests it. Advocacy is a way of making sure a person's voice is heard when issues affect their lives. Older Citizens Advocacy York (OCA Y) can provide this support - contact (01904) 676200.

You or your family / friends might also choose to respond to the consultation in writing. If so, please send email correspondence to carehomes.consultation@york.gov.uk or to the address at the top of this letter by Friday 16th October 2015 which is the date when the consultation exercise will come to an end.

Any queries?

If you have any queries or concerns about this letter please speak to your care home manager in the first instance. We have also set up a **hotline number** for any additional queries: telephone 01904 551919.

I appreciate that these proposals have had an unsettling effect on everyone over the past few months. Our staff have been fantastic at a time that is also uncertain for them, and I am sure they will continue to do everything they can to support you through this process. Please continue to ask for help and support if and when you need it.

Next contact

As explained above, your care home manager will be arranging a meeting with you shortly to discuss everything covered in this letter, and you will no doubt have a number of conversations over the coming six weeks. I will write to you again in October to explain how and when we will share with you the outcome of this latest consultation, and the contents of the Executive report.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Michael Melvin'.

Michael Melvin
Assistant Director Adult Social Care

Relatives' Letter



Adult Social Care
West Offices
Station Rise
York
YO1 6GA

Tel: 01904 554155

7 September 2015

Dear

Consultation on council plans for Older People's Homes in York

I wanted to take this opportunity to update you on our plans to modernise care for older people in York, which includes consulting you on the option to close Oakhaven with current residents moving to alternative accommodation.

Background

In 2011 residents, relatives and many others were engaged in consultation on the Council's review of residential care homes and the options available to replace them. You may have been involved at the time. Following that consultation the Council started on a programme to replace older persons' homes with new and alternative provision and, later in 2011 and in 2012, consulted on and then closed Fordlands older persons' home and Oliver House older persons' home. Over the following three years there has been further progress and change, both at your current home and across the city, with residents kept informed via meetings (the most recent in March and July of 2015). You, your carers or family may also have followed progress in the local newspaper or on the radio.

On 30 July 2015, the council's Executive agreed detailed plans for Older People's Accommodation in the city. These plans seek to address the needs of York's ageing population, replacing the council's seven out-dated Older People's Homes with more modern accommodation.

One of the key aims of the plan is to maximise York's existing Sheltered Housing, making it more accessible for people with higher care needs by increasing the support available at some. This will include increasing overnight care services, and developing individual packages of care so people can remain independent in their own home.

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I wanted to let you know that your relative's home, Oakhaven, has been considered for closure early next year, together with Grove House.

Whilst I understand that the proposals will cause some upset and anxiety for residents and staff, I want to reassure you that we will be working closely with everyone to understand their views and concerns about the proposals as well as understanding the needs and preferences about where your relative would like to move to if Oakhaven closes.

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Telephone 01904 551919.

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Next contact

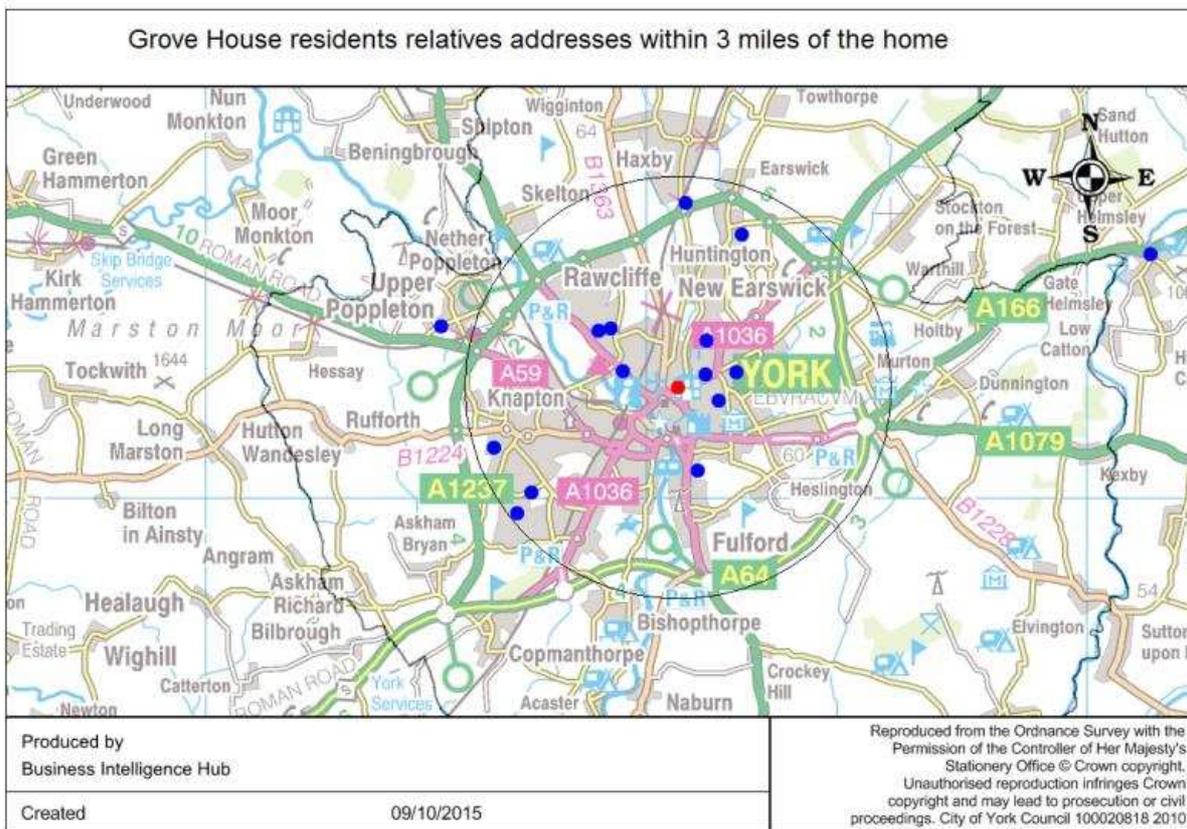
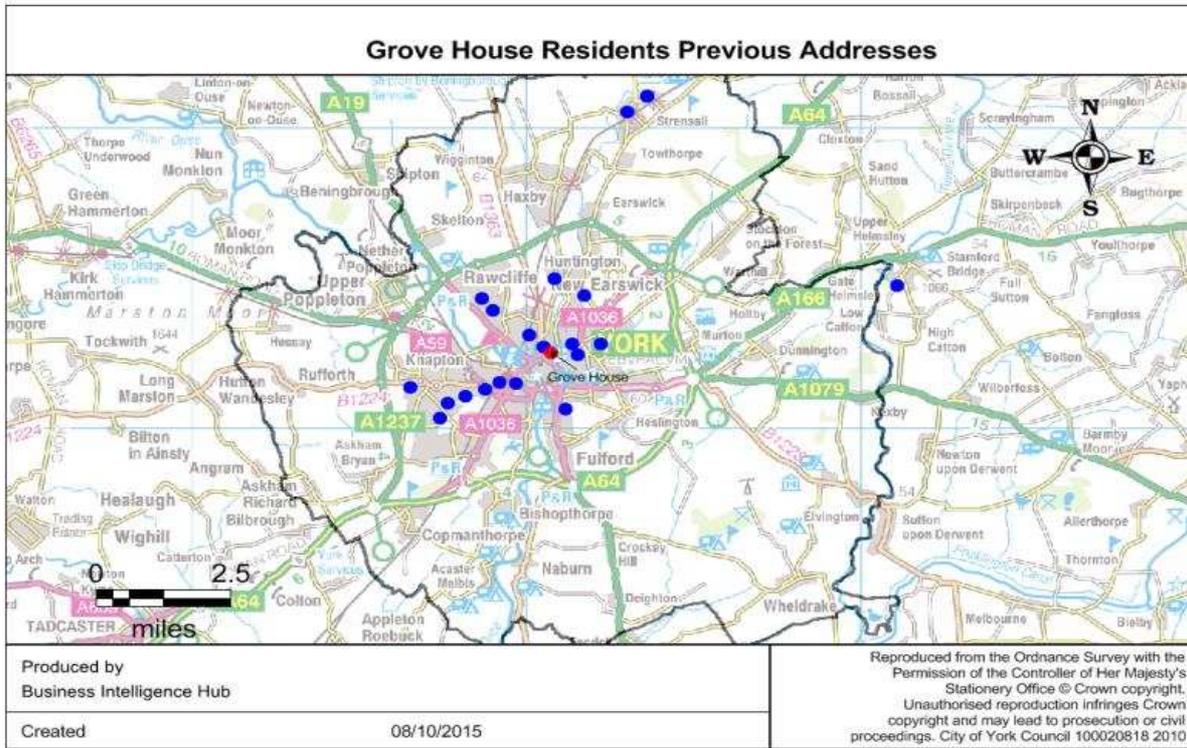
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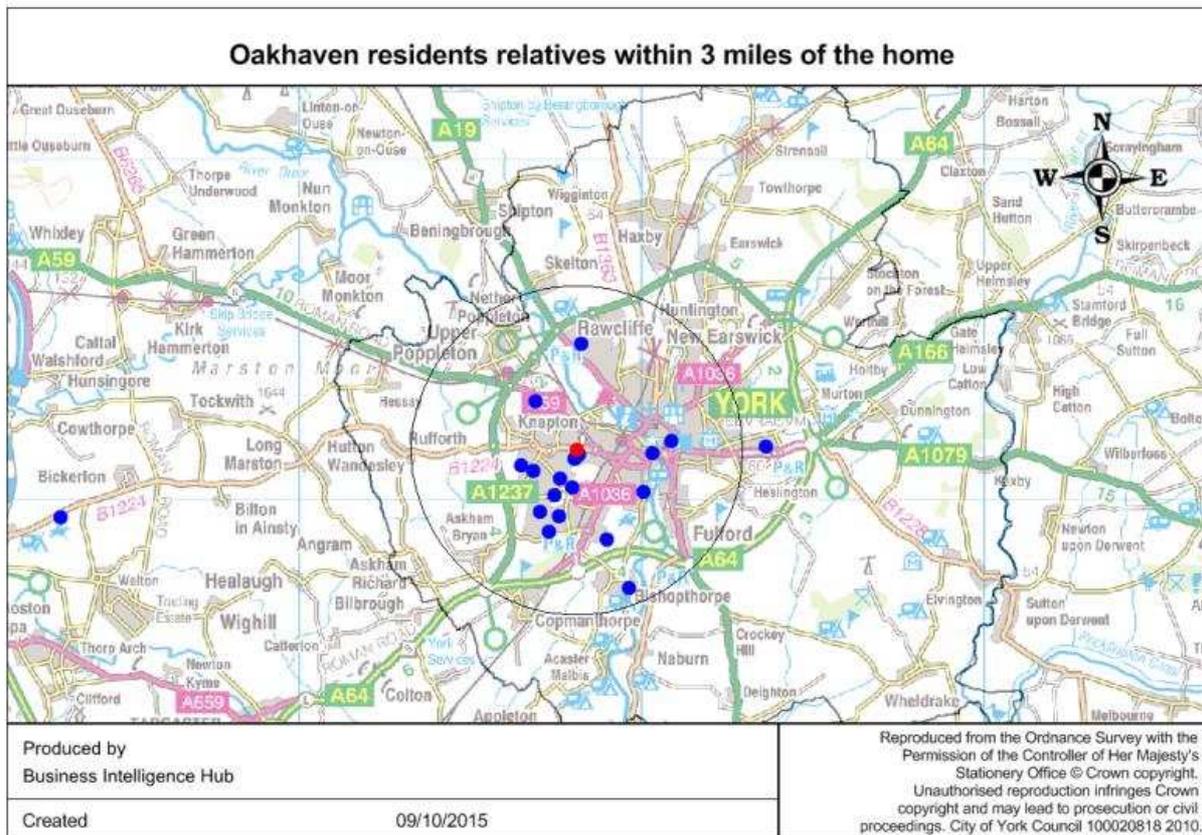
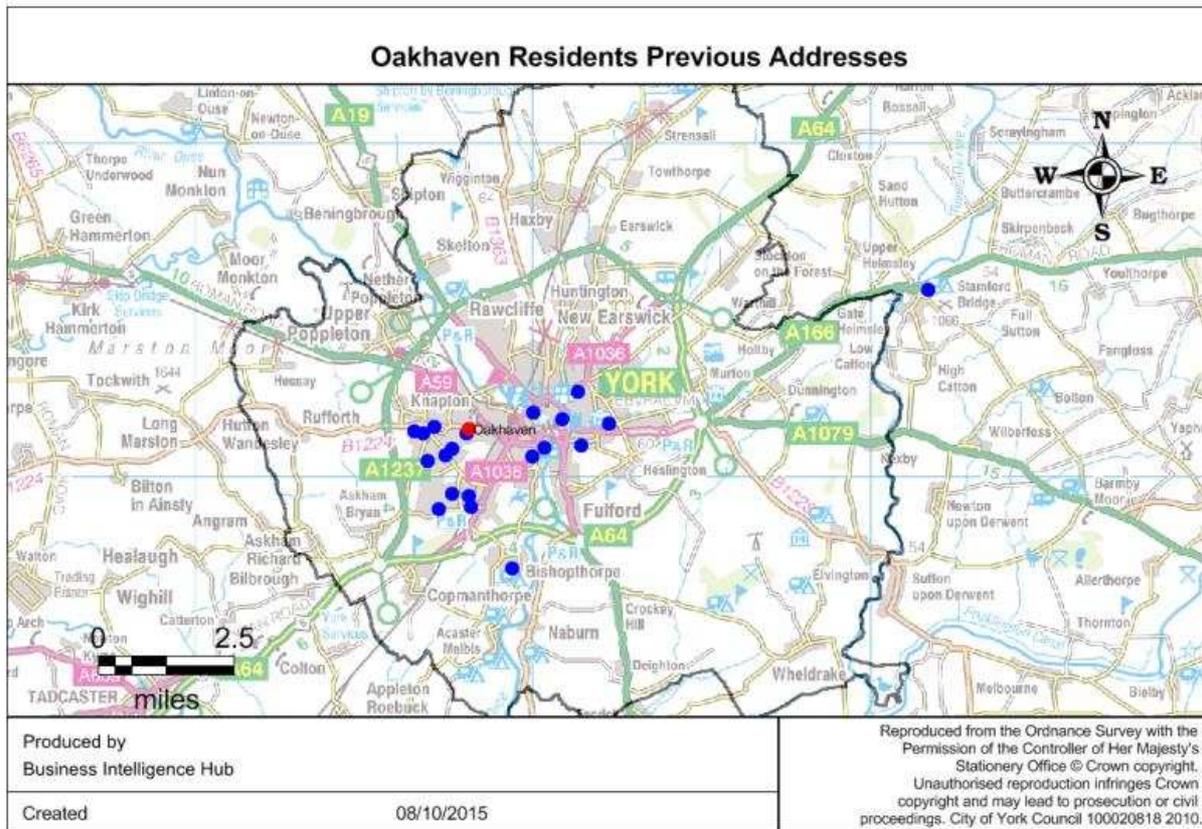
Yours sincerely

A handwritten signature in cursive script, appearing to read 'Michael Melvin'.

Michael Melvin
Assistant Director Adult Social Care

Maps showing location of residents' previous address and relatives' current address in relation to Grove House or Oakhaven





City of York Council

EQUALITY IMPACT ASSESSMENT

1	Name and Job Title of person completing assessment	Programme Director, Older Persons' Accommodation
2	Name of service, policy, function or criteria being assessed	Policy regarding the future provision of accommodation for older people, especially residential care.
3	What are the main objectives or aims of the service/policy/function/criteria?	<p>The Older People Accommodation strategy is based on meeting people's needs and in-particular the demographic challenges we face. This is a modernisation programme to support more people to maintain living independently i.e. through the provision of more extra care.</p> <p>The provision of the right care in the right place at the right time This is expected to be achieved through:</p> <ol style="list-style-type: none"> 1. Re-providing up-to-date fit for purpose accommodation with care for those who are in residential accommodation at the moment 2. Investing in supporting older people to stay in their own homes and live independent lives for as long as possible. 3. An increase in overall capacity to meet the growth in demand; as we recognise that the current Council's physical provision is poor and does not reflect what we would expect from other providers. 4. Care will be provided throughout the locality using key partners. Currently the minority of relatives live within a 3 mile radius of the two homes detailed in phase one of the modernisation

		programme. Therefore movement across the City is expected. Many residents have only lived in each area for a short amount of time. Re-provision will include extra care, alternative residential or nursing care.
4	Date	15/10/2015 (updating the EIA of 09/06/2011)

Stage 1: Initial Screening

5	What evidence is available to suggest that the proposed service/policy/function/criteria could have an adverse impact on quality of life outcomes (as listed at the end of this document) for people (both staff and customers) with protected characteristics? Document the source of evidence, (e.g. past experience, anecdotal, research including national or sectoral, results of engagement/consultation, monitoring data etc) and assess relevance of impact as: Not relevant / Low / Medium / High.
---	---

	Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
a	Race	X	X			Consultation with communities of Interest	Consultation with staff
b	Religion/Spirituality/ Belief	X	X			Consultation with communities of Interest	Consultation with staff
c	Gender	X			L	Consultation with communities of interest	The OPH staff profile shows that the majority of the current workforce are women and those who are older may suffer

Protected Characteristic		Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact	
		Cust	Staff	Cust	Staff	Customers	Staff
							adversely if seeking alternative work and may have the added responsibility of caring obligations. However, during the next 3 years our capacity will need to increase as we develop further provision for Older People, which will give staff a greater opportunity of employment.
d	Disability		X	H		National studies show that older and significantly frail residents may face poorer prospects in terms of health and wellbeing Consultation with communities	Consultation with staff

Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact		
	Cust	Staff	Cust	Staff	Customers of Interest	Staff	
e	Sexual Orientation	X	X			Consultation with communities of Interest	Consultation with staff
f	Age			H	H	National studies show that older and significantly frail residents may face poorer prospects in terms of health and wellbeing Consultation with communities of Interest	The OPH staff profile shows that the majority of the current workforce are women and those who are older may suffer adversely if seeking alternative work and may have the added responsibility of caring obligations.
g	Pregnancy/ maternity	X	X			Consultation with communities of Interest	Consultation with staff
h	Gender Reassignment	X	X			Consultation with communities of Interest	Consultation with staff
i	Marriage and Civil Partnership	X	X			Consultation with communities of Interest	Consultation with staff
j	Carers of older			M	M	Information	Information in

Protected Characteristic	Not relevant		L/M/H		Source of evidence that there is or is likely to be adverse impact	
	Cust	Staff	Cust	Staff	Customers	Staff
and disabled people					in our corporate Carer's Strategy shows that there may be adverse effects on the carers of older and frail people if they do not settle in their new environment	our corporate Carer's strategy, as well as information from the York Carers' Centre, shows that middle-aged women who are carers themselves find it difficult to find and keep any type of employment.

If you assess the service/policy/function as **not relevant across ALL the characteristics**, please proceed to section 11. If you assess the service/policy/function as **relevant for ANY of the characteristics**, continue to Stage 2, Full Equality Impact Assessment.

Stage 2: Full Equality Impact Assessment

6	Are there any concerns that the proposed or reviewed service/policy/function/criteria may be discriminatory, or have an adverse impact on members of the public, customers or staff with protected characteristics? If so record them here	
a	Public/ customers	Yes – possible negative effects on health, security and well-being of frail residents.
b	Staff	Yes – older women especially those who are also carers in their home environment with limited ability to move and find other jobs.

If there are **no concerns**, go to section 11.

If **there are concerns**, go to section 7 and 8 amend service/policy/function/criteria to mitigate adverse impact, consider actions to eliminate adverse impact, or justify adverse impact.

7	Can the adverse impact be justified? E.g. in terms of community cohesion, other legislation, enforcement etc. NB. Lack of financial resources alone is NOT justification!
<p>Customers – Yes. There are studies that show that frail residents may suffer detriment if moved from current homes. However, our quality assurance studies as well as the results of consultation showed that the current OPHs, whilst in reasonably good condition, are 40-50 years old and no longer meet current residents' needs and also are not fit for the future. Their size and design make it more difficult for staff and other practitioners to care for people with dementia and high dependency care needs.</p> <p>Staff – Yes because staff consultation shows that above all else they want to improve the care environment for our customers and also are obliged by changes in national policy to deploy resources differently.</p>	
8	What changes will you make to the service/policy/function/criteria as result of information in parts 5&6 above?
<p>There will be no changes to the proposed policy of re-provision. However, we shall put in place a number of remedial actions, which are listed in item 10 below.</p>	
9	What arrangements will you put in place to monitor impact of the proposed service/policy/function/criteria on individuals from the protected characteristics?
<p>OPA Programme Board will oversee the consultation over the review proposals, and subsequent implementation of Members' decisions.</p> <p>Assessment & Safeguarding Care Managers and OPH Managers will monitor the impact of any changes on individual residents. They will also track feedback from relatives and, where appropriate request independent advocates looking out for the interests of individual residents.</p> <p>Commissioning & Contracts Managers will monitor the quality of service provided in whatever model of service provision is decided upon by Members.</p> <p>OPH Managers, Human Resources, and Trade Unions will support OPH staff through any change process that flows from the Members' decision on this OPH Review.</p>	

Resources to ensure that there is a fair, open and transparent process for dealing with staff moves between current homes, and into the new care homes, when built.		
11	Date EIA completed	15/10/2015 (updating the EIA of 09/06/2011)
<p>Author: Roy Wallington Position: Programme Director, Older Persons' Accommodation Date: 20/10/2015</p>		
12	Signed off by	
<p>I am satisfied that this service/policy/function has been successfully equality impact assessed. Name: Martin Farran Position: Director – Adult Social Care Date: 20/10/2015</p>		

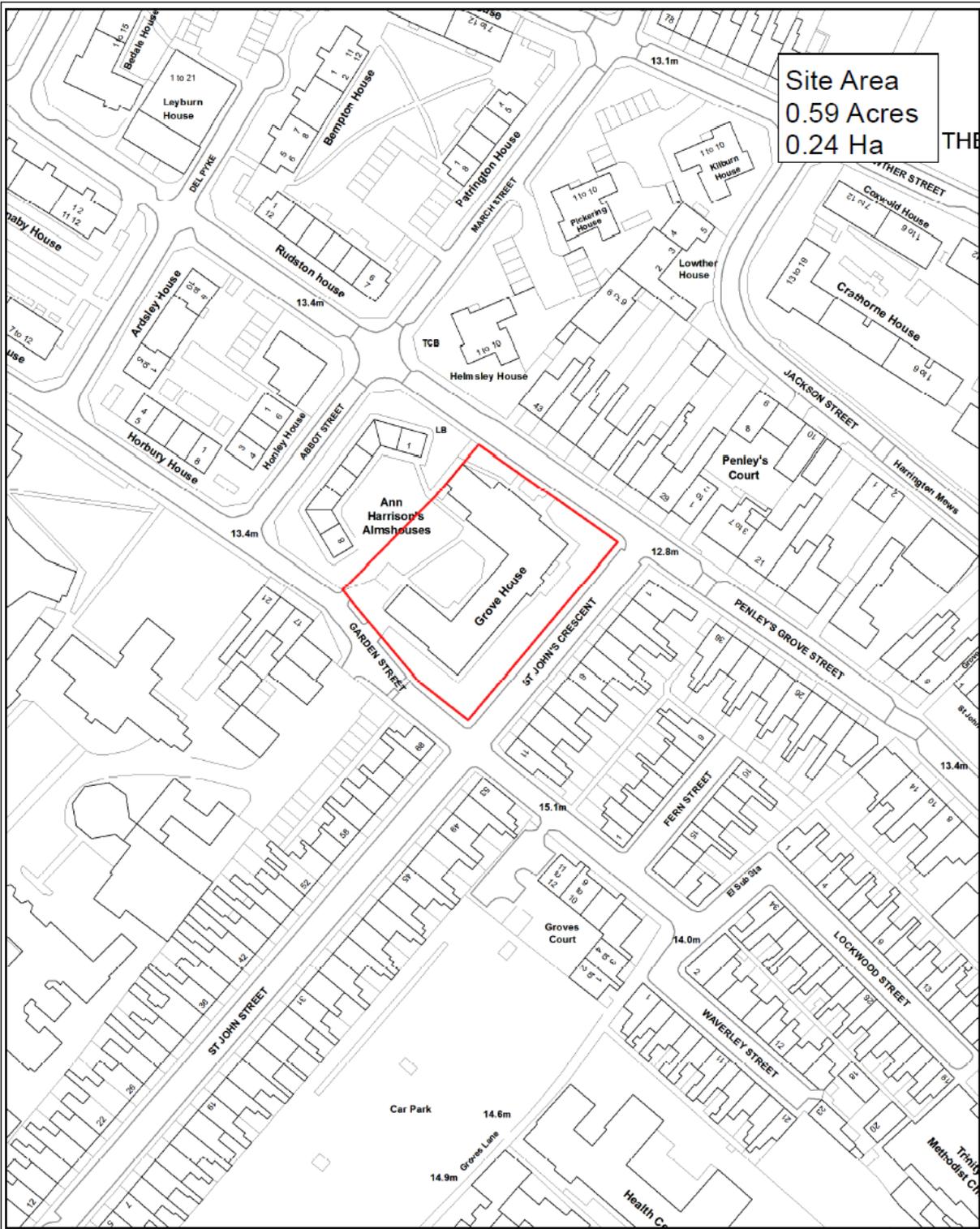
Quality of Life indicators

(aka 'The 10 dimensions of equality')

We must ensure there is no adverse impact in terms of:

- ❑ Longevity, including avoiding premature mortality.
- ❑ Physical security, including freedom from violence and physical and sexual abuse.
- ❑ Health, including both well-being and access to high quality healthcare.
- ❑ Education, including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning.
- ❑ Standard of living, including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport.
- ❑ Productive and valued activities, such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others.
- ❑ Individual, family and social life, including self-development, having independence and equality in relationships and marriage.
- ❑ Participation, influence and voice, including participation in decision-making and democratic life.
- ❑ Identity, expression and self-respect, including freedom of belief and religion.
- ❑ Legal security, including equality and non-discrimination before the law and equal treatment within the criminal justice system.

Plan A: Grove House site:



CBSS
Asset & Property
Management

Grove House EPH



SCALE 1:1,250

DRAWN BY: DH

DATE: 06/10/2015

Originating Group:

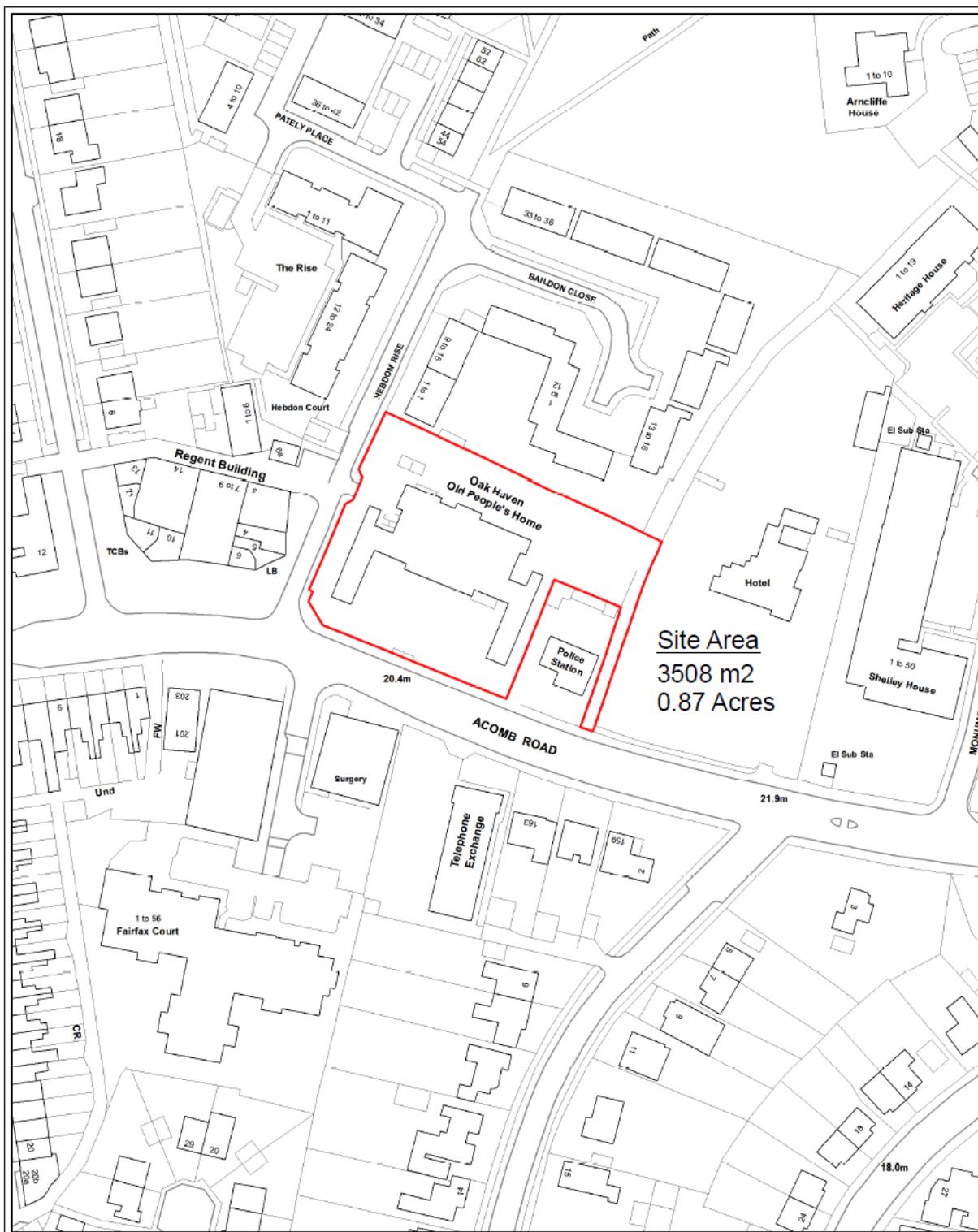
Asset & Property Management

Drawing No.

E00642_2

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Plan B: Oakhaven site



 <p>CITY OF YORK COUNCIL</p>	<p>Oakhaven</p>	
<p>CBSS Asset & Property Management</p>	<p>SCALE: 1:1,250 DRAWN BY: DH</p> <p>Originating Group: Asset & Property Management</p>	<p>DATE: 15/09/2015</p> <p>Drawing No. E00646_1</p>
<p><small>Reproduced from the Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. City of York Council 100020515</small></p>		



Executive

29 October 2015

Report of the Director of Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

Moving Forward with the Burnholme Health & Wellness Campus

This report continues the journey to secure a viable future for the Burnholme school site in Heworth ward. The school closed in 2014. Following extensive public consultation Members are asked to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.

Recommendations

1. The Executive are asked to:
 - a) Note progress towards achieving new uses for the Burnholme site.
 - b) Agree that interest is sought from partners to progress:
 - i. continued community and sports use on the site;
 - ii. a residential care home for older people;
 - iii. housing provision;
 - iv. health services delivered in a community setting.

Reason: To secure the most appropriate and best value approach to develop and deliver the vision for the Burnholme Health & Wellness Campus including the delivery of a residential care home as part of the Older Persons' Accommodation Programme.

- c) Agree that Officers develop a spatial plan for site in order to maximise land use and draw up a development timetable, utilising

resources already held in the Older Persons' Accommodation Programme budget.

Reason: so that best use is made of this site.

- d) Request that a report is brought back to Executive in Q1 2016 to further examine the risks and rewards of the development and approve the approach/s to procurement of relevant partners.

Reason: So that the project can progress.

Summary

2. The council is committed to secure a viable future for the Burnholme school site (the **Site**) in Heworth ward. The school closed in 2014. During consultation on the school closure the authority committed to continue community use on the site and encourage the on-going use of its sports facilities. In the winter and spring of 2014 extensive public engagement explored appetite for these uses.
3. The result was the solution which is presented in this report: a continued community and sports use of the site, complemented with wider health and enterprise services.
4. The authority has also committed to see the building of a new 82 bed care home on the site as part of the wider Older Persons' Accommodation Programme. This needs to be delivered by 2018 and forms the final step in this three year modernisation programme.
5. It is recognised that there should also be housing on the site, both to meet need and to generate capital receipts that will deliver the refurbished community, sports and enterprise facilities.
6. The Burnholme Campus will realise a range of strategic and financial benefits
 - a) public health, educational development and social inclusion outcomes;
 - b) access to good quality residential care beds at a discount on the market rate; and
 - c) homes for local people.
7. The delivery of the Health & Wellness Campus forms a key element of the Older Persons' Accommodation Programme as agreed by Executive on 30th July 2015 and gives life to previous commitments

regarding on-going community and sports use. It is expected to deliver:

- a) a care home of at least 82 beds, in relation to which the Council will reserve the right to purchase a number of beds at a discount;
- b) space for a relocated Explore Centre;
- c) nursery and out of school care for pre- and primary school age children;
- d) meeting and activity spaces for community and voluntary sector groups and communities of interest;
- e) space for rent by start-up enterprises and by small third sector organisations;
- f) a wide spectrum of both formal and informal indoor sports and active leisure provision;
- g) sports pitches and other outdoor activities (Area B) to encourage active lifestyles and that complement rather than compete with other facilities nearby, such as Tang Hall Community Centre and the new facilities at the proposed York Community Stadium;
- h) accommodation for General Medical (GP) and community-based health services;
- i) flexible training and meeting spaces for health service and lifestyle information provision;
- j) complementary commercial offering e.g. pharmacy, community cafe etc; and
- k) homes to rent and to buy

(together the **Project**)

8. The outline business case for the Health & Wellness Campus delivers all of these outcomes and is expected to provide a small capital receipt and an anticipated revenue surplus per annum for the continued operation of a thriving community and sports facility. It is anticipated that further specialist spatial planning of the site will maximise land use and improve the development timetable, thus delivering improvement on our modelling estimates.

9. It is therefore proposed that we seek interest from partners to progress the development. The structured soft market testing will further test the proposition and allow us to refine our plans. The feedback obtained will guide the development of procurement documentation and the legal structure for our relationship with partners.

10. The outline timetable for the Project is as follows:

October 2015	Executive agree to progress the Project and seek interest from potential partners (appointment of whom will be subject to further Executive approval).
Winter 2015/6	Seek interest from partners to progress: a) continued community and sports use on the site; b) a residential care home for older people; c) housing provision; d) health services delivered in a community setting.
	Spatial planning to confirm land take for individual elements and a detailed development timetable completed.
Q1 2016	Subject the interest received from partners, seek Executive approval for: a) appointment of design & build contractor for community/sports/library phase and for demolition and infrastructure works; b) procurement of OPH developer/operator; and c) marketing of housing development opportunity.
Q2 2016	Seek Executive approval for development of community health facilities on site.
Q1 2017	Community/sports/library phase complete.
2017 & 2018	Development and completion of care, housing and health elements of the development.
Q4 2018	OPH complete and in operation

11. There is an opportunity cost of pursuing this approach, as summarised below:
 - a) the sale of land for health facilities could generate a capital receipt of c£600k; alternatively, should the same land be sold for housing the Council could receive c£750k.
 - b) the sale of land for development of a care home could generate a capital receipt of c£1.3m and “block-purchase” of up to 55 care beds at our target “actual cost of care” price; alternatively, selling or leasing the land for a care home where we do not block-purchase beds could generate a capital receipt of c£1.5m; further, selling the land for housing could generate a receipt of c£1.9m;
 - c) the provision of accommodation for community, sports and other uses on the Site could cost c£6m, funded from capital receipts from the sale of land for housing, health use and the care home, as detailed above; should these community uses not be pursued then that capital receipt could be used to fund other Council priorities; and
 - d) the land earmarked for outdoor sports activities (site B) has a notional value of c£9m; should the Council choose to use some of this for housing (say one third) then, subject to appropriate consents being forthcoming, a capital receipt could be generated of £3m.

Background

12. Executive approved the closure of Burnholme Community College in May 2012 due to dwindling school numbers. When approving the closure, an undertaking was made to attempt to preserve the existing community uses of the Site.
13. Following an Options Appraisal for the possible redevelopment of the Site in the early summer of 2013, and public consultation in March 2014, a report was approved by Cabinet in July 2014 which recommended that a developer be identified, who would be able to deliver a range of public, private and community services at Areas A and B of the Site.
14. At the same time, in June 2013, Council agreed that procurement would begin to deliver a new Elderly Persons’ Home (EPH) on Area C of the Site. For reasons of affordability this procurement was abandoned in March 2015 with the alternative plan proposed that the

whole of the Site (Areas A, B and C) should be developed as an integrated Health and Wellness Campus. This decision was agreed by the new Executive in July 2015 who specifically requested that “a further report will be brought to the Executive in the autumn to agree the preferred approach to the development of the Burnholme site in order to deliver a Health & Wellness Campus including residential care provision”.

A community resource

15. Since the Council Asset & Property Management team took over the operational management of the Site on 1st September 2014, the community and voluntary sector tenants on the Site have been supported to continue to deliver valuable services to the local community. This has given the community confidence in the council’s commitment to the long-term community uses on this site. The current list of occupiers and activities are provided in **Annex 1**.
16. Formal leases or licences to occupy have been put into place, income and expenditure budgets established and works undertaken to ensure that the facility is properly and safely managed. The management of the Site as currently configured is a challenge: large areas of the old school have been “moth-balled”, the fenestration of the building is poor and so it is hard to heat and there is an on-going problem with petty vandalism. These challenges have had a negative impact upon the costs of running the building as is (costs exceed income) but the proposal for the new Health & Wellness Campus will address these difficulties by demolishing un-used school buildings, upgrading windows in order to make the building more energy-efficient and increasing surveillance around the building in order to reduce the incidence of vandalism.
17. Much work has been done to strengthen the community links and uses of the Site:
 - a) Discussions have been held with neighbouring schools and other community representatives, including the Tang Hall Community Centre and the Tang Hall Big Local partnership, in order to ensure that activities and services at the Site complement but do not compete with what already takes place in the area.
 - b) Discussions were held with Applefields School (a special school for 11-19 age students with a learning disability) and St Aelred’s RC Primary School regarding their playing field provision. Agreement has been reached, which secures their respective support for the

wider Burnholme development, in return for occasional access to the existing 3G and grass pitches on Area B. Other local schools will also be engaged in order to ensure that best use is made of the Burnholme community and sports facilities for educational purposes.

18. The Sport & Active Leisure team have been managing the sport facilities on site, in order to ensure that they are preserved for the local community. Not only have bookings for indoor sports use increased significantly, but there are now a range of sports teams, who will use the pitches over the coming winter season.
19. The team have also been working with our new leisure partner, Greenwich Leisure Limited (GLL), in order to ensure that the proposals for sports activity on the Site complement the activities planned for the York Community Stadium at Monks Cross.
20. A wide range of clubs now hold their meetings at Burnholme, including Fight Fit combat based exercise classes; Boccia; Bubble Football games and Go Get (cycle training for young children) among others. The full list is at **Annex 1**.
21. A training room, also managed by the Sports & Active Leisure team, has also attracted many and disparate bookings, from sport and first aid training and an autism awareness course, to night club bouncers' training, meditation workshops for stress relief, and spiritualist meetings.
22. All of the above demonstrates that there is an unmet need for activity and meeting spaces in the Burnholme area, supporting community and voluntary sector activity and community cohesion for Tang Hall and complementing the facilities at the Tang Hall Community Centre.

The Proposal

23. The vision for the redevelopment of the Site, with the "working title" of Burnholme Health & Wellness Campus, delivers a range of integrated public, private, community and voluntary activities and services, all of which support each other and contribute to improved health and holistic wellbeing for the local community. It is worth noting that the Site sits in the Heworth ward but is close to the Hull Road ward. The Indices of Multiple Deprivation show that both wards are in the 20% most deprived areas in the country. Health as well as economic deprivation are of particular concern.

24. Similarly integrated visions have been designed and delivered elsewhere, though few enjoy the level of support from the community and voluntary sector which has been generated for the Burnholme Health & Wellness Campus.
25. The original Option Appraisal was the subject of extensive consultation in March 2014 and enjoyed positive support from local people. The local community has continued to be engaged via meetings with existing tenants, engagement with local schools and via the Tang Hall Big Local.
26. Sites of this size are rarely available within York and the Site therefore offers a significant opportunity to deliver the infrastructure required to facilitate integration between health and social care services and be a catalyst for change. We continue to explore health options for this site.
27. The original vision for the Site included a wide range of services, delivered by public, private and third sector organisations, as detailed in paragraph 7 above.
28. The Tang Hall Library, managed by Explore, is keen to move and they will engage in order to identify the best solution for the service and its customers. The intention is to deliver a flexible design and multi-occupancy spaces, which will respond to any future community-facing service requirements, as they arise.
29. Responding to the need for additional community cohesion and economic activity in the area, in support of the Tang Hall Big Local, and to encourage small business and enterprise, spaces will be created and leased to community groups and small new business ventures. Rental income from this type of use, which has been benchmarked against the successful Raylor Centre, is healthy and has been modelled within our business case assumptions. These have the potential to contribute significantly to the Aim of delivering a 'Prosperous City for All' as described in the Council Plan 2015-19, supporting local small businesses in an area of the City, which experiences lower than average economic activity and higher levels of worklessness.
30. In recognition of the value of this asset, the Project will also be structured to generate on-going revenue, maximise business rates income and, if possible, achieve a capital receipt from land disposal, which exceeds the income required for reinvestment in the Site.

Opportunity Cost

31. There is an opportunity cost of pursuing the Project, as summarised below. As an alternative, and subject to consultation and the relevant consents, the Site could be sold for between £7m and £10m to release its capital value for use elsewhere in the city.
32. The table below summarises the opportunities and costs, both for the communities of Tang Hall and for the Council's financial position, of including or excluding any given element of the Project:

Issue	Opportunity	Cost
GP and health services on site	Integration with sports and active leisure to achieve public health benefits. Capital receipt of up to c£600k.	Loss of up to c£150k land receipt compared to selling the land for housing.
82 bed Care home (with service contract)	Up to 55 care beds purchased at our "actual cost of care" target price for a period of 25 years. Capital receipt of c£1.3m	Loss of further c£200k capital receipt compared to option below.
82 bed Care home (without service contract)	New care home integrated into GP, community and active leisure provision. Capital receipt of c£1.5m	Loss of indicative c£400k capital receipt compared to selling the land for housing.
Community, sports and enterprise facilities	Facilities for existing and new community groups, for sports activities in the refurbished existing facilities and for local 3 rd sector and enterprise rentals. Refurbishment or new-build of a Council owned asset to the value of c£6m. Community cohesion and generation of new economic	Loss of capital receipt for housing land of approx c£850k Saving of up to c£6m refurbishment expenditure. Reputational risk (previous undertaking to support and retain existing tenants on the

Issue	Opportunity	Cost
	<p>activity in the Tang Hall area</p> <p>Increased opportunities for active lifestyles in Tang Hall area, improving public health outcomes.</p>	<p>Site)</p>
<p>Playing fields and active leisure space</p>	<p>Use of the existing MUGA (multi-use games area) and adjacent playing fields for sports and active leisure which integrates with indoor sport, GP and other health and wellness activities on site.</p> <p>Increased opportunities for active lifestyles in Tang Hall area, working closely with NHS partners, improving public health outcomes.</p>	<p>Loss of a c£3m capital receipt compared to selling up to a third of this land for housing.</p> <p>Any such sale would be dependent on securing Secretary of State consent. Unlikely to be able to secure consent for sale of whole.</p>

33. The council's preference is to continue with the proposal to use the site for community, sports, care, health and housing uses.

Congruence with policy

34. The vision for the Site is entirely congruent with the Council Plan key priorities of:
- **A prosperous city for all** - where local businesses can thrive and residents have good quality jobs, housing and opportunities
 - **A focus on frontline services** - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities
 - **A council that listens to residents** - to ensure it delivers the services they want and works in partnership with local communities.
35. Additionally, it supports the Health & Wellbeing Strategy 2013-16 which seeks to:

- a) Make York a great place for older people to live
 - b) Reduce health inequalities
 - c) Improve mental health and intervene early
 - d) Enable all children and young people to have the best start in life
 - e) Create a financially sustainable local health and wellbeing system
36. In making York a great place for older people to live, the contribution of the voluntary sector, older people and carers should be recognised, especially in:
- a) Supporting people with long term conditions to live independently
 - b) Preventing admissions to hospital
 - c) Encouraging physical activity
 - d) Addressing loneliness and social isolation
 - e) Preparing for an increase in prevalence of dementia
37. Additionally, the Burnholme Health & Wellness Campus will be able to make a significant contribution to the ambitions of the Vale of York Clinical Commissioning Group (**CCG**) in relation to the Integration of Care and to Person-Centred Care and will be well placed to have an impact on primary care reform for the communities in the Tang Hall area.
38. Healthcare providers across the City are working ever more closer together in order to improve the patient experience and deliver “seamless” care. Directed by the Provider Alliance Board, the participants include the York Teaching Hospital NHS Foundation Trust, the newly appointed Tees, Esk & Wear Valleys Foundation NHS Trust mental health provider and the major GP practices across the City, as well as Council Adult Social Care. It is recognised by the CCG that this Project has the potential to provide accommodation from which truly integrated care can be delivered, and the vision for enhanced health involvement in the Site is thus supported.
39. The vision for the Site also fits with the aims of the Council in relation to delivery of public health interventions and with the NHS England Five Year Forward View. It will increase opportunities to promote healthier lifestyles, helping people to make healthier choices regarding smoking, activity levels and diet. This will start to reduce the

“downstream” effects on health, which result in long-term conditions and the need for acute health service intervention and high levels of social care support.

40. The delivery of this vision will also contribute significantly to Council ambitions associated with the transformational Rewiring York. Not only to the workstream under which it is to be delivered, that of Older Persons’ Accommodation, but also to the new operating model for Adult Social Care, joint commissioning with the CCG, to support for carers and capacity in the voluntary sector.
41. The co-location, within improved environments, of health and social care providers, alongside community and voluntary sector groups and wider public, commercial and community services such as the pharmacy and social-enterprise led activity will provide an invaluable test-bed for a range of new models of integrated care.
42. Close working relationships will also be encouraged between those who are located on the Site, and the services provided from the Tang Hall Community Centre and other community facilities in the area.

Previous Executive sanctions relating to the Burnholme Site

43. 15th May 2012 (in approving the closure of Burnholme Community College) “initiate a further specific consultation focusing upon the potential future use of the Burnholme site in the event of the closure of the school”. The recent consultation on the future of Burnholme Community College has highlighted particular concerns about the future of highly valued community services that are based at the College, including the Kids Club, the Burnholme Day Nursery, and Sports Provision including sports fields and MUGA. The authority will wish to explore options that make best use of the site whilst maintaining community facilities wherever possible. It is recognised that these important issues and possible options will require wide consultation and detailed debate and consideration”.
44. 4th June 2013: “Resolved that a care home be built on land at Burnholme”.
45. 5th November 2013: (relating to Areas A & B only) “Resolved that the Cabinet agree to a community consultation exercise to seek views on the options set out in this report and for further work to be done to assess affordability which will be brought back to Cabinet in early 2014 to inform a decision on the preferred option”.

46. 1st July 2014: (relating to Areas A & B only) “Resolved that the Cabinet note the interim arrangements for the operation of the Burnholme site following the closure of the school:
- that the Executive note the results of the public engagement; and
 - that the Executive approves the procurement of a development partner to develop the site as a Community Health and Wellbeing Hub”.
47. 3rd March 2015: (relating to Areas A, B and C): “That the Executive authorises officers to develop the business case for an integrated care, health, housing and community facility on the Burnholme School site so that residents with care needs, including those with complex needs and those with dementia, can be accommodated alongside health, sports, library, nursery, other community facilities and family housing”.
48. 30th July 2015: “Agree to proceed with the Older Persons’ Accommodation Programme (the “Programme”) as set out in the report, including:
- iv. procurement of a new residential care facility as part of the wider Health and Wellness Campus at Burnholme;
- ... and
- Note that a further report will be brought to Executive in the autumn to agree the preferred approach to the development of the Burnholme site in order to deliver a Health & Wellness Campus including residential care provision”.

Moving Forward

49. The proposals for the Site have been subject to review and scrutiny by partner organisations and the community. Community consultation identified:
- a) a lot of support for sports uses and for activities that young people would find of interest;
 - b) a place to meet and socialise;
 - c) a place to access local services (council, health, learning); and
 - d) an acceptance, by those who expressed a view, that an element of housing would be needed to cross-subsidise other community activity.

50. This consultation was carried out in the knowledge that land on the Site would/could be used for a residential care home for older people.
51. Prior to the decision of Members in July 2014 a full set of options were identified, evaluated and rejected in favour of the proposed approach for the redevelopment. Original options considered included “wholesale disposal for residential development”, “demolition and new build community, health & wellbeing centre”, “part-refurbishment and part-new build” and “demolish majority and retain minimal community use”.
52. While the decision was made to pursue the procurement of a development partner to deliver the “part-refurbishment, part new build” option in July 2014, it is recognised that there have been parallel decisions relating to the provision of accommodation for older persons, which have had an impact to a greater or lesser extent on the Burnholme plans. By including Area C into the development and striving to make best use of the total land available, one approach would still be to demolish each wing of the original school, leaving the original core building (which includes the school hall, a range of ground floor and first floor classrooms and the sports facilities including gym, sports hall and associated changing facilities).
53. Having re-considered the previous conclusion in light of these developments, the reasoning and recommendation, that partners should be sought to deliver the vision, remains the preferred and recommended option.
54. The complexity of this development proposal should not be underestimated. It is therefore proposed that we seek the views of potential partners as to their interest in, and various commercial aspects of, the Project. This approach has the added advantage of allowing various individual elements of the project to progress independently of others, aiding with speed and reducing interdependency risk.

Criteria and specification

55. The decision as to who to work with and how must meet certain criteria:
 - Deliver value for money for all partners
 - Deliver a scheme which meets partners’, stakeholders’ and community aspirations

- Exploit site-wide synergies
- Avoid conflict of design/construction delivery
- Generate opportunities for local jobs and economic growth for the Tang Hall communities
- Secure a design, which is flexible and will respond to changing needs
- Follow One Public Estate principles, complementing other local facilities
- Facilitate early delivery, while ensuring that good governance is followed and best value secured.

56. It is also imperative that we learn from previous procurements. Officers will ensure that partners can demonstrate innovation and add value while also ensuring the Council's core requirements are met.

Development Strategy

57. In developing a strategy for delivery of this holistic vision for the Site, various land ownership options have been considered against the above criteria.

58. In order to achieve best value, yet retain control over build standards and usage, as well as being able to exploit synergies between the different areas of the Site, it is proposed that:

- a) pitches, sports and active leisure facilities are retained freehold (operational management may be separately procured at a later date);
- b) space reserved for use by community, enterprise and third sector organisations (including accommodation for existing tenants such as the nursery and potential new space for an Explore Centre) together with flexible spaces for training and lifestyle support are retained freehold (operational management may be separately procured);
- c) the building currently leased at a peppercorn to Hempland Kids Club is retained, as approved by the Council in November 2005; and;

- d) Officers work with the Tang Hall SMART service (who deliver music therapy and skills development to a range of vulnerable groups and local people and who have been a long-term tenant of the Site), to accommodate them on the Site.
59. In order to obtain sufficient capital receipts to enable the community areas to be provided without additional Council investment, the following aspect of the Site could be offered for freehold sale or on a long-term lease:
- a) approximately 2 acres are made available as land for the development and operation of an 82 residential care home for older people including those with high care needs such as dementia, with the obligation to provide up to 55 care beds for purchase by the Council at a discounted price for an agreed numbers of years;
 - b) land is made available as the site for the GP/primary care/NHS services. This should be offered either leasehold or freehold, enabling our NHS or other healthcare provider partners to invest in the construction and running costs of the new facilities; and
 - c) at least 5 acres is identified for residential development. Depending on the proposed site master plan, additional land may also be available for residential development.

Other Property Implications

60. Area C on the attached plan is currently designated as Playing Field. It was most recently used by Burnholme Community College but has not been in use, either for sport, recreation or public amenity for several years. An application has been submitted to the Secretary of State under Section 77 of the School Standards and Framework Act 1998 for consent to dispose of playing fields and Officers are progressing the actions required as part of this submission.
61. Consent is also required to dispose (whether by freehold transfer or grant of a lease) all or part of Areas A or B or change the use thereof. This is also being progressed in relation to Area A.
62. One of the criteria for the Secretary of State's consent relates to use of receipts from former school playing field or other former school land. Officers are examining how recent school capital allocations have been structured regarding this point in order to demonstrate that monies can/will be used appropriately.

63. We will not be in a position to proceed to procure any redevelopment unless and until Secretary of State consent has been obtained for the relevant parts of the Site.

Professional and technical options appraisal

64. As noted above, the original Option Appraisal was predicated on the assumption that the best value would be secured by refurbishment of some of the existing school buildings, rather than by whole-scale demolition and new-build.
65. Given the change to the whole Site size and configuration, it is proposed that specialist spatial planning advice is procured in order to assure the Council that the most commercially efficient solution to our requirements, is progressed. This will secure best value for money for the public purse

Options examined

66. For financial modelling purposes, we have considered an option (Option 1) whereby the 3,960 sqm building range within Area A on the east of the Site is refurbished, incorporating the school hall, main corridor and sports facilities, to be refurbished to accommodate the community and third sector tenants, community-facing activity and enterprise spaces, and sports users. This is shown in **Annex 3**.
67. An initial cost consultant report was then commissioned, to inform our financial modelling.
68. The report determined that the cost of refurbishing these spaces, along with demolition of the surplus buildings on the Site would be up to £6m. Assumptions have been made regarding contingency and inflation, providing assurances that we are modelling a prudent “worst case” scenario, which could be improved by value engineering.
69. Alternative variations have also been considered (Options 2 and 3), and rejected as not securing best value.
70. Option 4 looked at retaining but modernising the original sports facilities and providing new-build accommodation for the range of other community and enterprise activities. The capital costs of this option are higher but the outcome in terms of quality of accommodation, long-term sustainability and lifecycle costs is improved. This option makes better use of the site, freeing up further land which can be used for development and therefore generating a capital receipt. This option is

thus also financially viable and will be the subject of further investigation.

Traffic and Transport

71. To aid consideration of these options, expert advice has been sought in relation to the traffic and highways impact of new housing and, separately, in relation to potential uses and values of the Site. This information has now been fed into the financial modelling of the options and will also be used to inform the procurement process and evaluation of bids for a developer of the Site.
72. The Highway Feasibility Report, specifically focussing on Area C of the Site, will inform the site spatial planning and feed in to considerations in relation to the value of land to be sold for residential development. A similar piece of work had already been included within the 2013 Option Appraisal in relation to Area A.
73. The reports conclude that the Site could be served by Bad Bargain Lane and/or via Darnbrook Walk subject to agreement with Council Highways Officers and internal access roads being built in accordance with the relevant highway design standards.

Land uses and values

74. Commercial property agents were commissioned to ensure that land value and commercial assumptions were reflective of the current market, to report on likely rental/rent premium for the GP facility and the potential market appetite for construction and operation of the care home.
75. Their report conclusions are positive:
 - a) Care Home: The micro and macro location factors are positive in terms of development potential for a care home on the Site. The local market is underdeveloped with significant scope for new provision to replace outdated stock which no longer meets market expectations. Emerging additional provision is not a threat to the development potential of the Site and is unlikely to negatively impact the market. Strong private and third sector appetite would be expected for the Site.
 - b) Health uses: the doctor's surgery, ancillary pharmacy and private GP space could, in combination, potentially secure disposal receipts and if combined with homes above, generate more value. Other health uses are also possible.

- c) Community uses: the Council currently secures an annum income from the community user groups and there is potential to increase this income slightly.
- d) Housing: any scheme, either for sale or to be rented in the private sector in the first instance, will need to be well-designed in order to ensure the quality of the overall offer of living in such a location is maintained over time. In addition, providing a high quality environment should ensure the units would also be attractive to potential individual purchasers. Healthy receipts can be expected.

76. They conclude that various care, health, commercial and residential uses could generate a hypothetical disposal receipt of between c£5,800,000 and c£7,600,000 if marketed openly.

Procurement Strategy

77. Recognising that the Project is complex, due to the variety of intended uses for the Site and potential phasing issues, a range of procurement options have been considered.

a) Breaking up the site into separate developments.

- i. The Council would fund and refurbish the community aspects of the Site via the direct appointment of a building contractor. The Council would also undertake the demolition of the remaining buildings on the old school site and construct main access routes through the Site. This work would initially be funded via Council capital or borrowing, but would then be repaid from future receipts from the developers of the residential elements of the Site (see (a) (ii) and (iv) below).
- ii. The Council would seek a developer to deliver and operate an older persons' care home and look for the developer to raise the initial capital funding.
- iii. Offer to sell/lease land to Health partners to develop the GP, pharmacy and other health elements of the scheme.
- iv. The Council would sell any and all surplus land for residential development, seeking to cover the refurbishment costs at (i) above and to generate a capital surplus.

b) Single developer to deliver an integrated solution

A single developer would be appointed to develop and deliver the Health & Wellness Campus. The intention would be for the Council to specify its requirements but otherwise commercial freedom to be handed to the developer. The developer would fund the community aspects of the Site through development of the residential land, EPH and GP facility.

78. While the Single Developer option (b above) is a viable way forward and de-risks the Site for the Council in relation to management of the disparate phases of the development, the complexity of the procurement process is costly in terms of staff and financial resource, as well as in terms of delivery timescales. Further, specialist advice concluded that, while there are developer frameworks in existence relating to multi use sites, these frameworks are not designed to include ongoing operational elements of any facilities constructed. As the Council requires an operator for the EPH and plans to include the obligation for a designated number of care beds to be reserved for Council use, such generic frameworks would not be suitable. The Council would thus need to procure a single development partner via an OJEU compliant process and concerns have been raised as to whether a Restricted Process could deliver a robust solution to the requirements.
79. Breaking up the site into separate developments, however, and funding the community refurbishment and initial infrastructure works in advance using Council resources will:
- a) Enable expedient delivery of the Council's priority elements of the Site;
 - b) De-risk the Site for developers of subsequent phases, thus assuring maximum capital receipts to the Council;
 - c) De-risk the procurement process, enabling the Council to access contractors/development partners via relevant OJEU compliant frameworks;
 - d) Enable further consideration, between Council and Health partners of the infrastructure requirements, which will support integrated health and social care provision on the Site.
80. This approach will require a separate cost model to measure the impact of up-front investment.

81. Both options will remain in consideration while we explore further the viability of breaking the site up into separate developments. A key consideration will be how risk is managed and transferred through the partnerships.

Risk Transfer through Procurement

User/area	Approach	Risk Transfer	Comment
Community & sports areas	<p>Contractor to refurbish/reprovide to specification under a Design & Build contract.</p> <p>Council continues to own and run these facilities.</p>	<p>Construction price risk is transferred to the contractor via the tender process.</p> <p>Specification, operation and ownership risks remain with the Council</p>	<p>In-house resource available to specify and oversee works. Best value secured for Council by paying contractor, rather than developer risk profile.</p>
Care Home	<p>Operator procured to fund, design, deliver and operate.</p> <p>Council block-purchases up to 55 beds.</p> <p>Regulator (CQC) ensures that care standards are met.</p>	<p>Operator takes commercial risk.</p> <p>Council, as block-purchaser of care beds holds demand risk for those beds.</p>	<p>Recent North Yorkshire County Council Extra Care Framework may be available (subject to specialist advice).</p> <p>Council specification relies on CQC registration.</p> <p>Step-in rights/right to transfer to another operator exercised if operator fails inspection.</p>
Residential	<p>Council sells land freehold to developer to design, build and sell homes and</p>	<p>Developer holds building cost and sales risks.</p>	<p>No specification other than as Planning Authority, enables maximisation of</p>

User/area	Approach	Risk Transfer	Comment
	takes full commercial risk. Council exercises planning rights (additional S.106 income).		land value. Overage clause if sales exceeds anticipated value.
GP/NHS facility	Site offered to NHS partners/GP practice freehold or long-leasehold.	Land reverts to Council if health facility is not contracted and/or constructed within a fixed timescale.	Freehold/long leasehold transfer ONLY when NHS agrees financing (either via NHS body or a third party developer).

Recommended next steps

82. The next steps are therefore to engage with potential partners to test their willingness to be involved in taking the Project forward.
83. At the same time the Council will procure specialist spatial planning advice, in order to secure the most appropriate and cost-effective Site solution.
84. The Council could then procure an appropriately qualified contractor through an OJEU compliant framework to deliver:
 - a) Community/library and sports refurbishment or reprovision
 - b) Demolition of redundant buildings
 - c) Site access, infrastructure and other enabling works
85. The Council will then procure, via an OJEU compliant framework or, subject to legal advice, a Restricted Procedure, a developer and operator of an older person's care home to whom it will sell the requisite portion of the Site against a capital receipt. The Council will have the right to purchase up to 55 beds from the operator at "actual cost of care" target price.

86. The Council could offer a portion of the site to NHS/GP practice partners upon which to develop a health care facility and against which a capital receipt will be required prior to start on site (the legal detail of which to be developed in discussion with stakeholders), subject to normal procurement considerations.
87. The remainder/surplus site to be sold freehold for residential development against a capital receipt and to include overage provisions.
88. Following the phased process described above, the Project will deliver:

	Capital	Revenue
A community facility to meet clearly described functional requirements, including a variety of flexible spaces, which could be used for meeting, office or business start-up/craft spaces.	The refurbishment/newbuild of these facilities will initially be fully funded from Council capital or short-term borrowing, which will be repaid at a later date from capital receipts from elsewhere across the Site.	The finished facilities will be retained freehold by the Council. Operational costs will be fully funded from rental income.
Internal and external sports facilities for community use and to complement other activities planned for the Site.		
An Older Persons' Home, the site for which will be available on a freehold or long leasehold basis, upon which will be a home of minimum 82 beds for people with complex needs, including dementia. A contract to provide up to 55 beds to the Council for a number of years at our "actual cost of care" target price.	Council will receive a capital receipt for the land. To reinvest in provision of community and sports facilities (above) Developer will raise capital funding required (at their sole risk) for purchase of land from Council and construction of	Contract for beds will be financially beneficial to the Council.

	Capital	Revenue
	care home.	
The site of a health facility to meet the requirements of the CCG, NHS England and their preferred General Medical services provider in this area of the city. The land will be transferred freehold or on a long leasehold at the point of contract to develop the site.	Council will receive a capital receipt for the land (receipt delayed pending outcome of negotiations with the NHS). To reinvest in provision of community and sports facilities (above)	Revenue relationship between the NHS partners. No implications for the Council.
Residential development to a standard specified only by the Planning Authority and thus to include provision of affordable housing	Council will receive a capital receipt for the land. To reinvest in provision of community and sports facilities (above)	

Financial Case

89. In broad terms, we have calculated that the whole site development will as a minimum be capital and revenue cost neutral. Option 1 generates a £586k capital surplus and a £20k per annum revenue surplus while Option 4 generates a small capital surplus of £263k and a £15k per annum revenue surplus, as detailed below:
90. Modelling has been undertaken based on the “worst case scenario”.
91. Options 2 and 3 have already been rejected as not “breaking even” in either capital or revenue terms.
92. The estimated capital costs have been completed following an external assessment of the Site and the likely requirements of refurbishment. Industry standard assumptions have been made regarding fees and an appropriate level of contingency. In addition, an amount has been included for inflation based on BCIS industry standard.

93. Prudent assumptions have been made for the likely level of capital receipt that could be generated from the Site and subsequently used to fund the capital work. Again, this is based on an external assessment of the Site value.
94. The revenue costs include provision for a site manager who will be responsible for managing the overall facility and promoting the availability of accommodation to communities of interest. The role will include ensuring the forecast income is achieved. Approximately half of the income will be generated from individual users of the facilities and half from voluntary and third sector organisations using the meeting and activity spaces, who are in turn funded either by individuals or other sources such as Lottery Funding bids. This income is not, therefore, reliant on public money, though carries a risk as some primary revenue sources are time-limited.
95. The delivery of the GP/NHS element will require investment from the NHS. The procurement strategy and proposed contractual arrangements is structured in such a way as to ensure that any risk associated with NHS ability to finance this element of the Project, does not fall to the Council.
96. It should be noted that the majority of the users of the community and sports areas are either registered charities or small businesses and will thus receive 80-100% relief on business rates (NDR). The care home is exempt. Assuming it is delivered, the GP, pharmacy and health premises would have a rateable value in the region of £80-100,000. As a city, under current arrangements the Council retain 49% of any growth in Business Rates and, of this retained amount, would pay a levy of 50% into the Leeds City Region pool leaving approximately 25% directly available to the Council. Under new arrangements being discussed by government, the Project could generate additional business rates to the council of up to £75,000 per annum.
97. Some high level sensitivity analysis has been carried out to test the draft outline financial model. Although currently a surplus on both revenue and capital is anticipated, an increase in costs of 10% or a reduction in capital receipts of 5% would result in the project not generating any surplus. Officers will continue to work on the financial model and closely monitor any change in assumptions throughout the life of the Project. Regular reporting to members will highlight any areas of concern.
98. The budget for costs associated with this phase of the Project including internal and external costs have already been approved by

the Executive, as the Burnholme Project forms an integral part of the Older Persons' Accommodation Programme. These will be capitalised and included within the Project costs as and when each phase of the Project is effected.

99. Members are reminded that the figures outlined in this report are indicative and, although based on estimates supported by external advice, are likely to change as the Project progresses. As with all projects of this nature, the final costs of each element will not be known until its respective procurement process is complete.
100. Due to the phased approach to delivery and the potential to changes to market conditions during the Project timescale, there remains a risk that the completed Project does not meet the criteria of being cost neutral.
101. The staggered approach to procurement of the individual elements/phases of this Project, as outlined above, may require the Council to undertake some short-term borrowing to fund up-front costs and address cash-flow issues. This will be assessed fully at the next stage.

Communications and Engagement

102. As noted above, the high level vision for redevelopment of the Site was consulted upon and stakeholders, tenants and local residents have continued to be involved through operational meetings.
103. The Burnholme Health & Wellness Campus is an integral part of the Older Persons' Accommodation Programme and is thus covered by the Communication Strategy for that programme of work.
104. As the Project progresses, it will be imperative to secure the continued engagement of stakeholders, neighbours, existing tenants and new partners, as well as current and potential future users of the Site, in master planning and design development.
105. Current tenants, as well as potential future occupants, are also keen to publicise the services they offer and the opportunities which will be afforded to local people by the new facilities. In doing so, Officers will work closely with other existing groups and scheduled events, such those organised by the Tang Hall Big Local, to engage, consult and inform local people.

Timescales for delivery

106. Key dates are set out below:

October 2015	Executive agree to progress the Project and seek interest from potential partners (appointment of whom will be subject to further Executive approval).
Winter 2015/6	Seek interest from partners to progress: e) continued community and sports use on the site; f) a residential care home for older people; g) housing provision; h) health services delivered in a community setting.
	Spatial planning to confirm land take for individual elements and a detailed development timetable completed.
Q1 2016	Subject the interest received from partners, seek Executive approval for: d) appointment of design & build contractor for community/sports/library phase and for demolition and infrastructure works; e) procurement of OPH developer/operator; and f) marketing of housing development opportunity.
Q2 2016	Seek Executive approval for development of community health facilities on site.
Q1 2017	Community/sports/library phase complete.
2017 & 2018	Development and completion of care, housing and health elements of the development.
Q4 2018	OPH complete and in operation

Risks to delivery

107. At this stage of the Project, there are a range of risks, many of which will be mitigated or completely removed during the planned progression of the Project.
108. The current risks are identified at **Annex 2**.

Benefits realisation

109. As can be inferred from the précis of strategic documentation above, the delivery of an holistic and integrated development on the Site can deliver significant benefits to the health, wellbeing and social capital of the communities in the area, many of which will have “downstream” financial benefit to the public purse. A detailed benefits realisation table is provided below:

Benefit	Leading to ...	Leading to ...
Older people in residential care in improved environments	Fewer “untoward incidents” e.g. reduced slips, trips & falls Improved staff retention	Improved quality of life Reduced hospital admissions
Older people with complex needs and/or dementia are cared for in securely designed facilities	Reduction in older persons with dementia being “missing”	Reduction in police service costs
Improved local access to health and social support	Easier to remain independent in own homes Improved security and perception of security Access to lifestyle support and ability to monitor e.g. nutrition	Improved quality of life Reduced/later admission to residential care Reduced hospital admissions

<p>Range of community activity available</p>	<p>Reduced social exclusion</p> <p>Improved access to health & social care services</p> <p>Improved quality of life</p>	<p>Reduced incidence of mental ill-health</p>
<p>Increased provision of learning and personal development opportunities</p> <p>Citizen's advice, internet access and job club support</p> <p>Apprenticeship opportunities</p>	<p>Improvement to skills levels and self confidence/raised aspirations</p>	<p>Reduction in worklessness</p> <p>Increased family incomes and reduced reliance on benefits</p>
<p>Lifestyle information readily available</p>	<p>Increased uptake of group support for e.g. smoking cessation, nutrition and dietary advice</p>	<p>Reduction in obesity levels</p> <p>Increased number of smoking "quitters"</p> <p>Reduction in admission to hospital with conditions, which are adversely affected by lifestyle choices</p>
<p>Increased choice in housing offer</p>	<p>Older people "down-sizing" and releasing larger housing for young families</p>	<p>Improved perception of security/safety and social cohesion</p>
<p>Opportunities for life-enhancing activities in e.g. music, reading, the arts, adult education</p>	<p>Reducing isolation and social exclusion</p>	<p>Reduction in incidence of mental health (esp. depression); reduced risk of dementia in older persons.</p>

Improved access to GP services and associated primary and community based health provision	Earlier diagnosis, particularly in traditionally "hard to reach" groups	Reduction in limiting long term conditions and emergency admissions.
Range of facilities to encourage both formal and informal sport and activity	Increased uptake of regular exercise	Reduction in social isolation; improvements to obesity levels and associated reduction in long term conditions associated with obesity and inactivity.
Accessible and affordable business start-up and enterprise units	New businesses and small art/craft enterprises encouraged	Reduction in worklessness Reduction in reliance on benefits and improved self-confidence

Equalities

110. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

111. The Equalities Act 2010 explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.

- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
112. An Equality Impact Assessment (at that time a “Community Impact Assessment”) for the Burnholme Site was undertaken in July 2014 and remains valid. It particularly highlighted the positive implications of the Project for the health, security and wellbeing of all residents. This has and will continue to be updated as the project progresses.
 113. An Older Persons’ Homes Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Project unfolds. The project team also continues to use established channels to communicate with, and gather the views of, members of the local community, partners, stakeholders and staff.

Legal

114. A full examination of the legal implications of the various property and procurement elements of this Project have been undertaken and these will be kept under review, and brought forward for due consideration, as we progress with the various elements of the Project.
115. The first consideration relates to reuse of school land, as described above. Section 77 of the School Standards and Framework Act 1998 requires that consent of the Secretary of State for Education is required for disposal by a local authority of land used as playing fields by a maintained school within the last 10 years or for the change of use of such land.
116. Paragraphs 4 and 6 of Part 1 of Schedule 1 to the Academies Act 2010 requires that consent of the Secretary of State for Education is obtained before a local authority disposes of land or buildings which has been used for other school purposes (not as playing fields) within the last 8 years or changes the use of such land to a non-educational use.
117. Statutory Guidance issued by DfE and the Education Funding Agency indicates that there is a strong presumption/principle against giving consent to disposal or change of use, particularly in relation to land which has been used as school playing fields. If the Secretary of State gives consent to disposal or change of use it may be subject to certain conditions, including as to what the capital receipt or rental income must be used for by the Council. The Secretary of State also requires

that the Council provides evidence that local schools and the local community have been consulted (by placing a notice in a local newspaper) and their views taken into account.

Human Resources

118. The HR implications of the Burnholme Health & Wellness Campus are being monitored as the Project progresses.
119. There is currently one member of Council staff, who works on the Site as a caretaker/cleaner and it is currently anticipated that this role will continue to be required following redevelopment.
120. Consideration is needed of the TUPE implications (both legal and financial) of closing existing Council run care homes and block purchasing beds in the new EPH at the Site.

Crime & Disorder

121. Since the school closed, the Site has been the subject of vandalism and trespass, including access to the roof, which carries significant risk to the persons involved.
122. During redevelopment, plans will take account of design features, which minimise opportunities for vandalism and trespass and thus risk to the individuals concerned and ultimately financial risk to the Council.

Information Technology

123. There are no direct Information Technology implications to this report.

Other Implications

124. There are no other implications arising from this report.

End

Contact Details

Author:	Chief Officer responsible for the report:		
Louise Ramsay Burnholme Project Manager Tel: 01904 551828 louise.ramsay@york.gov.uk Roy Wallington Programme Director, Older Persons' Accommodation Tel: 01904 552822 roy.wallington@york.gov.uk	Martin Farran Director of Adult Social Care		
	Report Approved	✓	Date 21 October 2015
Specialist Implications Officer(s)			
Legal – Ruth Barton (Ext 1724); Gerry Allen (Ext 2004) Finance and Procurement – Debbie Mitchell (Ext 4161), Andy Wilcock (Ext 1129) Property – Nicholas Collins (Ext 2167) and Ian Asher (Ext 3379)			
Wards Affected:			
Heworth, Heworth Without, Osbaldwick,			
For further information please contact the author of the report			

Annexes:**Annex 1** – Tenants and activities currently at Burnholme**Annex 2** – Risks to delivery**Annex 3** – Burnholme site plans**Abbreviations:**

BCIS – Building Cost Information Service (part of the Royal Institution of Chartered Surveyors)

CCG – Clinical Commissioning Group

CQC - Care Quality Commission

EPH – Elderly Persons' Home, now referred to as Older Persons' Home

NHS – National Health Service

OJEU – Official Journal of the European Union

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

Tenants, who currently hold leases/licenses for accommodation at the Site, are described (precised from their own description) below:

Burnholme Nursery

Burnholme nursery is a full day nursery registered with Ofsted and run by a committee. They are a charitable organisation and operate for 51 weeks of the year caring for children aged from 3 months to 5 years.

The nursery currently has a waiting list for places as they serve the local community and parents like the fact that all ages are together and they have such a large indoor space and open plan garden in which to undertake age-appropriate learning and free play.

Hemplands Kids Club

Hempland Kids Club has been running since 1995. They are a registered charity, non-profit making organisation and are independent and self managed. Ofsted inspected, they just achieved an Outstanding in all areas judgement, and are the first Kids Club in York to achieve this. The Kids Club offers a high standard of quality childcare to primary aged children and has 220 children registered. 65 children per day attend during term time, and up to 40 children each day during school holidays.

The children take ownership of their Club, and they are involved in all decision making, their voice is always heard. Over the last 6 years they have re-decorated and transformed the Club from an empty shell, into a nurturing child friendly environment for children to learn through play and social interaction

The Kids Club works closely with the local community, and with other tenants on the Site to maximise the opportunities for the children in their care.

Tang Hall SMART

Tang Hall SMART CIC is a social enterprise that has two main strands: music-based clubs and events for the local community, and entry-level music industry training. Weekly clubs are run, some for children, some for teenagers and some for adults. The organisation provides a practical, accessible 'hands-on' approach to practical music-making. Most of the club members live locally. SMART social aims are to enable others to do

more/be more - and they have particular interests in targeting: homeless people; people with learning disabilities; people with mental health difficulties and people who are unemployed.

York Community Church

York Community Church has been serving the communities of Tang Hall, Burnholme and Osbaldwick for over 20 years. They are a diverse group of over 200 people, varying in age, social backgrounds and Christian experience, the majority of whom live in the local area.

At Burnholme they currently provide: Christians Against Poverty (CAP) Debt centre, CAP Job Club and CAP Money courses. They also provide Community Activities, Fun Days, Alpha Courses and Marriage Courses. Their Sunday Services include youth work, children's activities and crèche. In the local area they have run a number of community events and continue to facilitate two weekly Youth Clubs, a Lunch Club for the elderly and lonely, plus a Food Bank outlet. It would be the intention to bring some of these activities onto the Site once the facilities are available.

G2 Church, York

G2 Church meets on a Sunday afternoon between 3:45 and 5pm. Everyone is welcome, no matter what their belief or background. The main meeting set-up is a café arrangement, gathering people round tables, making it a great chance to meet new people and make friendships in a relaxed environment. There is usually some sung contemporary worship, followed by a talk, based on a passage from the Bible, with opportunity to discuss one another's thoughts and opinions around the tables.

Throughout the main meeting, children's groups normally divide into separate rooms, based on age, to engage in teaching sessions from their leaders; these take on a more creative nature, using crafts to help think about the topic, and involving story-telling based on Bible passages.

Additionally, the following groups access the Site for training, group meetings or activities and/or sports uses:

<p>All Seasons Orchestra (practice) Applefields School Bad Bargain Badminton Beeswing FC Bishopthorpe CC Boccia England Champion Netball Disability of York Athletics Club Down Syndrome Football Dunnington FC Eboracum Training Limited Elmpark JFC Elvington Harriers England Athletics England Volleyball Fight Fit Combat Fulford FC Go Get – striding Hempland Primary School Heworth Green FC Heworth Rugby Jorvik Powerchair Football Jorvik Warriors Kinesis Dance Leisure Leagues Marcia Bishopthorpe FV</p>	<p>Mens Fitness North Yorkshire Sport Osbaldwick JFC Pike Hills Indoor Sport Raggy Dolls Netball Club Sambarca SASH St Mike’s FC Tang Hall Big Local Tang Hall Tigers The York Group of Spiritualists Wheldrake JFC Whiz Kids Yapham CC York City in the Community York Hotshots York Hunters York Locomotive York Phoenix York Viking Basketball Club York Volleyball</p>
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Risks to delivery

There remain some risks to delivery of the Project, which would cause the Project to be significantly amended or potentially aborted if the risks were to be realised. The Officer team will continue to robustly monitor these risks and any significant change to the Project as laid out within this Business Case will be reported back to the CMT and/or Executive as appropriate depending on the severity of impact.

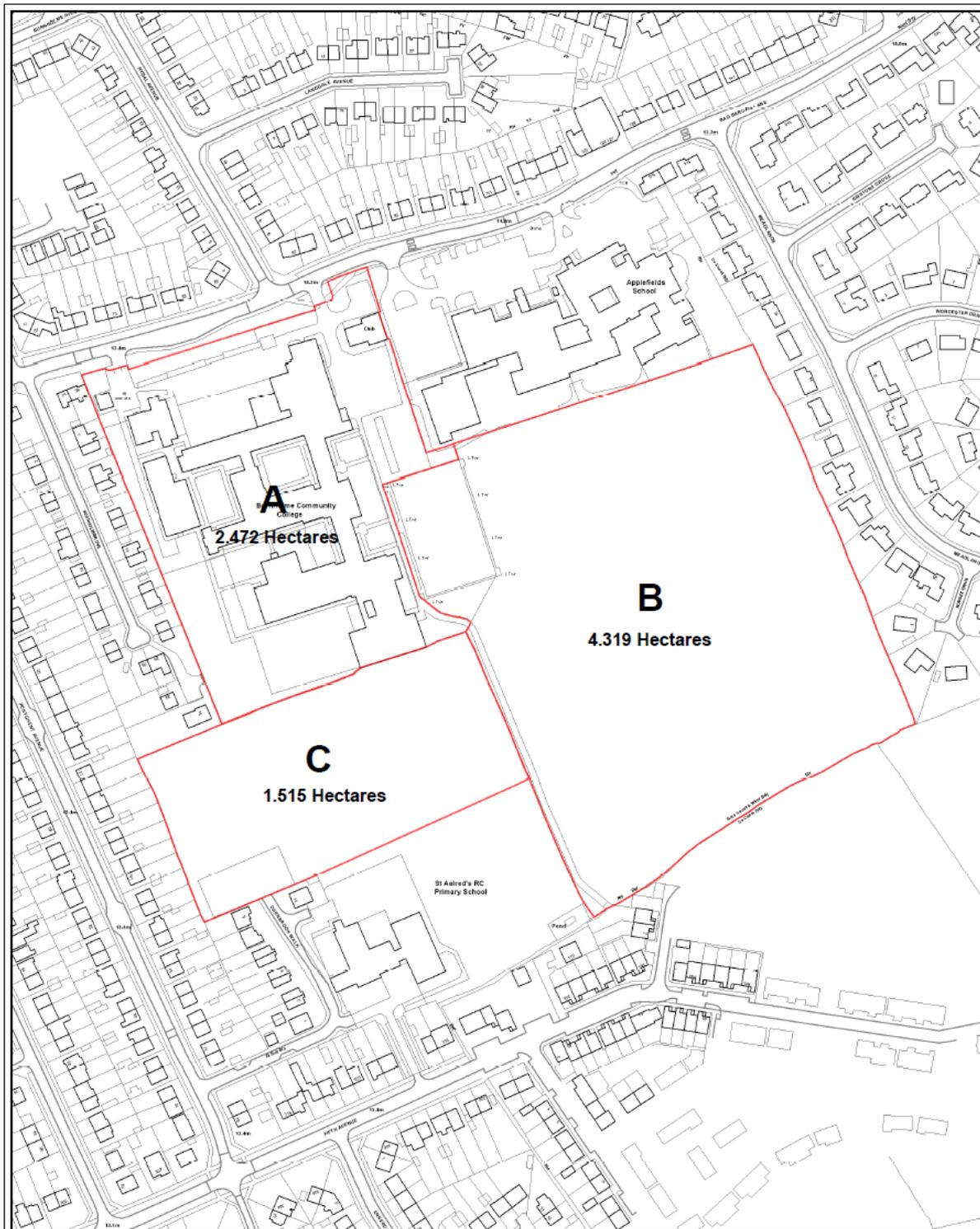
Likelihood and severity are graded on a scale of 1-5, where 5 is the most severe/likely.

	Likelihood	Severity	Result	Mitigation
Assumptions within financial modelling are not realised during procurement processes	2	4	Delay or Abort	Market interest in each element to be ascertained in advance of each stage of formal procurement. Market fluctuations monitored to determine potential impact in advance of commitment.
Project is led by the estate/property opportunity, rather than by need/strategy	2	4	Missed Opportunity	Vision guided by service and community need. Full engagement with commissioners. Ensure congruence with strategy.
Disparity of vision between the key partners	2	4	Delay	Consultation and discussion between the key partners and with community groups as Project progresses
Decision making processes and timescales of key partners leads to "revolving door" and delay	2	3	Delay	Ensure procurement structure permits phased development.
Inability to agree key partners' funding commitment to integrated services	4	5	Reduced scope	Retain design flexibility to ensure the Site solution will respond to changes in partners' requirements.

	Likelihood	Severity	Result	Mitigation
Financial benefit to health economy is generated in future financial years, causing unaffordable "double running" costs.	4	5	Reduced scope	Retain design flexibility to ensure the Site solution will respond to changes in partners' requirements.
Delays lead to local community frustration and adverse publicity	3	3	Delay and reputational risk	Phased procurement. Ensure that community continues to be engaged in honest and open discussion regarding options. Support current site operational requirements.
Inability to value-engineer community/sport element from "vision" to affordable	2	3	Delay	Design & Build contract passes risk to successful contractor. Potential need to reduce scope of requirements.
Planning permission not granted/onerous conditions cause late increase to capital costs	2	4	Delay	Council works with D&B partner to ensure that conditions can be met and costs do not escalate.
Community/voluntary groups and local people feel excluded	2	3	Delay	Communication and engagement plan
Design fails to meet specification expectations of key tenant (s).	2	4	Delay	Early engagement with key individuals from user groups.
Inability to secure Secretary of State approval for use of playing field land	3	5	Abort	Negotiations with local schools to secure support. Application resubmitted in July 2015. Maintain dialogue with DfE officers.
Inability to secure Secretary of State approval for disposal/appropriation of school site	2	5	Abort	Submit detailed application and maintain dialogue with DfE officers.

	Likelihood	Severity	Result	Mitigation
Developer concerns regarding viability of the Site (access, services etc) reduce capital receipt	3	3	Delay	Undertake due diligence and include in data room where possible, reducing developer "erosion". Council undertakes infrastructure works in first phase of development.
Inability to agree on source of capital/revenue finance	2	3	Delay	Detailed Business Case includes informed assumptions for financial modelling

Site Plan: As is



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Asset & Property Management

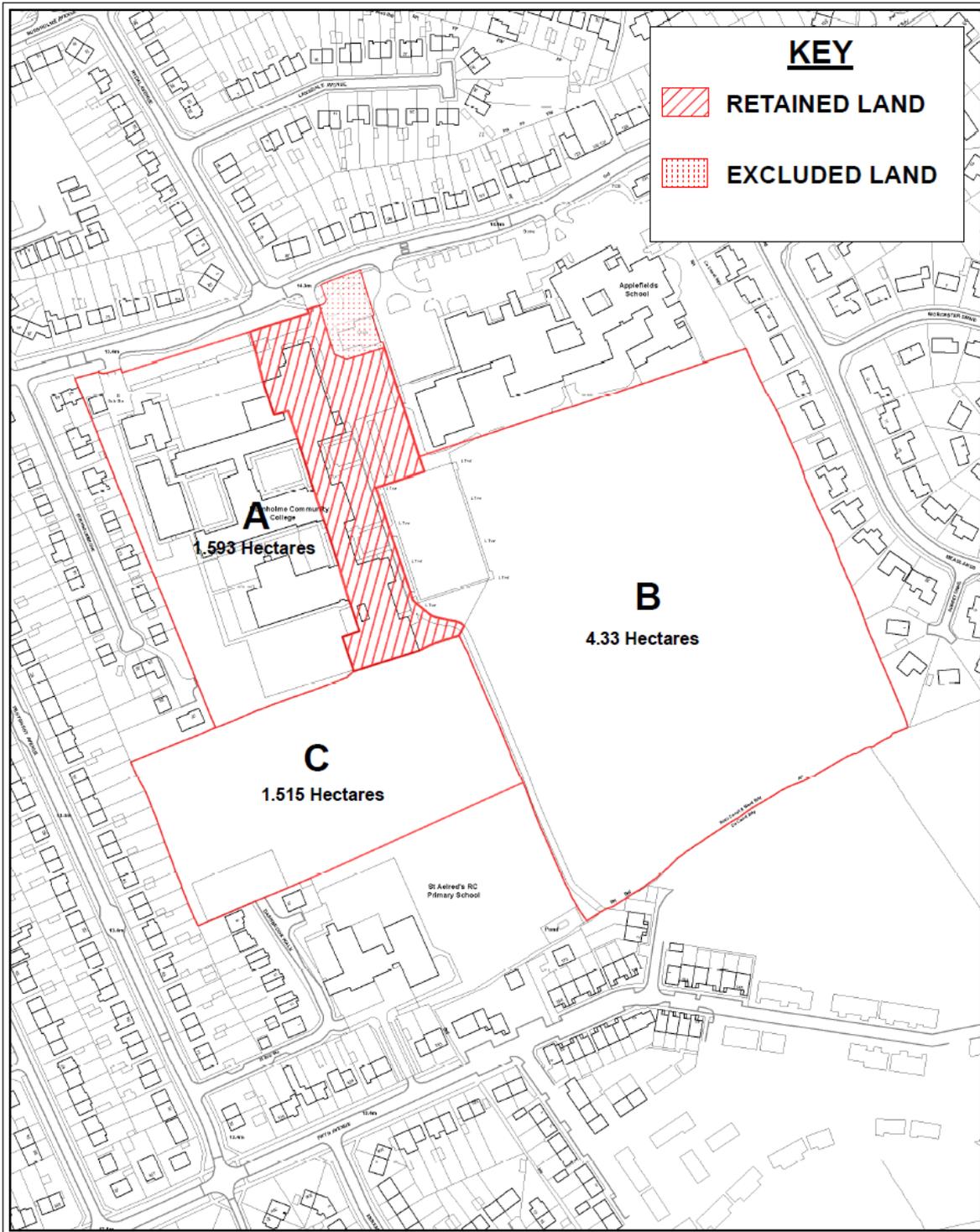
Land at Burnholme

SCALE 1:2,500 DRAWN BY: DH DATE: 14/04/2015

Originating Group: **Asset & Property Management** Drawing No. **E00532_27**

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Site Plan: Option 1: retain and refurbish the front range of the school



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Management*

Land at Burnholme

SCALE 1:2,500 DRAWN BY: DH



Originating Group: **Asset & Property Management**

DATE: 29/07/2015
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Executive

29 October 2015

**Report of the Assistant Director - Finance, Property & Procurement
Portfolio of the Executive Member for Finance and Performance**

The Future of York's Guildhall & Riverside

Summary

1. The purpose of the report is to agree the next steps necessary to secure the future of the Guildhall complex following the project review, as agreed by Executive on 30 July 2015, and in response to the recommendations of the recent Scrutiny review.

Recommendations

2. Executive is recommended to approve the Scrutiny recommendation and confirm detailed project development work as follows:
 - (i) Approve option 4 of the project review; to create a serviced office venue with virtual office and business club facilities. This option secures the future of the Guildhall by maximising the benefits of; the different spaces within the complex, its heritage appeal, the accessible location, and also ensures ongoing council use and public access, in a mixed use development.

Reason – to ensure that the ongoing project development is based upon the most advantageous and viable option for this key council asset.

- (ii) Confirm the appointment of a multi-disciplinary design team led by architects Burrell Foley Fischer, selected following a detailed and EU compliant procurement process, and agree that further design work is undertaken to develop a detailed scheme and associated business case, based on the approved option. Project development will be progressed on a stage by stage basis, drawing on the previously approved development budget

of £500k, with a report back to Executive for final approval to proceed in summer 2016.

Reason – to ensure that the necessary detail is available to inform an Executive decision on project delivery in summer 2016.

- (iii) Confirm the selection of a commercial operating partner. The project team will consider the most appropriate and advantageous lease or service contract arrangements. The selection process to be confirmed following legal advice on the most effective option.

Reason – to ensure that the Guildhall will attract the high levels of use necessary to secure future viability, delivery of the wider economic benefits to the City, and manage the financial risk to the council.

- (iv) Confirm a programme of engagement with the City's business sector / target market to understand their requirements, facilitated through joint working with project partners; the Universities and Make it York.

Reason – to ensure that the Guildhall offer will meet the needs of business and that the detailed business model is based on sound assumptions.

Background

3. Cabinet approval was given in December 2014 for further project development work and was confirmed following scrutiny call-in in January 2015. This approval included;
- The procurement of a design team.
 - The procurement of an operating partner to take forward and develop plans for the Guildhall complex.
 - Release of an additional £500k from the previously approved project budget of £1.4m to fund the detail design of the scheme and gain statutory approvals, also funding specialist finance, procurement and legal support where necessary.
 - Interim use / urgent works proposals with a draw down of up to £90,000 from the capital scheme already committed for the Guildhall roof.

4. However, the council's new administration were keen to ensure that this high profile project benefited from a review process involving cross party scrutiny, to provide greater certainty that the project being developed was the most appropriate and viable option for this key council asset. On 30 July 2015 Executive agreed to a review of 4 different options for the future Guildhall complex.
5. The review was based on the feasibility study floor plans in each case, with the different uses allocated across the floor plans, and with appropriate adjustments made to the capital costs. The assumptions and assumed rental levels were clearly set out in each case and the accompanying capital cost plans & business cases indicated the relative viability of the different options. This approach allowed for more effective comparison between the options.
6. A background report was presented to Corporate & Scrutiny Management Policy & Scrutiny Committee (CSMC) at the formal meeting on 14 September. On 16 September, at an informal meeting with external experts also invited to contribute. The 4 options were presented and discussed in detail. The scrutiny reports and supporting detailed information are attached at annexes 1- 3.

Summary of Project options including GVA analysis

7. The project review assessed the 4 different use options, as agreed by Executive on 30 July, and presented; the capital costs based on the feasibility scheme floor plans and viability based on a business case factoring rental income in a typical year. A summary tabulation of the key assumptions and the strengths and weaknesses of each option was produced to enable effective comparison. These tables are attached at annex 3.
8. The options also considered the likely Gross Value Added GVA, or economic benefit, to the local economy. The GVA calculation was undertaken by the North Yorkshire and East Riding Enterprise Partnership Business Intelligence Unit, using their Regional Econometric Model REM. This is an input / output model and provides projections for the 4 options, based on the assumptions outlined below.
9. In all options the construction jobs were calculated using the HCA public sector project ratio of jobs per £m of construction cost spend. The creation of a premium restaurant to the south range and a cafe

bar overlooking a new riverside courtyard garden to the north was agreed in principle by executive in July and is included in all options; the likely job creation for these elements was based on the respective floor areas, again in accordance with HCA guidance. The overall GVA for each option is dependent on the uses proposed. This approach allowed for more effective comparison between the respective options.

10. All options assume that some of the initial capital outlay will be prudentially borrowed over 30 years and repaid from rental income.

Option 1 - A generic grade A office development requiring a new build north annex and including a high standard of fit-out, including air conditioning to this area, and with significant refurbishment of the retained Victorian office areas. The Guildhall main hall and the council chamber are comprehensively refurbished and the south range restaurant and north range cafe bar are included.

Summary

Guildhall Review Option 1 - Generic grade A office	
	£'000
Income	
projected Rental Income	£268 pa
Cost	
Capital costs	£10,545
Funding	
approved capital budget	£1,350
projected capital receipt	£2,767
Prudential borrowing funded by rental income	£4,358
Funding Gap over 30 years	-£2,070
GVA to Yorks and Humber economy by 2029	£13m

Option 2 - A commercial offer envisaged as being a visitor attraction occupying the Victorian council offices, Guildhall and council chamber, with the south range restaurant and north range cafe bar included. Additional food / leisure units occupy the new build annex accommodation.

Summary

Guildhall Review Option 2 - a commercial scheme	
	£'000
Income	
projected Rental Income	£335 pa
Cost	
Capital costs	£9,978
Funding	
approved capital budget	£1,350
projected capital receipt	£2,767
Prudential borrowing funded by rental income	£5,464
Funding Gap over 30 years	-£397
GVA to Yorks and Humber economy by 2029	£6m

Option 3 - A generic grade A office development at ground floor level, but with 6 no. high spec apartments at first and second floor levels, envisaged as holiday lets, providing a rental income stream. This option still requires a new build annex. The Guildhall main hall and the council chamber are comprehensively refurbished and the south range restaurant and north range cafe bar are included.

Summary

Guildhall Review Option 3 - office with residential at upper floors	
	£'000
Income	
projected Rental Income	£477 pa
Cost	
Capital costs	£11,066
Funding	
approved capital budget	£1,350
projected capital receipt	£2,767
Prudential borrowing funded by rental income	£7,768
Funding surplus over 30 years	£819
GVA to Yorks and Humber economy by 2029	£5m

Option 4 – A scheme offering serviced managed office space in conjunction with virtual office / business club services, based on a refurbished annex, with an additional floor added. This takes advantage of the character spaces that would be created for hot desks / break out space allowing high density occupation.

The Guildhall main hall and council chamber are comprehensively refurbished and the south range restaurant and north range cafe bar are included.

Summary

Guildhall Review Option 4 - refurb serviced offices & business club	
	£'000
Income	
projected Rental Income	£362pa
Cost	
Capital costs	£9,850
Funding	
approved capital budget	£1,350
projected capital receipt	£2,767
Prudential borrowing funded by rental income	£5,898
Funding surplus	£165
GVA to Yorks and Humber economy by 2029	£66m

Scrutiny Recommendations

11. As part of the project review a detailed summary of the background and feasibility work to date was presented to the Corporate & Scrutiny Management Policy & Scrutiny Committee meeting on 14 September, in preparation for the informal meeting on 16 September where external experts were also invited to advise members (see scrutiny report at annex 2).
12. In discussion and considering the options members of the CSMC felt that the following factors were the most important considerations in securing the future of the Guildhall complex :
 - future flexibility compatible with the heritage status of the building
 - public / community access
 - ongoing council use secured
 - protecting the heritage
 - creating high value jobs
 - the best rental income

13. On this basis the scrutiny committee made a clear recommendation:

Option 4 – was recommended as the preferred option where this was seen as a viable option, and the one which would best secure the future of the complex by taking account of their key objectives as highlighted above. Members agreed with 8 in favour and 1 abstention.
14. CSMC expressed the hope that they would have the opportunity to consider the project again at a later stage in the project cycle to ensure that it was developing in line with their guidance.
15. Further and ongoing consultation will be integral to the project development and will target both specific stakeholder groups and York residents, using a range of events and presentational styles as appropriate and necessary given the high levels of interest in the Guildhall complex.

Project progress update

16. The project review requested by Executive on 30 July has been completed involving CSMC as directed. The outcome of the review is reported for decision here.
17. The decision of the Heritage Lottery Fund Yorkshire and Humber Committee on 9 September was not to make a funding award to the Guildhall Project. Although the heritage merit of the proposals were recognised there is no certainty that a future bid would be successful and the cost of delay is significant in terms of project costs, ongoing running costs and the inflationary increase in build costs. It is not recommended that we make a further funding bid. The door remains open to apply for a supplementary scheme to open up Common Hall Lane at a later date.
18. The July Executive report agreed the continuation of the Design Team procurement process, and this has now concluded with Burrell Foley Fischer now available to lead the multi-disciplinary team undertaking further project development work. Their appointment will be confirmed on a stage by stage basis. Executive are asked to confirm that they undertake design stages 2 and 3 to take the project to RIBA stage 3, a detailed planning application.
19. The brief for a specialist agent to offer advice on the restaurant and cafe / bar units is being finalised by the project team.
20. The potential to secure Local Growth Funding for this project from the Leeds City Region Local Enterprise Partnership LCR LEP is

uncertain where the delivery of the necessary project spend may not now be achieved in 2016/17. Following the project review a revised business case will be required and it would be prudent to assess the loan requirement on the basis of the detailed business case and with the benefit of a known commercial partner at the appropriate time.

21. The urgently necessary interim repair works have now been completed to roofs and gutters. This should prevent further water ingress and safeguard the complex until the more comprehensive refurbishment works can be undertaken.
22. Interim use of the complex will also be promoted and rental income secured where possible during the interim period, to offset ongoing running costs.

Consultation

23. Project development work will necessarily include consultation with key stakeholder groups and the public. Events and exhibitions will be organised at each project stage to ensure effective engagement with all aspects of the proposals.

Analysis

24. The project review explored different use options to bring the Guildhall back into beneficial economic use and to secure the future of the complex. The review process concluded with a clear recommendation from CSMC that the best option would be option 4; a serviced office venue with virtual office and business club offer operating within the refurbished premises, also ensuring public and community access alongside the council's retained use of the Council Chamber for full council meetings and the Guildhall for key civic events. This also works well with the proposed restaurant and cafe / bar units to the south / north ranges in creating a mixed use development, with better access to the riverside.
25. Further project development work is necessary to produce a detailed design and accompanying business case. It is important that the anticipated capital receipts and rental income from the mixed use proposals will be sufficient to repay the borrowing necessary to finance the capital costs of the scheme. The outline business cases presented to scrutiny indicate that this should be possible for the preferred option. However, a detailed business case must now be produced based on a detailed design and with the benefit of commercial input for reporting back to Executive in Summer 2016.

26. The project development process will need to ensure that the design maximises the flexibility and operational efficiency of the complex for the future. Engaging a commercial partner to operate the serviced offices and business club venue will be vital to its success. The commercial operating partner would manage the complex on behalf of the council ensuring that rental income is maximised and the economic value added benefits to the city are realised. Early engagement will also allow them to inform the detail design and project development.
27. To ensure that the serviced office / virtual office services and business club offer is best suited to the target market it is essential that we consult with business to establish their needs and requirement. There are examples of similar facilities operating in cities across the UK. We have established effective working relationships with Make it York and the Universities through the existing project board structure and consultation with these partners and with the City BID team should be undertaken as part of the project development.

Council Plan

28. The Guildhall project will deliver outcomes which contribute directly to the following objectives in the Council Plan 2015
 - Local businesses can thrive
 - Residents have the opportunity to get good quality and well paid jobs
 - 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

29.

Financial - The outline business case as presented to scrutiny included summary capital costs and projected rental incomes for the preferred option (4) in a typical operating year. This approach was designed to indicate the potential viability of the options and allow direct comparison.

At detailed business case stage it will be necessary to model start up phases and costs, and assess the working capital requirement in conjunction with a commercial operating partner. The potential to

fund the proposed development, through council borrowing against the projected rental income, will be established and reported to Executive for approval in summer 2016.

The total capital cost of the preferred option is just short of £10m with £1.35m of approved project funding in place. With possible capital receipts of £2.7m delivery of the project is likely to require prudential borrowing of around £6m with repayment of this borrowing over a 30 year term (including interest) funded by the rental income.

The project development budget allocation was previously approved in December 2014. This is a £500k draw down from the agreed capital approval of £1.4m

Human Resources (HR) - The Guildhall is currently managed by the Civic and Mansion House team. It will be important to clarify the role of these staff in relation to the Guildhall, particularly as the Mansion House redevelopment moves forward, but there are no specific HR implications of the decisions in this report.

Equalities - There are no equalities implications in relation to the recommendations above. However, there are known problems with the accessibility of the complex and proposals to increase public access will need to address these. The brief for the refurbishment of the Guildhall complex will have access for all as a key requirement. Access to the complex and the council chamber including the public gallery will be significantly improved to meet the requirements of the Equalities Act. A detailed Community Impact Assessment will be produced for the development phase of the project to be monitored by the project board.

Legal - The procurement process to select the Design Team has been undertaken in compliance with EU procurement regulations. The appointment to undertake the detail design work will be on a staged basis with break clauses at each stage.

Legal advice will be sought to confirm the most appropriate and advantageous arrangements for securing a commercial partner to operate the serviced office and business club venue.

Crime and Disorder - The Design of the complex will involve the Police Architectural Liaison officer to minimise the risk of crime and disorder within the proposals.

Community Planning & Partnerships - The project development phase will involve consultation and engagement with both the public and key city stakeholders. The Guildhall Planning panel will necessarily be consulted

Information Technology - The most appropriate arrangements for providing IT services for the serviced offices and business club will be discussed and agreed with the Head of IT

Property - At this stage the principle of long leases for the peripheral areas of the complex (restaurant / cafe bar) is confirmed, and there is the potential for a short lease to enable a commercial partner to operate the Guildhall complex providing comprehensive FM services.

Risk Management

30. One of the key risks is the potential for deterioration of the complex where much of the space is vacant or under-used. Interim repair works have addressed immediate problems but a significant outstanding repair and maintenance backlog remains that will only be addressed through refurbishment in accordance with a viable new use.
31. A project risk register is maintained for the project and will be updated to reflect the approved option following Executive decision, and monitored by the project board.

Contact Details

Author:

David Warburton
Guildhall Complex Project
Manager
CBSS

Tel No. 551312

Chief Officer Responsible for the report:

Tracey Carter
Assistant Director - Finance, Property &
Procurement

Tel 553419

**Report
Approved**



Date 20 October 2015

Specialist Implications Officer(s) *List information for all*

Financial Implication - Ross Brown Principal Accountant Tel 551207

Legal Implication - Andrew Docherty - Assistant Director Governance and ICT - Tel 551004

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers:

Executive report, 30 July 2015

Annexes

Annex 1 - CSMC papers 14 Sept 2015

Annex 2 - CSMC papers 16 Sept 2015

Annex 3 - Options 1- 4 financial analysis summary sheets

Annex 4 - Site plan of the Guildhall Complex

Glossary of abbreviations used in the report;

BID – Business Improvement District

CSMC - Corporate & Scrutiny Management Policy & Scrutiny Committee

EU – European Union

FM – Facilities Management

GVA – Gross Value Added

HCA – Homes and Communities Agency

HR – Human Resources

LCR LEP - Leeds City Region Local Enterprise Partnership

REM - Regional Econometric Model

RIBA – Royal Institute of British Architects

GUILDHALL BACKGROUND INFORMATION – Annex 1

For CSMC Scrutiny meeting Mon 14th Sept 5.00pm

Introduction

1. Consideration of the future use of the Guildhall complex became urgently necessary in January 2012, when cabinet approved the Admin Accom. project review report. This report presented the findings of a further review of council's future accommodation needs and recommended a proposal to move political groups, the leader of the council and the chief executive out of the Guildhall and into West Offices, with use of the Guildhall retained only for full council meetings (in the council chamber) held on average only bi-monthly.
2. Until this point the ongoing use of the Guildhall as an office base for staff and the members had been assumed.

***Background Documents 1) –
Cabinet agenda – Jan 2012 – item 7 report - Revision to the
Council's Administrative Accommodation Strategy***

3. As a response to this ongoing review, and to inform the future re-use of the Guildhall, as the council's Head of Design Conservation and Sustainable Development I was able to secure funding for and agreement to the production of a Heritage statement and options appraisal for the complex – working in partnership with English Heritage. This work was completed in February 2012, and provides a comprehensive evidence base line in relation to the historic significance of the complex.
4. A summary of the statement of significance is attached, with the full documents available as background papers. The Options Appraisal report highlighted the areas where there was the potential to make alterations to the complex to facilitate new uses and to open up public access to the Riverside.

Background Documents 2) –

***Heritage Statement / Views Analysis / Options Appraisal
reports - ©PMT Feb 2012.***

5. As a response to this work it was agreed that a further exploration of the relationship between the Guildhall complex and the wider riverside could be helpful in realising the long held City ambition to create a more publicly accessible riverside, and in maximising the

potential and value of the complex for the benefit of the City. Cabinet agreed to sponsor an RIBA Open Ideas Competition in May 2012.

Background Documents 3) –

Cabinet agenda - May 2012 – item 9 - Exploring Opportunities for the Future of the Guildhall.

6. The competition entries were exhibited at York Explore and the winner announced in Dec 2012. The public exhibition of the competition shortlist demonstrated an overwhelming public support for creating a public space on the riverside and making the complex more accessible.
7. The winning entry was selected (unanimously by the judging panel) because it created a new public space on the riverside, with the proposed new commercial development set back around this, respecting the existing Guildhall buildings which stand so dramatically and prominently on the riverside.

Background Documents 4) –

RIBA Open Ideas Competition - Winning Entry by Rob Loader Architect – Dec 2012.

8. The council subsequently vacated the Guildhall complex in March 2013; with staff and members moving into West Offices. Large areas of the complex, which were previously used as office became vacant. Use of the council chamber has continued for full council meetings and the Guildhall main hall has continued to attract bookings for a range of festivals and events, achieving a gross income of c£40,000 per annum. However, the net cost to the council of the vacant complex, excluding staff time in management, has been in the region of £125,000 per annum. This figure includes £64,000 in Business rates, where the complex does not qualify for exemption because it is in partial use.

Background

9. In July 2013 cabinet agreed to investigate the re-use of the Guildhall as a Digital Media Arts Centre. A brief existed from Science City York SCY where there had been negotiations to create a facility in the Bonding Warehouse. That building has ultimately been successfully converted into office and residential units. The office

element is now occupied by the developer Grantside and Anaplan – a high growth Creative Business.

Details here :

<http://www.grantside.com/project.php?id=1>

<http://www.officelovin.com/2014/10/23/a-look-inside-anaplan-york-offices/>

10. The cabinet approval of July 2013 required the following :

Investigation of the feasibility of creating a Digital Media Arts Centre in the Guildhall as part of a mixed use development

- ***Demolition of the hutments***
- ***Archaeological investigation***
- ***Consultation on future use***

Background Documents 5) –

Cabinet agenda - July 2013 – item 13 - Future of the Guildhall Complex.

11. ***The following feasibility work has been undertaken in response :***

- October 2013 - Initial feasibility work instigated
- Dec 2013 - Project Manager seconded
- March 2014 – Feasibility work completed and final reports issued.

Background Documents 6) –

Architect's Feasibility report March 2014

- April 2014 – HLF bid submitted
- April 2014 – Cabinet in private - update presentation.
- June 2014 – demolition of hutments
- July / Aug 2014 – Archaeological evaluation of site
- July 2014 – HLF outcome

12. The lack of HLF grant funding approval required a re-consideration of the scheme and a revision of the feasibility study.

- Aug – Oct 2014 – preparation of revised scheme

13. The revised scheme demonstrated that a proposal with a reduced capital cost could still achieve the majority of outcomes and this option was reported to cabinet in Dec 2014.

Background Documents 7) –

Architect's Feasibility report - revised option - Dec 2014

The key features of the feasibility study works were :

14. Analysis of the suitability of the Guildhall complex for use as a Digital Media Arts Centre.
15. An assumption that Council use and public access to key elements of the building (specifically including the council chamber) and riverside would be secured and maintained.
16. An early finding was that office space rentals alone would not be sufficient, to make the development viable, but that a business club / virtual office offer could supplement this and would in fact suit the layout of the building and the use of the public and other spaces in the building
17. Study of comparator venues and dialogue with commercial interests running these venues suggested that the Guildhall complex could offer a venue uniquely suited to a creative industries hub offering characterful office environments in a unique building and with the benefit of being centrally located in York.
18. A complex business model was developed, based on the primary use being a Digital Media Arts Centre, but looking at combinations of office rentals, business club membership and virtual office services, with some associated meeting room / venue hire based on commercial management of the spaces and other associated commercial uses (cafe/bar and restaurant elements) to provide a mixed use development on the riverside. Other options were not considered / evaluated, and this work was presented to cabinet in Dec 2014, and reviewed by scrutiny in January 2015.

Background Documents 8) –

Cabinet agenda reports – Dec 2014

Background Documents 9) –

Scrutiny Agenda reports - Jan 2015.

19. Mindful of the feedback from the scrutiny process and the requirement to secure additional project funding, further feedback from the HLF was sought to inform a revised bid. This was submitted in May 2015 with Heritage Focus. Further work with the LCR LEP secured an in principle funding offer of £1m towards the delivery of the Digital Media Arts Centre.

Background Documents 10) –

Heritage Lottery Fund Round 1 Bid – May 2015.

Current Position

20. Further to the July 2015 – Executive update report, it was agreed that the project be reviewed the other use options considered as follows :

Option 1 – Grade A generic office, probably requiring new build annex, where refurbishment is unlikely to produce the quality of office required.

Option 2 - A commercially focused scheme - likely to revolve around restaurants / cafe bars and leisure uses.

Option 3 - A new build annex with generic Grade A office and introducing residential or holiday let accommodation on upper levels.

Option 4 – A refurbished annex option with a serviced office / virtual office offer to the broader creative industries sector.

9.1. Background Documents 11) –

9.2. Executive – agenda item 1 – July 2015 – Guildhall project update.

21. The potential for these alternative uses is being evaluated and will be set out in more detail in a report to the further scrutiny meeting scheduled for 16th Sept 2015 at 5.30pm.
22. Additional and further information will necessarily be presented to the meeting.

23. The scrutiny findings will be presented to executive in October 2015.

**Index of Background Documents for Guildhall project CSMC –
Scrutiny meeting – Monday 14th September 2015.**

- 1. Cabinet report - January 2012 – Admin Accom Review**
- 2. *Heritage Statement / Views Analysis / Options Appraisal - © PMT Feb 2012***
- 3. *Cabinet report – May 2012 – approval for RIBA Open Ideas Competition***
- 4. RIBA Open Ideas Competition Winning Entry – Dec 2012**
- 5. *Cabinet report – July 2013 – The Future of the Guildhall***
- 6. Architect’s feasibility report - March 2014**
- 7. *Architect’s Feasibility report- Dec 2014- revised option***
- 8. *Cabinet report - Dec 2014***
- 9. January 2015 – scrutiny call in report**
- 10. May 2015 – revised HLF bid – with Heritage focus**
- 11. July 2015 – Executive update report**

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YORK GUILDHALL SCRUTINY REPORT

Additional meeting Wednesday 16 September 2015

Detailed consideration of options for the future use of the Guildhall complex

1. At Executive on 30 July the report, as approved, confirmed that officers would undertake a review exploring a range of different options for the office elements of the site, looking specifically at the following options :
 - **Option 1 - Grade A generic office**, probably requiring new build annex, where refurb is unlikely to produce the quality of office required.
 - **Option 2 - A commercially focused scheme** - likely to revolve around restaurants / cafe bars and leisure uses.
 - **Option 3 - A new build annex with generic Grade A office and introducing residential or holiday let accommodation on upper levels.**
 - **Option 4 – A refurbished annex option with a serviced office / virtual office offer to the broader creative industries sector.**
2. The feasibility work and the business case presented to cabinet on 16 December 2014 will be reviewed. The capital costs and business cases for the different use scenarios will be evaluated.
3. The review is being reported to scrutiny as a cross party working group, with additional information presented by external experts.
4. Meetings have been scheduled in September to ensure that the review can benefit from cross party member input, whilst allowing for completion and report back to October Executive, to avoid any unnecessary further delay to the project programme.
5. The pros and cons of each of the options; including for the different uses and tenancy models for office use, commercial leisure use

and any residential potential will be presented alongside cost plans and outline business cases.

6. It is important to be clear about the areas under consideration, where the Guildhall complex comprises the following elements:

See outline plan – annex 1

Zone 1 - Medieval Guildhall

Zone 2 – South range

Zone 3 - Victorian Council Offices inc Council Chamber

Zone 4 - C 20th North Annex (former PO block)

Zone 5 - Hutments (riverside garden)

Zone 6 - Boatyard (not all in CYC ownership)

Zone 7 - Mansion House

7. The Mansion House is not under consideration here, but it is clearly important that links are maintained with the Opening Doors project currently being delivered, with HLF funding, especially where there is potential to extend the Mansion House offer and educational outreach work into the Guildhall and Council Chamber spaces.
8. For the purposes of this review it is primarily zones 3 & 4 that are under consideration.
9. The options appraisal and feasibility work to date suggested that the complex as a whole would benefit from a mixed use approach to maximise its potential and to improve public access to the riverside.
10. The feasibility work highlighted the potential for zones 2 and 5 at the periphery of the complex to accommodate leisure (food and drink) uses, and Executive accepted that we would continue to explore these options in more detail by involving external commercial expertise.
11. The demolition of the Hutments (zone 5) has created a significant opportunity to create a new riverside 'pavilion' and riverside courtyard garden space.
12. The Council's and community use of the Guildhall Main Hall and the Council Chamber, with the requirement for some supporting ancillary accommodation was also agreed (zone 1 and part zone 3). A range of potential improvements to both the accessibility / functionality and environmental performance of the main hall are proposed, but the funding for these, beyond re-roofing is not

secured and their viability will ultimately be affected by the range of possible revenue generating uses that can be agreed.

13. Zone 6 offers the potential for an additional phase of development to deliver the vision proposed by the RIBA competition winning entry, and the City's aspiration for an accessible riverside. Work is ongoing to assess whether there is the potential for this additional phase to be brought forward.
14. This **review therefore concentrates on Zones 3 & 4**. This is the area that had previously been considered as office accommodation for Digital Media and Arts Businesses :
15. The existing Guildhall accommodation comprises approx 2000m² of usable accommodation across the complex as follows:
 - Basement : c 150m² of storage plus plant / circulation
 - Ground Floor level
 - First Floor level
 - Second Floor level
16. One 3 (the Victorian office area) is characterised by cellular office accommodation which could be upgraded to a higher standard, but cannot provide modern office floor-plates and there is some limitation where access is shared with access to the main hall / council chamber.
17. Zone 4 (the annex) is currently poorly connected to zone 3 and accessibility is made more difficult because of the different floor levels and circulation routes.
18. Both areas suffer from poor servicing / amenities and access issues, with considerable disconnection between different elements of the accommodation – see existing floor plans annex 2.
19. The feasibility study highlighted an approach to resolving these issues based on both refurbishment and new build options to create attractive modern office accommodation – see feasibility study floor plans annex 3.
20. The options being considered here are likely to require the new build option to achieve the level of flexibility in the floor-plates necessary to configure the differing accommodation / use options. At subsequent design stages a more detailed analysis of the most cost effective option can be carried out.

21. A tabulated appraisal of the pros and cons of each option will be presented to the meeting together with a financial appraisal including both the estimated construction / conversion costs and an outline business case.
22. For each option we have based the appraisal on the feasibility work undertaken to date, and modified this to suit the proposed uses as set out in each case. This approach should provide greater consistency for comparisons to be made. However, a more detailed consideration of the options could necessarily be undertaken on the basis of further and more detailed design work.
23. To inform the consideration of these options we have invited the following experts to address the committee :
24. **David Fraser – Chief Executive York Civic Trust.** A previously; Regional Director of English Heritage based in the York office, Director of Environment at Government Office Yorkshire and Humber and most recently a Director with the Landmark Trust.
25. **Richard Flanagan – Director Flanagan James Property Consultants** – Chartered Surveyor – Director at York Science Park and Past President of Leeds, York and N Yorks Chamber of Commerce.
26. **Prof Chris Bailey** – York St John University, Chair of York@Large, Chair of Pilot Theatre Board, and previously Dean of Arts, Environment and Technology at Leeds Metropolitan University.
27. Each brings a wealth of expertise and experience in relation to both the City and the options under consideration for the future of one of the City's most important Heritage Assets.

Guildhall project options review

28. Option 1 – generic grade A office

This option would require a new build annex to deliver the necessary standard of accommodation and flexibility for open fully serviced floor plates, with the necessary environmental control. May also require longer lease agreements to secure tenancy.

In summary the advantages / challenges are as follows :

Advantages :

- Central York Business Address

- Highly Accessible location with good transport links
- Prime riverside location with river views from office suites
- Adjacent to City Centre amenities

Challenges :

- Access off York Foot streets – No parking on site
- No obvious ‘front door’ - access to some areas would need to be shared with access to other uses / users
- Could be ‘too small’ for major company
- Not all office areas can achieve same fit out standard or flexibility in sub division.

29. **Option 2 - A commercially focused scheme** - likely to revolve around restaurants / cafe bars and leisure uses.

This option would probably require a new build annex to deliver the necessary floor plates, with fully serviced environmental control. May also require longer lease agreements to secure tenancies.

In summary the advantages / challenges are as follows :

Advantages :

- York City Centre riverside Location
- Prime Riverside location with river views and some external spaces
- Adjacent to other City Centre attractions
- Heritage attraction of Buildings

Challenges :

- Access off York Foot streets – for servicing and deliveries
- No ‘passing trade’ in the absence of a ‘front door’ on thro’ routes.
- Ability to draw custom / footfall to a number of individual units could be problematic, especially at upper levels.
- Environmental considerations for multiple units with waste storage and extract likely to be particular issues.

- Adjacent to other City Centre attractions

30. **Option 3 - A new build annex with generic grade A office and introducing residential accommodation on upper levels.**

This option would probably require new build to achieve the necessary floor plates and structural / access / servicing requirements

In summary the advantages / challenges are as follows :

Advantages :

Prime Central York Address

Prime Riverside location with river views from office suites and residential units

Adjacent to City Centre Amenities

Challenges :

Access off York Foot streets – No Car Parking on site

Creating separate / protected / secure access to residential units

Creating separate / secure waste / recycling facilities for residential units in addition to commercial elements

Potential conflict between residential and other commercial / leisure uses in tight city centre location.

Leasehold options for residential elements vs. other uses / tenancies in scheme

31. **Option 4 – A refurbished annex option with a serviced office / virtual office offer to the broader creative industries sector.**

This option could be delivered with both a refurb and extension option and a new build option.

In summary the advantages / challenges are as follows :

Advantages :

Central York Business Address

Highly Accessible location with Good transport links

Prime Riverside location with river views from office suites

Characterful Heritage Offices attractive to Creative Businesses – where a ‘business club’ / ‘virtual office’ model may work

Potential to more easily combine public and community access with business use.

Adjacent to City Centre Amenities

Challenges :

Access off York Foot streets – No Car Parking on site

Business model requires high levels of occupancy

Requires an operating partner with the right ‘ethos’.

32. A summary tabulation of the pros / cons in each case together with the capital costs and business case projects will be presented for each option in the meeting.
33. In addition to the 4 options agreed by Executive in July, the option to make the best use of the existing complex could also be explored and considered. This option would not require a major capital investment, but would not therefore address the underlying issues with the condition of the building fabric / building services or improve the layout / legibility / accessibility of the complex.
34. **Members are asked to consider the information presented here and offer comments and feedback to inform; any further work considered to be necessary at this stage, and the preparation of the Executive report scheduled for consideration at the October Executive meeting, with a particularly focus on the drafting of the options analysis section.**

Report author

David Warburton

Guildhall complex Project Manager

t: 01904 551312 |

Chief Officer responsible for report

Tracey Carter | Assistant Director - Finance, Property & Procurement

t: 01904 553419

Annexes

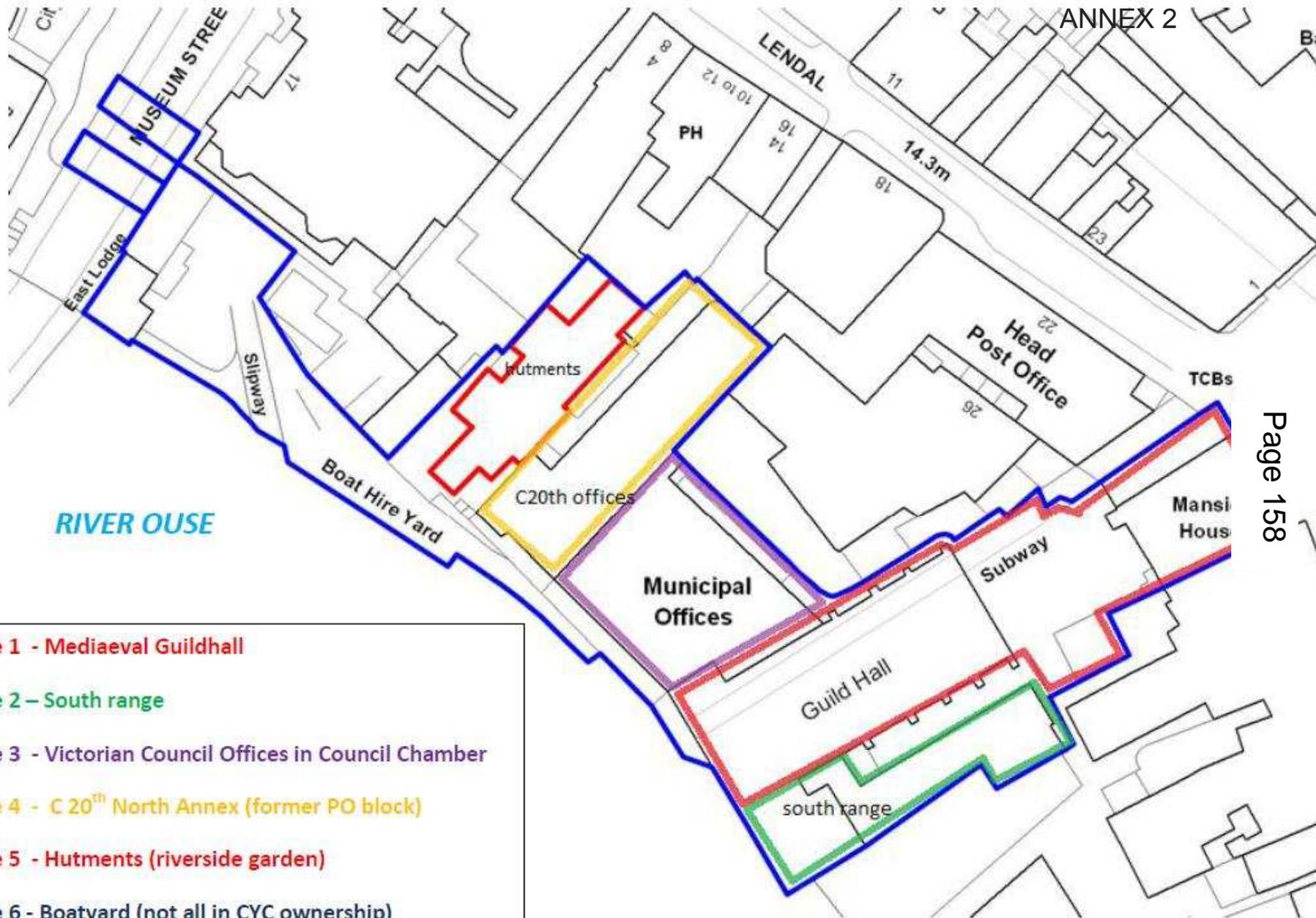
Annex 1 – Site Layout and zone plan

Annex 2 – Existing Floor Plans / summary schedule

Annex 3 – Feasibility study Floor Plans / summary schedule

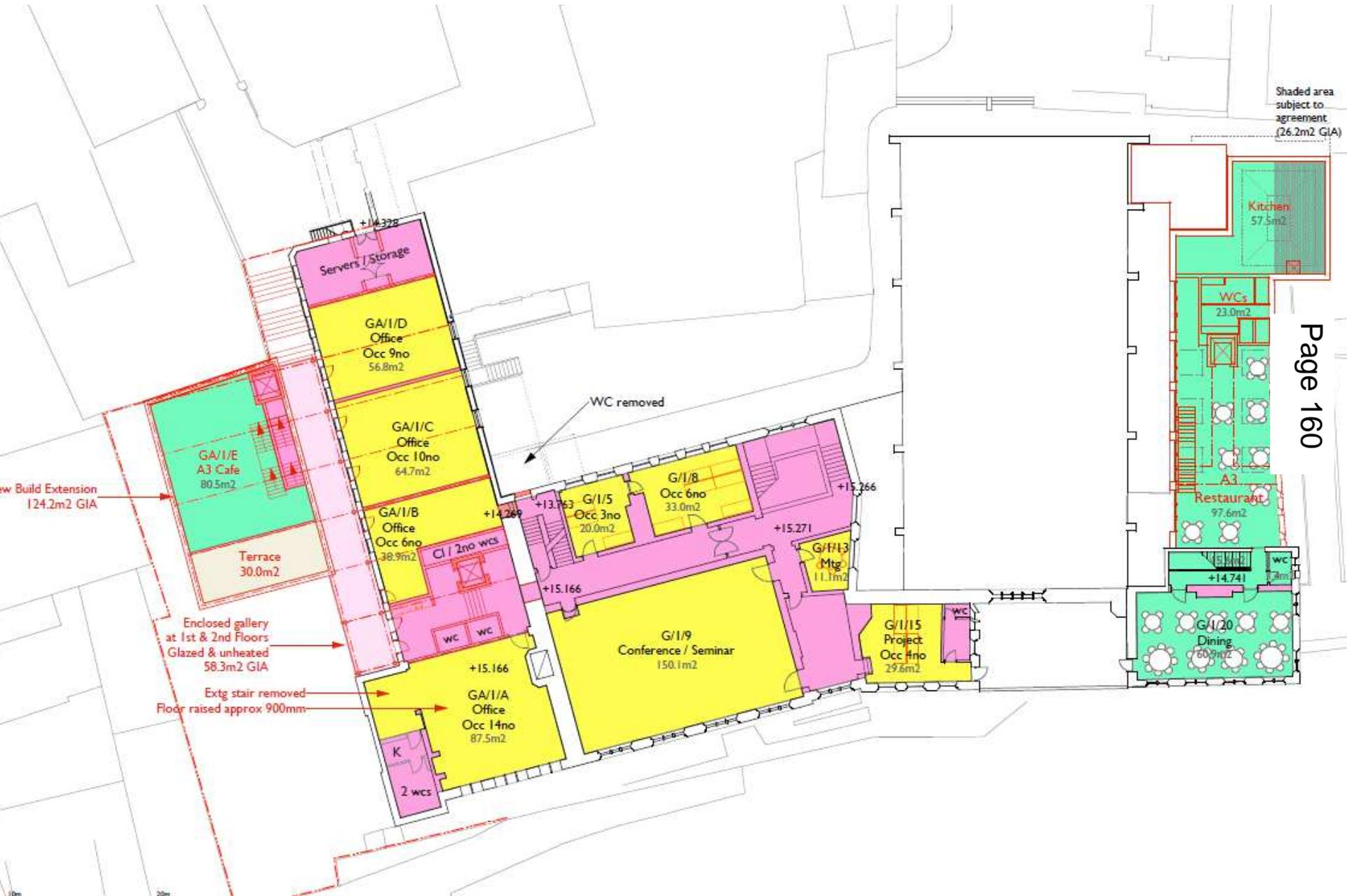


York Guildhall and Riverside Scrutiny briefing 16 Sept 2015



- Zone 1 - Mediaeval Guildhall**
- Zone 2 - South range**
- Zone 3 - Victorian Council Offices in Council Chamber**
- Zone 4 - C 20th North Annex (former PO block)**
- Zone 5 - Hutments (riverside garden)**
- Zone 6 - Boatyard (not all in CYC ownership)**
- Zone 7 - Mansion House**

First Floor Level



Second Floor Level



Context

- All options based on floor plans within current design
 - all costs/income have been adjusted to reflect the different uses
- All options require borrowing, assumed over 30 years for long term asset with full repayment from income
- All options include long leasehold for south and north ranges
- Option 2 likely to require long leasehold on whole site
- In all options relatively small changes to costs/income have a significant impact on viability - £100k income = £1.6m capital
- The existing complex has an outstanding repairs and maintenance liability of c£2.5m – no realistic “do nothing” option
- If repairs liability met upfront then all options would be viable
- These options all address the condition of the asset

Option 1 - Generic Grade A office

11,850 Sq ft Grade A office in new build annex and Victorian element – Guildhall and Council chamber use as is - £80k gross income. No Concierge services or FM – Office space for private use with issue of blending CYC use and access. Restaurant and Cafe/Bar to north / south

- Higher internal costs need to achieve Grade A standard (e.g. Air con)
- Rental income is limited by floor area and no parking - £16.50 per sq ft
- Standard short leases
- Confidence factor – high based on assumptions
- Net cost to council over 30 years - £2.07m

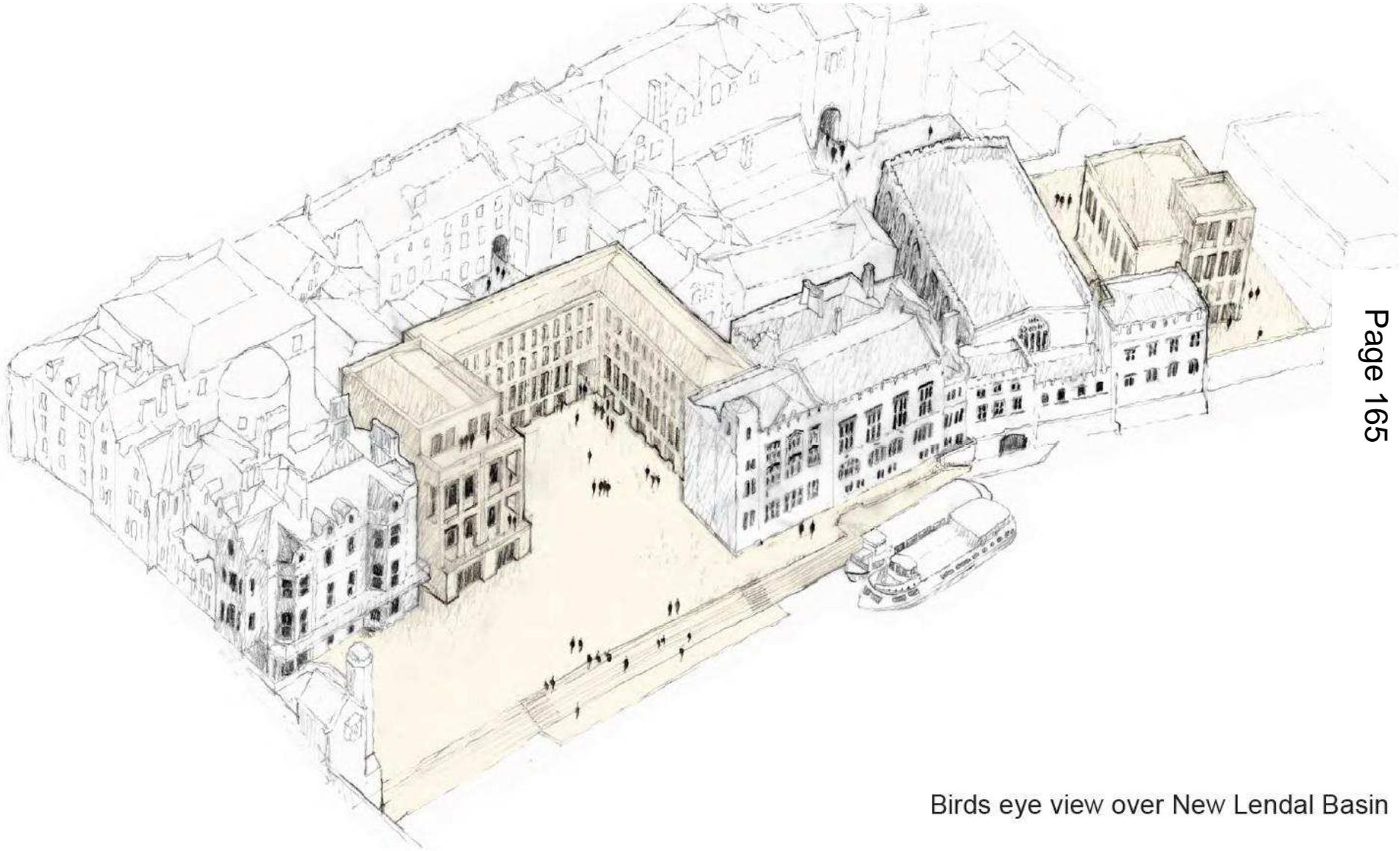
Option 2 – Full Commercial Use

Visitor attraction in Guildhall and Victorian office, Restaurant and Cafe Bar in north / south ranges with 3 additional retail/leisure units in Annex.

- Capital costs do not include fit out
- Rental income is likely to be very dependant on operator proposals / confidence.
- Likely to require long leases to attract operators / investors
- Sharing Guildhall and Council Chamber with visitor attraction
- Can the scheme draw sufficient footfall in the absence of through routes delivered by the possible phase 2 scheme ?
- Confidence factor – low based on variability of all rental assumptions
- Net cost to council over 30 years - £397k

RIBA competition winning entry – phase 2

ANNEX 2



Page 165

Birds eye view over New Lendal Basin

Option 3 Mixed Office/Holiday Lets

2,798 sq ft generic Grade A office – 6 high quality apartments for holiday let. Restaurant and Cafe Bar in south and north ranges. Guildhall and Council chamber use as is - £80k gross income.

- Higher capital costs reflecting high standard of residential conversion
- Financial model based on rental income potential – not sale
- Management arrangements need to be considered
- Confidence factor – high based on comparable facilities e.g Lendal Tower / Bonding Warehouse
- Net income to council over 30 years = £819k

Option 4 – Business Club

A Managed / Serviced Office use with Business Club facilities. Restaurant and Cafe Bar in south and north ranges. Some shared Guildhall and Council chamber use to maximise income

- Lower capital costs reflecting refurbishment to annex in place of new build
- Rental income is higher because it is based co-working and office services in addition to office rents
- Need to consider In House vs externally managed
- Confidence factor – high based on comparative facilities at Round Foundry Leeds / Toffee Factory Newcastle
- Net income to council over 30 years - £165k

Options appraisal summary

- Option 1 – Generic Grade A Office £2.07m funding deficit
 - Option 2 – Full commercial use £397k funding deficit
 - Option 3 – Office / Holiday Let £818k profit
 - Option 4 – Business Club Office £165k profit
-
- Options 1 & 2 are not viable as modelled
 - Options 3 & 4 are viable as modelled

Scrutiny Discussion Points

- **Desirability of different options**
- Views on lease hold/freehold options necessary to deliver
- Views on commercial operating partner vs in house management
- Views on ongoing council use of the building and impact on financial viability
- **A clear recommendation ?**

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Option 1 - Construction and Capital Financing Generic Grade A office

Capital Costs	GIA m2	Cost/m2	Total Cost
Fees			
Design (c 15%)		Estimate	£1,013,250
Legal		estimate for modelling	£550,000
Finance			
Procurement			
Building Control			
Planning (s106/278 etc)			
Archaeology			
Licences and Easements			
Fees Total			£1,563,250
Construction			
Repairs to existing Building	1,757	£201	£354,000
Alteration to Guildhall	441	£2,605	£1,149,000
Alteration to existing office building	1,757	£887	£1,559,000
New North Annex	708	£2,451	£1,736,000
Glazed gallery btw North Annex & Ph 1B	116	£1,983	£231,000
Phase 1 B	345	£2,504	£864,000
New South Annex - A3 Restaurant	547	£967	£529,000
External Works	3,917	£138	£541,000
less RWSHP option			-£208,000
Construction Total			£6,755,000
extra over fit out costs to make grade A standard	1,104	£269	£298,000
Total			£298,000
Contingency (inclusive of project risk)		15%	£1,057,950
Inflation Factor		9.0%	£870,678
Total Capital Cost Phase			£10,544,878

Capital Financing	Type		
Approved CYC critical repairs and contingency			£350,000
Approved CYC Economic Infrastructure Fund			£1,000,000
			£1,350,000
Commercial Development Gain (Restaurant)	Capital Receipt		2,144,189
Commercial Development Gain (Cafe)	Capital Receipt		622,477
			£2,766,666
Self financing amount	CYC Borrowing	30 yr/6.14%	4,358,119
- amount of borrowing supported by rental income of	£267,589		£4,358,119
Grant funding potential	External Grant		-
			£0
Total Available Financing			£8,474,785
Funding requirement			£2,070,093

Development Memo

Commercial Development (rest 1)		
	Lease length	Years
Estimated Gross Restaurant area:	480	m2
	5166.72	ft2
Lettable area	4133.38	80%
Rate ft2	45.00	
Net rent at sale	186,001.92	
Yield Factor	6%	
Capitalised Value	3,100,032	
Acquisition/Construction Costs:		
	5166.72	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	185.00	
Gross fit out costs	955,843	
Net residual benefit	2,144,189	

Commercial Development (cafe 1)		
	Lease length	Years
Estimated Gross Restaurant area:	191.7	m2
	2063.46	ft2
Lettable area	1650.77	80%
Rate ft2	35.00	
Net rent at sale	57,776.85	
Yield Factor	6%	
Capitalised Value	962,947	
Acquisition/Construction Costs:		
	2063.46	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	165.00	
Gross fit out costs	340,471	
Net residual benefit	622,477	

Guildhall Review Option 1 - Generic grade A office - c 1,000m2 (11,000ft2) available

Assumptions

Capital

- Capital costs as per feasibility study costs as at 28/11/14 - Jackson Coles
- Includes for new build annex element, a significant capital cost driver
- Removes out costs associated with River Water Source Heat Pump (£208k)
- Includes additional fit out allowance (£25/ft2) to ensure grade A office standard achieved reflecting the targeted market

Revenue

- Assumes premium office rental income applied to c1,000 m2 @£177m2/£16.50ft2
- Lettable space modelled at 90% occupancy
- Assumes income from Guildhall & Council Chamber following refurb / adaption c£80k per annum
 - Annual Net Rental Income estimated at **£267,589**
 - Value that can be borrowed against Annual Net Income **£4,358,119**
- Note- this is a fully operational year modelled example and doesn't reflect early years pressures or rent free periods

Financial Overview

- Scheme capital costs	£10,544,878	
- 'Available' scheme financing (as approved / borrowing against projected income)	£8,474,785	
	Funding Gap as currently modelled	-£2,070,093 c£127k per annum income required to close gap
- Ability to close gap requires reduced capital costs or higher rental yields		

Pros

- Central York business address, desirable to Grade A office occupants
- Prime riverside offices with river views, highly marketable
- A range of office suites making good use of all available space
- Highly accessible location with good transport links
- Adjacent to City centre amenities including proposed on site restaurant / cafe bar.
- Assured Council use of Chambers

Cons

- Access off York Footstreets
- No obvious 'front door' and some 'shared' access with council use areas
- Mixed office styles / types between different areas of the building - could be too small for a major company
- No car parking on site

Option 2 - Construction and Capital Financing

Capital Costs	GIA m2	Cost/m2	Total Cost
Fees			
Design (c 15%)		Estimate	£992,850
Legal		estimate for modelling	£550,000
Finance			
Procurement			
Building Control			
Planning (s106/278 etc)			
Archaeology			
Licences and Easements			
Fees Total			£1,542,850
Construction			
Repairs to existing Building	1,757	£201	£354,000
Alteration to Guildhall	441	£2,605	£1,149,000
Alteration to existing office building	1,757	£887	£1,559,000
North Annex refurb	708	£2,451	£1,736,000
Glazed gallery btw North Annex & Ph 1B	116	£1,983	£231,000
Phase 1 B	345	£2,504	£864,000
New South Annex - A3 Restaurant	547	£967	£529,000
External Works	3,917	£138	£541,000
less RWSHP allowances			-£208,000
less Fit-out allowances			-£286,000
additional access core to 2nd floor ?			£150,000
Construction Total			£6,619,000
Fixture and Fittings			
Fit Out			£0
F&F Total			£0
Contingency (inclusive of project risk)		15%	£992,850
Inflation Factor		9.0%	£823,923
Total Capital Cost Phase			£9,978,623

Capital Financing			
Approved CYC critical repairs and contingency			£350,000
Approved CYC Economic Infrastructure Fund			£1,000,000
			£1,350,000
Commercial Development Gain (Restaurant)	Capital Receipt		2,144,189
Commercial Development Gain (Cafe)	Capital Receipt		622,477
			£2,766,666
Self financing amount	CYC Borrowing	30 yr/6.14%	5,464,243
- amount of borrowing supported by rental income of	£335,505		£5,464,243
Grant funding potential	External Grant		£0
Total Available Financing			£9,580,909
Funding requirement			£397,714

Development Memo

Commercial Development (rest 1)		
	Lease length	Years
Estimated Gross Restaurant area:	480	m2
	5166.72	ft2
Lettable area	4133.38	80%
Rate ft2	45.00	
Net rent at sale	186,001.92	
Yield Factor	6%	
Capitalised Value	3,100,032	
Acquisition/Construction Costs:		
	5166.72	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	185.00	
Gross fit out costs	955,843	
Net residual benefit	2,144,189	

Commercial Development (cafe 1)		
	Lease length	Years
Estimated Gross Restaurant area:	191.7	m2
	2063.46	ft2
Lettable area	1650.77	80%
Rate ft2	35.00	
Net rent at sale	57,776.85	
Yield Factor	6%	
Capitalised Value	962,947	
Acquisition/Construction Costs:		
	2063.46	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	165.00	
Gross fit out costs	340,471	
Net residual benefit	622,477	

Guildhall Review Option 2 - a commercial scheme

Assumptions

Capital		
- Capital costs as per feasibility study costs as at 28/11/14 - Jackson Coles		
- Includes for new build annex element, a significant capital cost driver		
- Removes out costs associated with River Water Source Heat Pump (£208k)		
- Removes additional fit out allowance for office accomodation		
Revenue		
- Assumes rental levels as follows at an occupancy rate of 80%	£10/ft2	for visitor attraction
	£25 / ft2 net	for additional GF cafe unit
	£25 / ft2 net	for additional GF / FF restaurant unit
	£20 / ft2 net	for additional commercial unit/leisure
- Assumes income from Guildhall & Council Chamber following refurb / adaption c£80k per annum		
	- Annual Net Rental Income estimated at	£335,505
	- Value that can be borrowed against Annual Net Income	£5,464,243

Financial Overview

- Scheme capital costs	£9,978,623	reduced costs as a result of 'shell standard' to most areas
- 'Available' scheme financing (as approved / borrowing against projected income)	£9,580,909	
	Funding Gap as currently modelled	-£397,714 c£25k per annum income required to close gap
- Ability to close gap requires reduced capital costs or higher rental yields		
- Potential to increase yields by selling long lease / freehold interests		

Pros	Cons
- Central York riverside location	Access off York Footsreets, potential difficulties for deliveries and servicing
- Prime riverside location with river views and some external spaces	No obvious 'front door' and some 'shared' access with council use areas - no passing trade
- A range of different unit sizes / configurations	trading at upper levels may be more difficult - esp given access arrangements
- Highly accessible location with good transport links	No car parking on site
- Adjacent to City centre amenities and attractions	adjacent to competing attractions / uses
- Heritage attraction of buildings	potential difficulties in conversion to this type of use and the intensity of servicing required
	ability to accomodate and draw custom to a larger number of units without a more accessible riverside is in doubt and this could compromise rental values

Option 3 - Construction and Capital Financing

Capital Costs	GIA m2	Cost/m2	Total Cost
Fees			
Design (c 15%)		Estimate	£1,096,500
Legal		estimate for modelling	£650,000
Finance			
Procurement			
Building Control			
Planning (s106/278 etc)			
Archaeology			
Licences and Easements			
Fees Total			£1,746,500
Construction			
Repairs to existing Building	1,757	£201	£354,000
Alteration to Guildhall	441	£2,605	£1,149,000
Alteration to existing office building	1,757	£887	£1,559,000
North Annex refurb	708	£2,451	£1,736,000
Glazed gallery btw North Annex & Ph 1B	116	£1,983	£231,000
Phase 1 B	345	£2,504	£864,000
New South Annex - A3 Restaurant	547	£967	£529,000
External Works	3,917	£138	£541,000
less RWSHP option			-£208,000
less Office Fit-out			-£286,000
Apartments	691	£1,000	£691,000
Apartments - specific lift			£150,000
Construction Total			£7,310,000
Fixture and Fittings			
Fit Out			£0
F&F Total			£0
Contingency (inclusive of project risk)		15%	£1,096,500
Inflation Factor		9.0%	£913,770
Total Capital Cost Phase			£11,066,770

Capital Financing			
Approved CYC critical repairs and contingency			£350,000
Approved CYC Economic Infrastructure Fund			£1,000,000
			£1,350,000
Commercial Development Gain (Restaurant)	Capital Receipt		2,144,189
Commercial Development Gain (Cafe)	Capital Receipt		622,477
			£2,766,666
Self financing amount	CYC Borrowing	30 yr/6.14%	7,768,624
- amount of borrowing supported by rental income of	£476,994		£7,768,624
Grant funding potential	External Grant		-
			£0
Total Available Financing			£11,885,290
Funding surplus			-£818,520

Development Memo

Commercial Development (rest 1)		
	Lease length	Years
Estimated Gross Restaurant area:	480	m2
	5166.72	ft2
Lettable area	4133.38	80%
Rate ft2	45.00	
Net rent at sale	186,001.92	
Yield Factor	6%	
Capitalised Value	3,100,032	
Acquisition/Construction Costs:		
	5166.72	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	185.00	
Gross fit out costs	955,843	
Net residual benefit	2,144,189	

Commercial Development (cafe 1)		
	Lease length	Years
Estimated Gross Restaurant area:	191.7	m2
	2063.46	ft2
Lettable area	1650.77	80%
Rate ft2	35.00	
Net rent at sale	57,776.85	
Yield Factor	6%	
Capitalised Value	962,947	
Acquisition/Construction Costs:		
	2063.46	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	165.00	
Gross fit out costs	340,471	
Net residual benefit	622,477	

Guildhall Review Option 3 - a commercial scheme with residential at upper floors

Assumptions

Capital		
- Capital costs as per feasibility study costs as at 28/11/14 - Jackson Coles		
- Includes for new build annex element, a significant capital cost driver		
- Removes out costs associated with River Water Source Heat Pump (£208k)		
- Adds additional lift / access core		
- Assumes flats at first and second floor levels		
Revenue		
- Income from 6 Apartments at 90% occupancy	£1450/£1850	high season
	£1250/£1550	low season
- Retains some (premium) office at GF level @ 90%	£16.50 / ft2	
- Assumes income from Guildhall & Council Chamber following refurb / adaption c£80k per annum		
	- Annual Net Rental Income estimated at	£476,994
	- Value that can be borrowed against Annual Net Income	£7,768,624

Financial Overview

- Scheme capital costs	£11,066,770	Highest capital cost because of costs of residential fit out to high standard
- 'Available' scheme financing (as approved / borrowing against projected income)	£11,885,290	
	Funding Surplus as currently modelled	£818,520

Pros

- Central York riverside location
- Prime riverside location with river views and some external spaces
- A range of different unit sizes / configurations
- Highly accessible location with good transport links
- Adjacent to City centre amenities and attractions
- Heritage attraction of buildings
- Assured Council use of Chambers

Cons

- Access off York Footstreets, potential difficulties for delivery access and servicing
- No car parking on site
- Creating separate / protected residential access could be difficult
- May be some conflict with residential uses
- Potential difficulties in conversion to this type of use and the intensity of servicing required eg storage / waste & recycling areas
- Potential conflict between residential and other uses
- Potential lease hold issues for resi - if not holiday let

Option 4 - Construction and Capital Financing

Capital Costs	GIA m2	Cost/m2	Total Cost
Fees			
Design (c 15%)		Estimate	£939,450
Legal		estimate for modelling	£550,000
Finance			
Procurement			
Building Control			
Planning (s106/278 etc)			
Archaeology			
Licences and Easements			
Fees Total			
Construction			
Repairs to existing Building	1,757	£201	£354,000
Alteration to Guildhall	441	£2,605	£1,149,000
Alteration to existing office building	1,757	£887	£1,559,000
North Annex refurb	487	£1,326	£646,000
additional 2nd floor			£598,000
Glazed gallery btw North Annex & Ph 1B	116	£1,983	£231,000
Phase 1 B	345	£2,504	£864,000
New South Annex - A3 Restaurant	547	£967	£529,000
External Works	3,917	£138	£541,000
less RWSHP option			-£208,000
Construction Total			£6,263,000
Fixture and Fittings			
Fit Out			£300,000
F&F Total			£300,000
Contingency (inclusive of project risk)		15%	£984,450
Inflation Factor		9.0%	£813,321
Total Capital Cost Phase			£9,850,221

Capital Financing			
Approved CYC critical repairs and contingency			£350,000
Approved CYC Economic Infrastructure Fund			£1,000,000
			£1,350,000
Commercial Development Gain (Restaurant)	Receipt		2,144,189
Commercial Development Gain (Cafe)	Receipt		622,477
			£2,766,666
Self financing amount	CYC Borrowing	30 yr/6.14%	5,898,312
- amount of borrowing supported by rental income of	362,156.38		£5,898,312
Grant funding potential	External Grant		-
			£0
Total Available Financing			£10,014,978
Funding surplus			-£164,757

Development Memo

Commercial Development (rest 1)

Estimated Gross Restaurant area:	480	m2
	5166.72	ft2
Lettable area	4133.38	80%
Rate ft2	45.00	
Net rent at sale	186,001.92	
Yield Factor	6%	
Capitalised Value	3,100,032	
Acquisition/Construction Costs:		
	5166.72	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	185.00	
Gross fit out costs	955,843	
Net residual benefit	2,144,189	

Commercial Development (cafe 1)

Estimated Gross Restaurant area:	191.7	m2
	2063.46	ft2
Lettable area	1650.77	80%
Rate ft2	35.00	
Net rent at sale	57,776.85	
Yield Factor	6%	
Capitalised Value	962,947	
Acquisition/Construction Costs:		
	2063.46	ft2
Rate ft2 (incl kitchens/storage/interior/fit out)	165.00	
Gross fit out costs	340,471	
Net residual benefit	622,477	

Guildhall Review Option 4 - refurbished character offices with business club

Assumptions

Capital	
- Capital costs as per feasibility study costs as at 28/11/14 - Jackson Coles	
- Includes for new build annex element, a significant capital cost driver	
- Removes out costs associated with River Water Source Heat Pump (£208k)	
Revenue	
- Office rentals at £15/ft2 based on easy in / out terms - 1mth notice period, 90% occupancy	
- Service charge £19/ft2 to include all other costs	
- Likely 24/7 access	
- Some office suites to rent / but significant co-working / hot desk space	
- Business club membership model for virtual office services at av £199/month	
- Assumes income from Guildhall & Council Chamber following refurb / adaption c£80k per annum	
- Annual Net Rental Income estimated at	£362,156
- Value that can be borrowed against Annual Net Income	£5,898,312

Financial Overview

- Scheme capital costs	£9,850,221
- 'Available' scheme financing (as approved / borrowing against projected income)	£10,014,978
Funding Surplus as currently modelled	£164,757

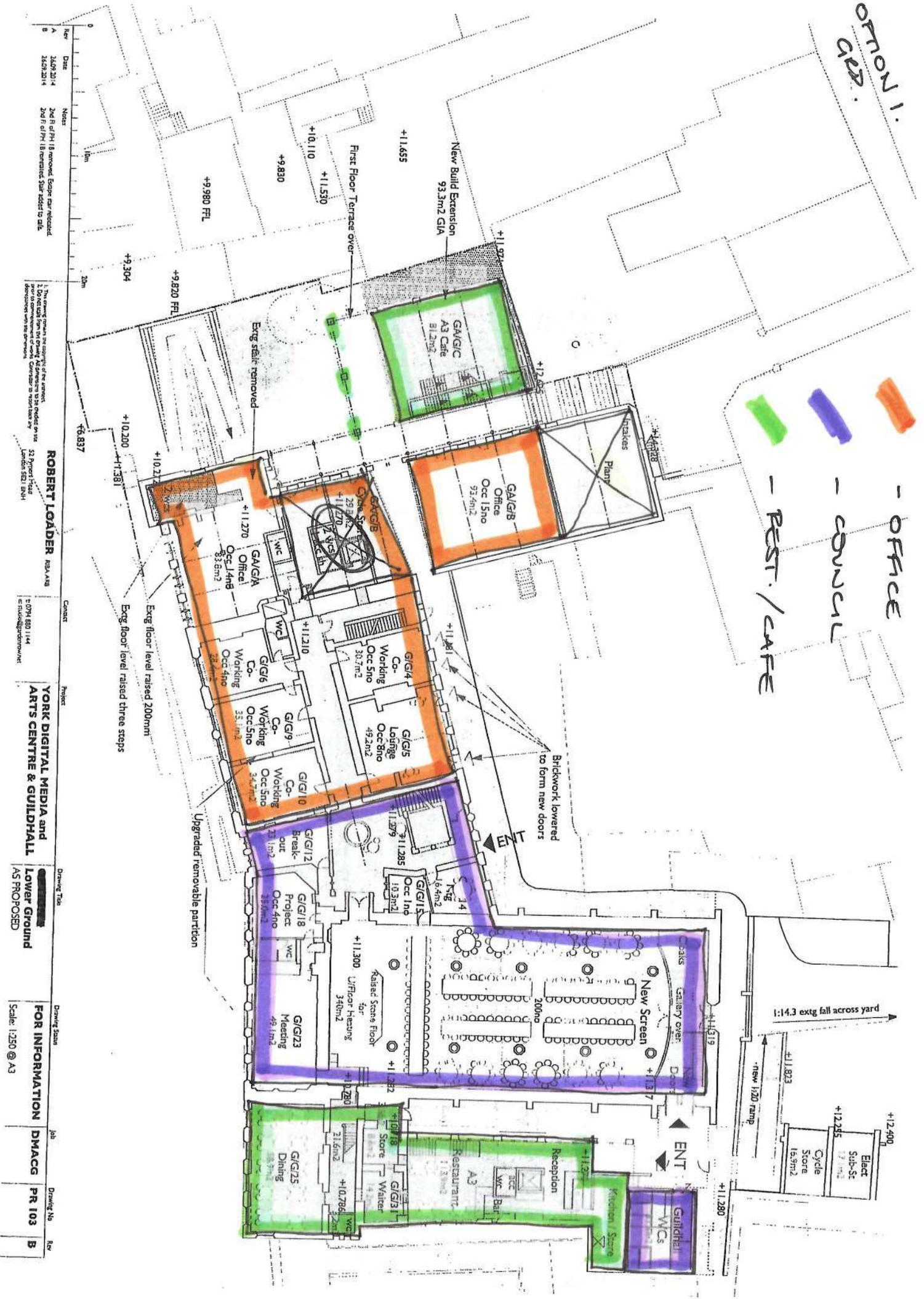
Pros

- Prime central York business address
- Central York riverside location
- Highly accessible location with good transport links
- Characterful Heritage offices attractive to certain industries - with potential for business club model
- Adjacent to City centre amenities and attractions
- Heritage attraction of buildings

Cons

- Access off York Footstreets, potential difficulties for delivery access and servicing
- No obvious front door to offices - some shared access
- No car parking on site
- Business model requires high levels of occupancy
- Requires management / operating partner with right ethos
- Some additional management implications / costs

OPTION 1.
CRP



ROBERT LOADER RIBA AHB
52 Pymont Road
London SE21 8JH

YORK DIGITAL MEDIA and
ARTS CENTRE & GUILDHALL

Lower Ground
AS PROPOSED

FOR INFORMATION
Scale: 1:250 @ A3

Job: DMAGC
Drawing No: PR 103
Rev: B

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Rev	Date	Notes
0		
1	26/09/2014	2nd R of FFL is removed. Escape route relocated.
2	26/09/2014	2nd R of FFL is reinstated. Stair added to site.

OPTION 1.
F.FLR.

- OFFICE
- COUNCIL
- REST. / CAFE



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Architect
ROBERT LOADER RIBA AAS
 52 Poppy Field
 London E81 5JH

Contact
 P: 0204 880 1144
 e: rlo@robert-loader.com

Project
YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

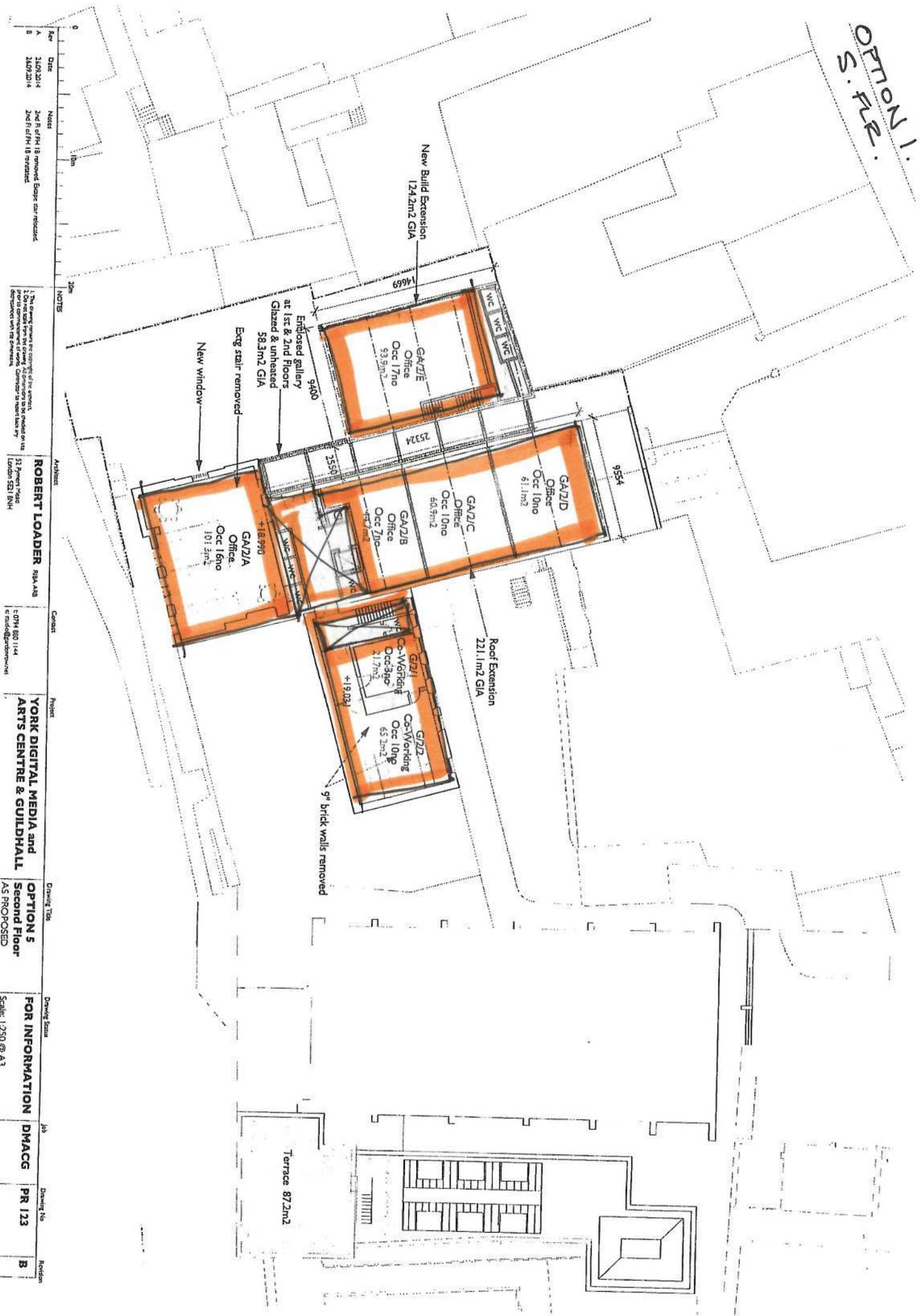
Drawing Title
OPTION 5 Upper Ground/ First Fl
 AS PROPOSED

Drawing Issue
FOR INFORMATION
 Scale: 1:250 @ A3

Job
DMACG
 Drawing No
PR 113
 Rev
B

Staded area
 subject to
 agreement
 (124.2m² GIA)

OPTION 1
S. F. 2



Rev	Date	Notes
A	14/09/2014	2nd fl of PH 18 removed. Escape stair relocated.
B	14/09/2014	2nd fl of PH 18 reinstated.

Architect
ROBERT LOADER RIBA A&B
 53 Princes Street
 London SE1 1NH

Contact
 t: 0794 880 1144
 e: rload@robertloader.com

Project
**YORK DIGITAL MEDIA and
 ARTS CENTRE & GUILDHALL**

Drawing Title
**OPTION 5
 Second Floor
 AS PROPOSED**

Drawing Status
FOR INFORMATION

Job
DMACG

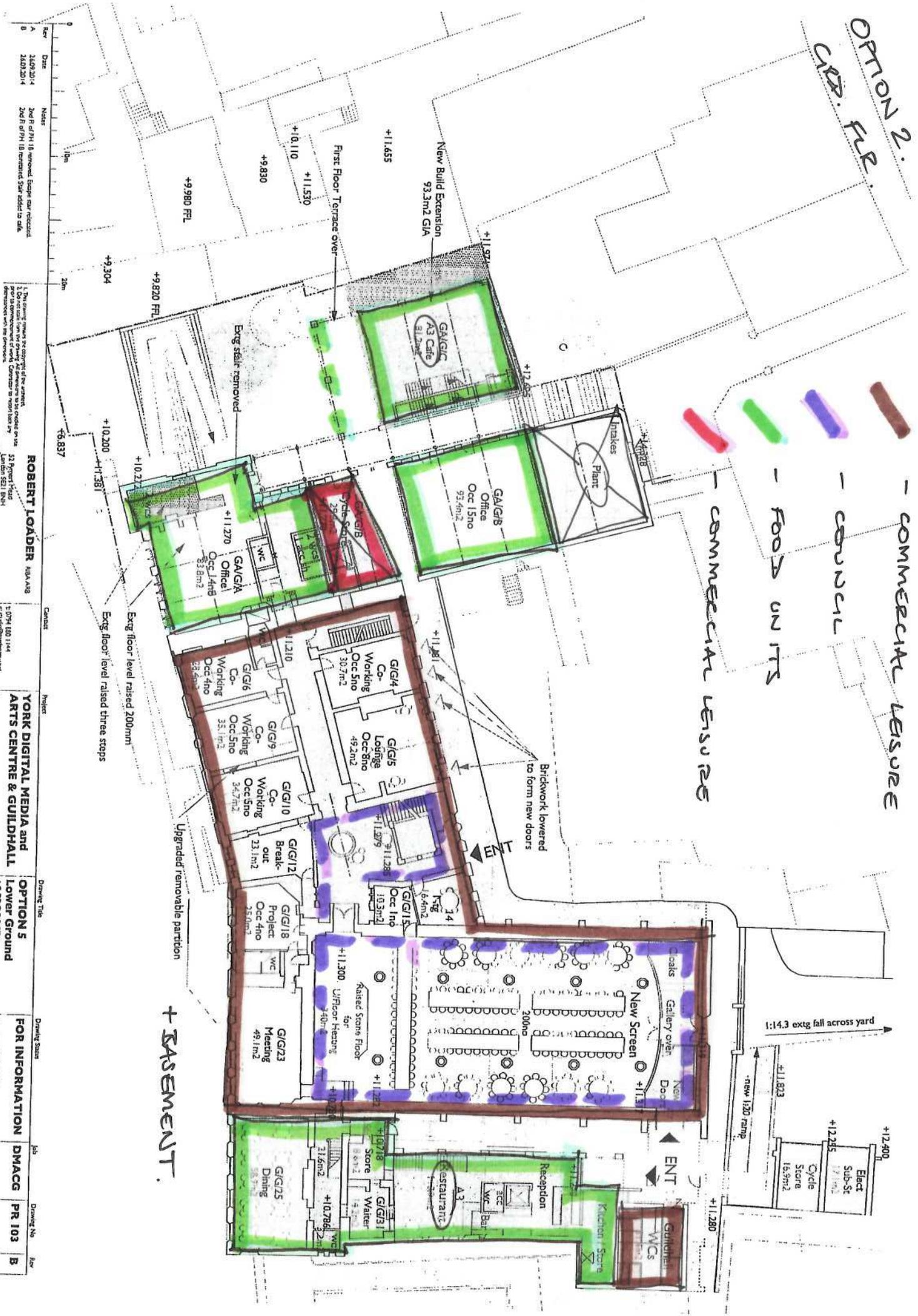
Drawing No
PR 123

Revision
B

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OPTION 2
C.B.F. FLR

- COMMERCIAL LEISURE
 - COUNCIL
 - FOOD UNITS
 - COMMERCIAL LEISURE



Rev	Date	Notes
A	24.09.2014	2nd Fl of FH 18 removed. Escalator relocated.
B	24.09.2014	2nd Fl of FH 18 removed. Stair added to site.

1. This drawing is made for the purpose of the contract.
 2. It does not constitute a contract.
 3. It is subject to the contract documents.
 4. It is subject to the contract documents.
 5. It is subject to the contract documents.

ROBERT LOADER MRB AAB
 22 Wyndham Street
 London SE11 8NH

Contact: 020 794 180 1144
 Email: r.l@robert-loader.com

YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

Drawing Title: **OPTION 5 Lower Ground AS PROPOSED**

Drawing Status: **FOR INFORMATION**
 Scale: 1:250 @ A3

Job: **DMAGS**
 Drawing No: **PR 103**
 Rev: **B**

+ BASEMENT.

1:14.3 extg fall across yard

new 1:20 ramp

Brickwork lowered to form new doors

Upgraded removable partition

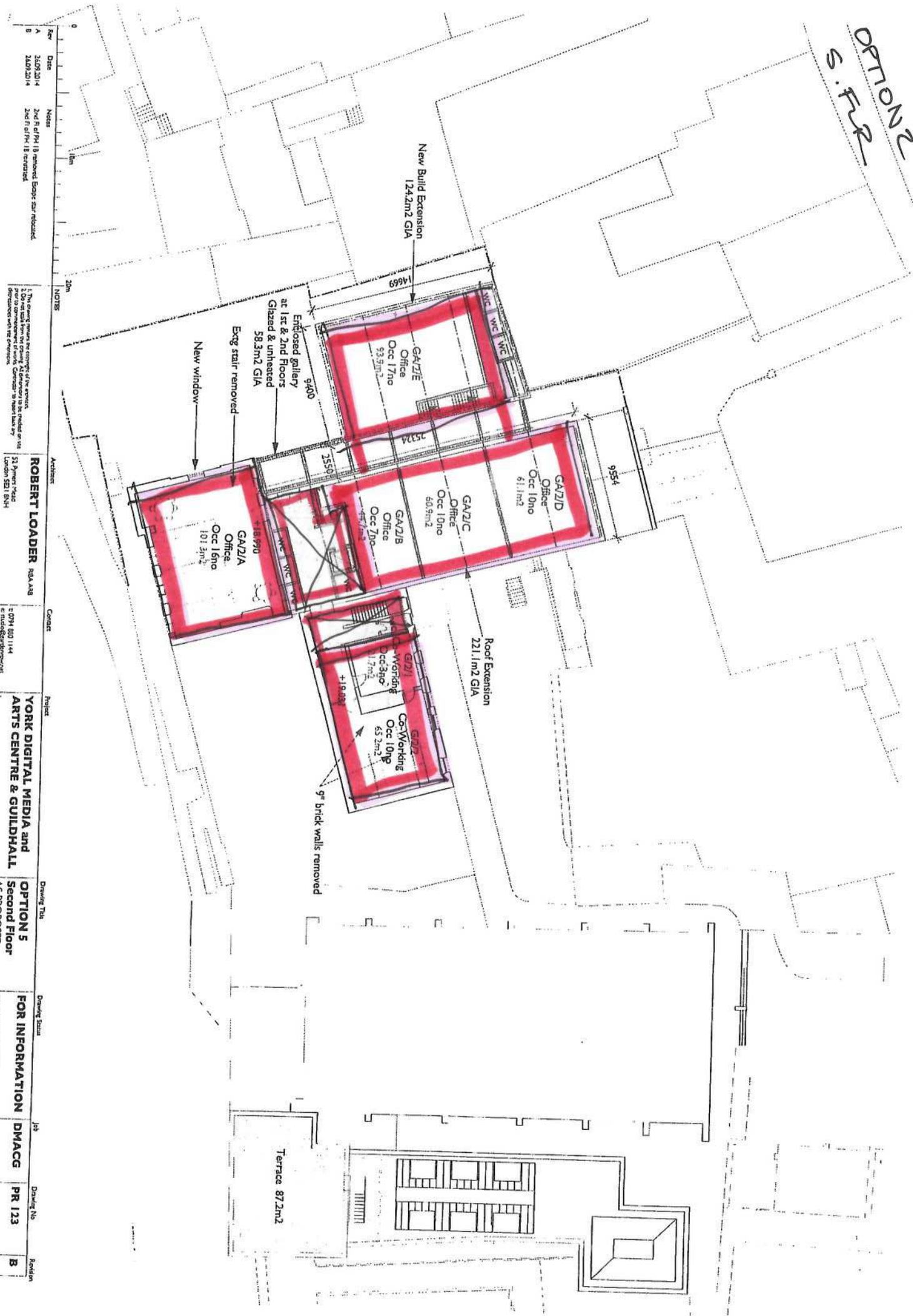
Exg floor level raised 200mm

Exg stair removed

New Build Extension 93.3m2 GIA

First Floor Terrace Over

OPTION 2
S. FUR



NOTES

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ROBERT LOADER RIBA A&B
22 Pyram Place
London SE1 8NH

Contract
0204 800 1144
r.loader@robert-loader.com

Project
YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

Drawing Title
OPTION 5 Second Floor AS PROPOSED

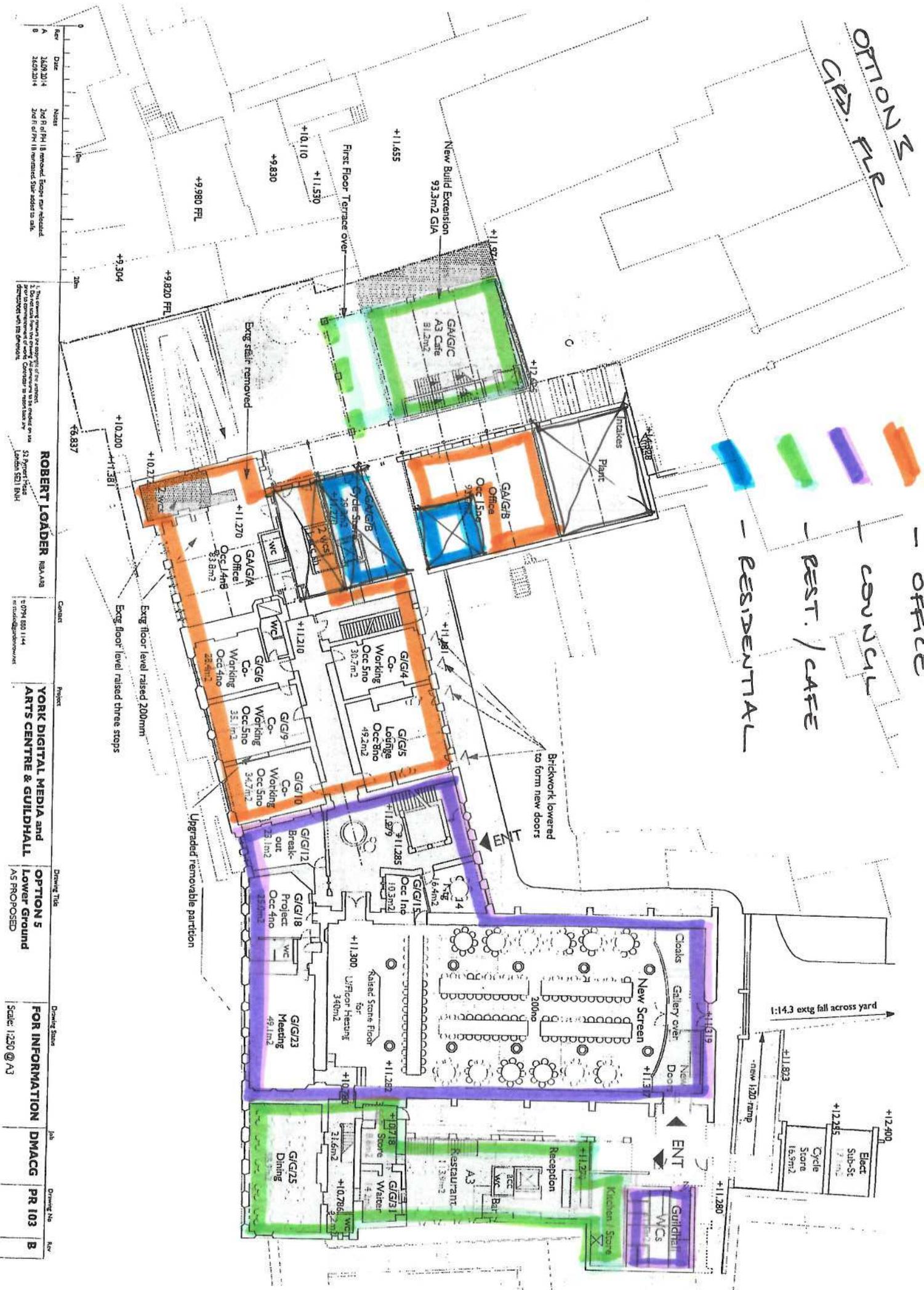
Drawing Issue
FOR INFORMATION

Job
DMACG PR 123

Drawing No
B

Scale: 1:250 @ A3

Rev	Date	Notes
A	24.07.2014	2nd Fl of FH 18 removed. Etcg stair reduced.
B	24.07.2014	2nd Fl of FH 18 reinstated.



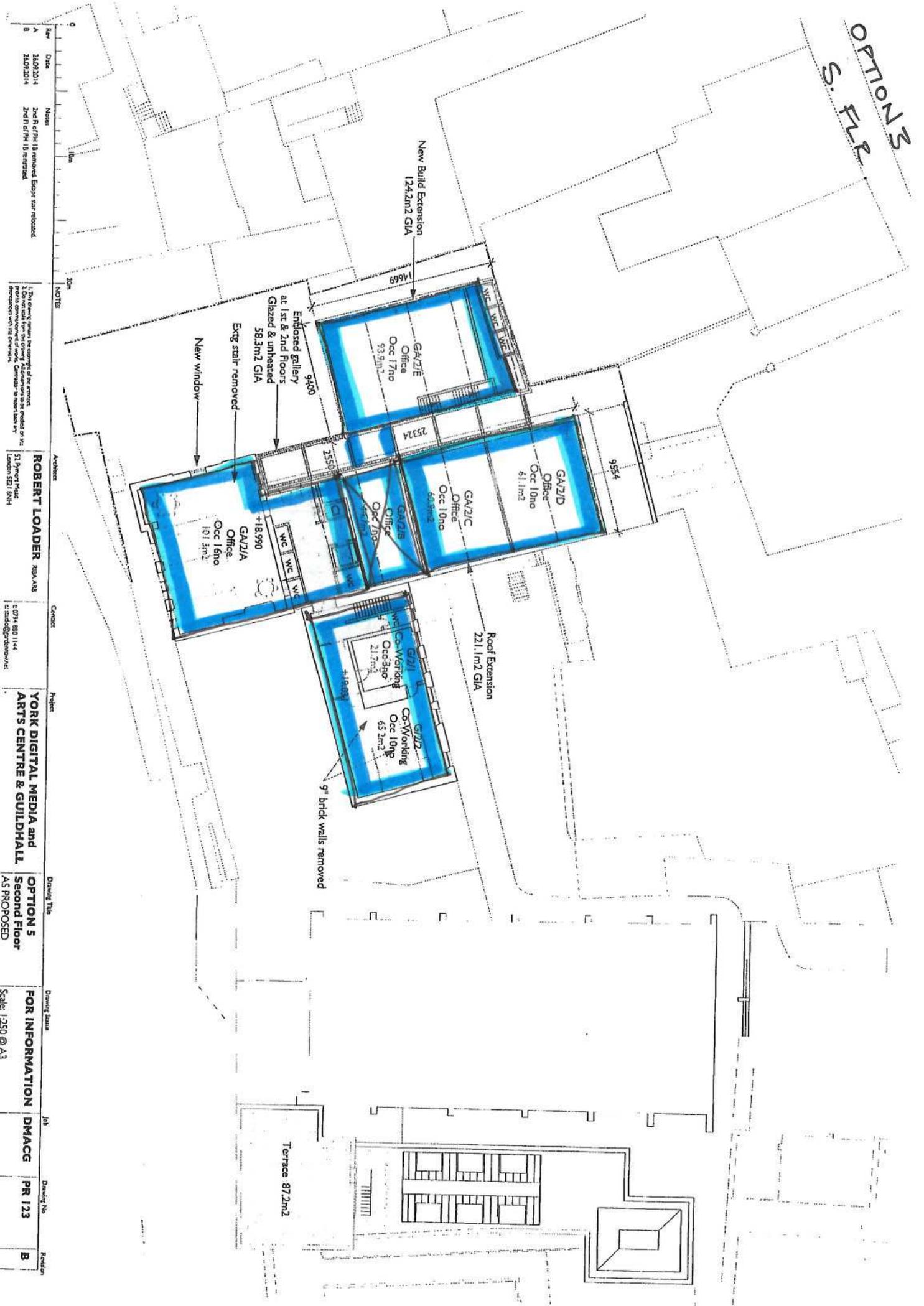
Rev: A Date: 26/09/2014 Notes: 2nd Fl of PH 18 removed. Escaper door relocated. 2nd Fl of PH 18 reinstated. Stair added to site.

Rev: B Date: 26/09/2014 Notes: This drawing forms part of the contract for the construction of the works described in the contract documents. It is to be read in conjunction with the contract documents and the contract conditions of sale. It is the responsibility of the contractor to ensure that the works are carried out in accordance with the contract documents.

Client: ROBERT LOADER HBA A148
 Project: YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL
 Drawing Title: OPTION 5 LOWER GROUND AS PROPOSED
 Drawing Status: FOR INFORMATION
 Job: DMACG
 Drawing No: PR 103
 Rev: B

Scale: 1:250 @ A3

OPTION 2
S. F2



Rev	Date	Notes
A	21/09/2014	2nd F of PM 18 removed. Stairs floor reduced.
B	21/09/2014	2nd F of PM 18 retained.

NOTES

1. No drawing shows the complete of the structure. The drawing shows the complete of the structure.

Architect

ROBERT LOADER R034-A38
51 Princes Place
London SE1 1NH

Contact

+44 (0)20 800 1144
e: r.loader@robert-loader.com

Project

YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

Drawing Title

OPTION 5 Second Floor AS PROPOSED

Drawing Issues

FOR INFORMATION

Scale: 1:250 @ A3

Job

DMACG

Drawing No

PR 123

Revision

B

OPTION 4
F. FR.



Architects
ROBERT LOADER RIBA, AIA
 51 Poplar Road
 London E21 3JH

Contact
 t 0204 880 1144
 e rlo@robertloader.com

Project
YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

Drawing Title
OPTION 5 UPPER Ground/ First Fl
 AS PROPOSED

Drawing Status
FOR INFORMATION

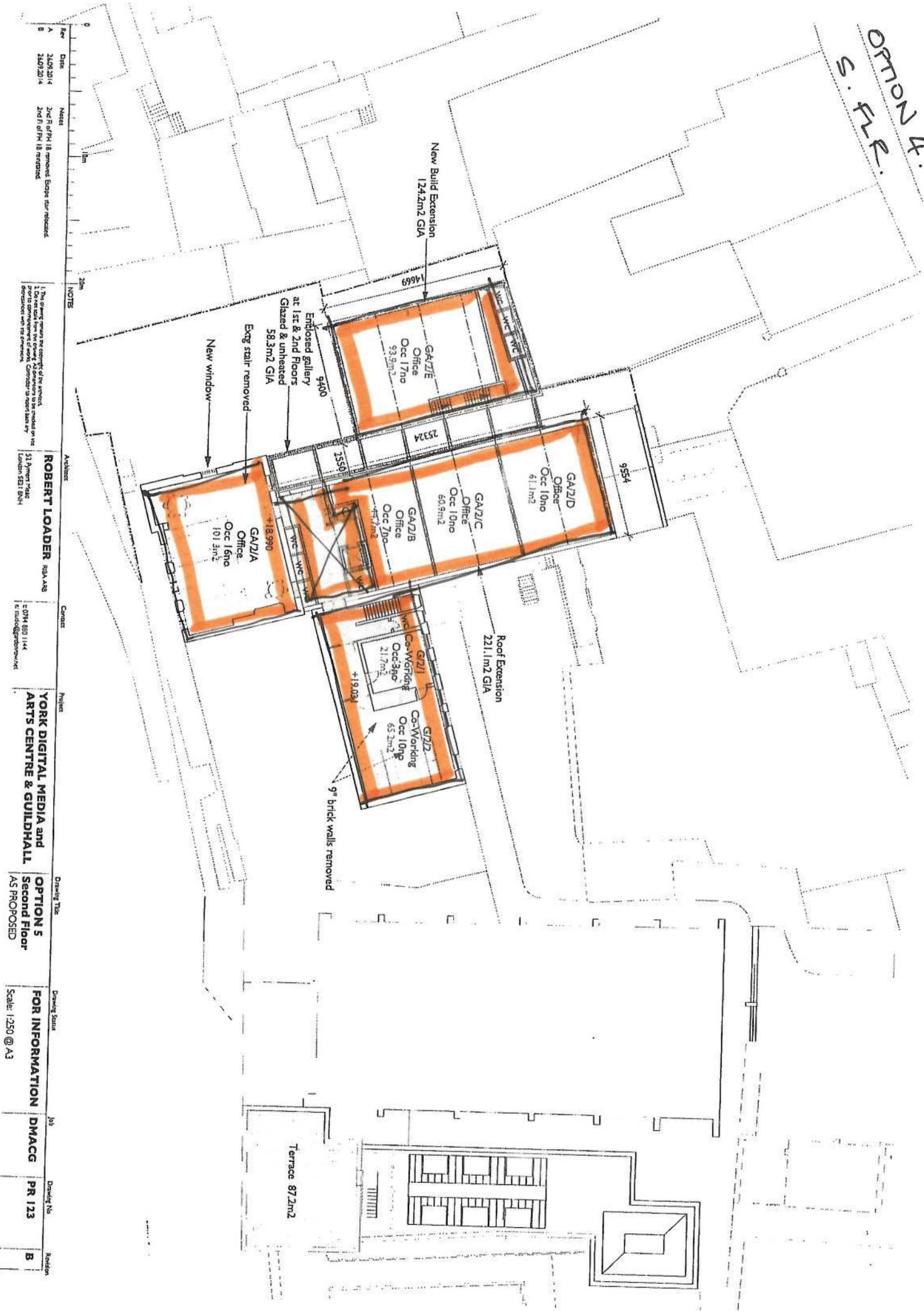
Job
DMACG PR 113 B

Drawing No
B

Rev	Date	Notes
1	24.09.2014	2nd Fl of FH 11 removed. Scope now reduced.
2	24.09.2014	2nd Fl of FH 11 removed. 1st floor extended to C4d. W.C. added.

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OPTION 4.
S. FLR.



Rev	Date	Notes
A	24.09.2014	2nd Fl of PM 18 removed. Etcg stair relocated.
B	24.07.2014	2nd Fl of PM 18 removed.

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Architect
ROBERT LOADER RIBA, AIA
 52, Palmer House
 London SE1 8JH

Contact
 0204 600 1144
 r.loader@robertloader.co.uk

Project
YORK DIGITAL MEDIA and ARTS CENTRE & GUILDHALL

Drawing Title
OPTION 5 Second Floor AS PROPOSED

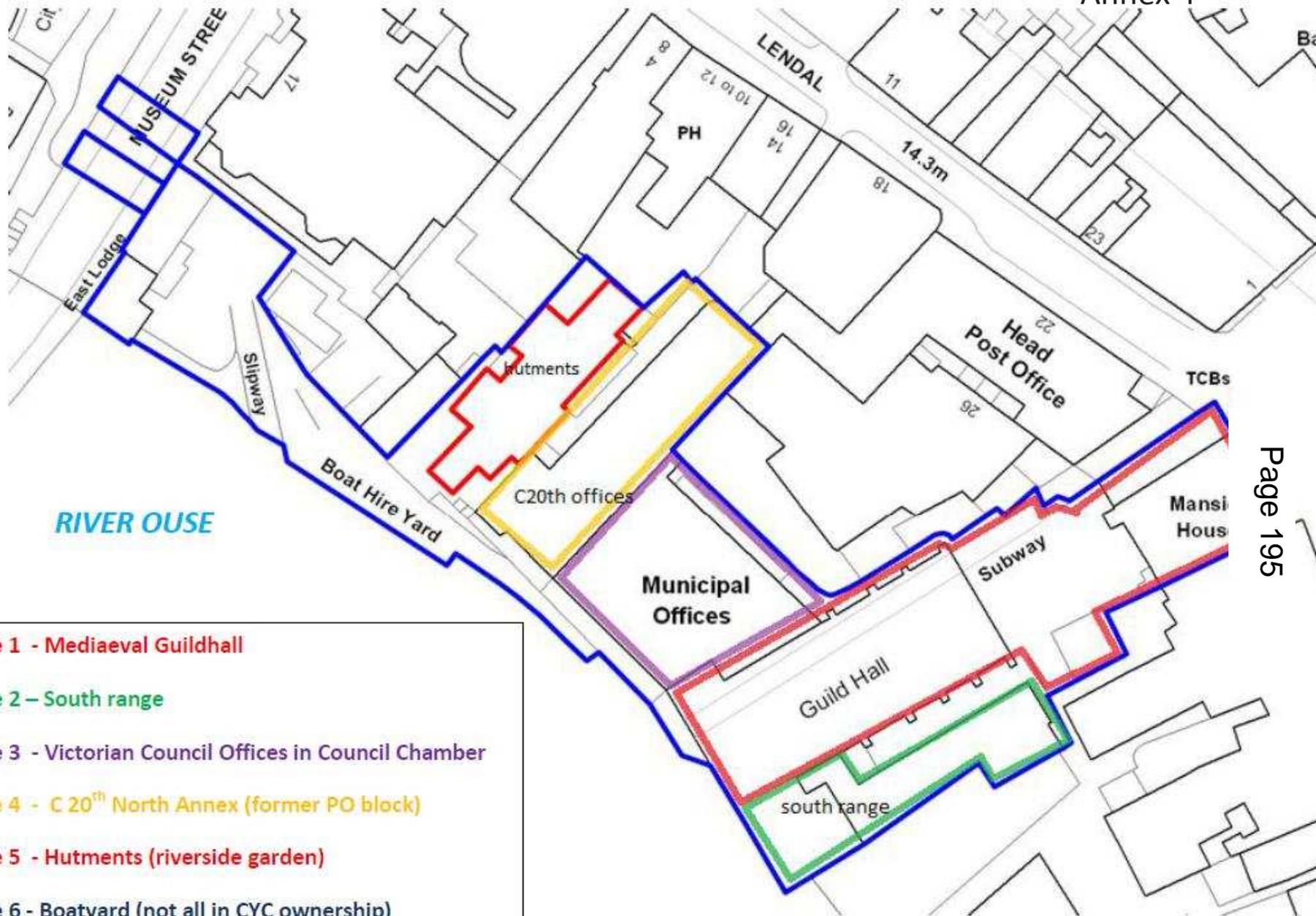
Drawing Issue
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DMACG

Drawing No
PR 123

Section
B

Scale: 1:250 @ A3



- Zone 1 - Mediaeval Guildhall**
- Zone 2 – South range**
- Zone 3 - Victorian Council Offices in Council Chamber**
- Zone 4 - C 20th North Annex (former PO block)**
- Zone 5 - Hutments (riverside garden)**
- Zone 6 - Boatyard (not all in CYC ownership)**
- Zone 7 - Mansion House**

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Executive

29th October 2015

Report of the Assistant Director for Finance, Property and Procurement

Portfolio of the Executive Member for Finance and Performance and the Executive Member for Economic Development & Community Engagement

York's Southern Gateway

Summary

1. City of York Council (CYC) are one of the principal land owners in the area around Piccadilly, the Eye of York, St George's Field and the Foss Basin. This area is being referred to as the 'Southern Gateway' and many parts of the area are underused, semi derelict or of poor quality. Many of the properties are for sale or owned by companies that are in administration and there is a risk that the area will continue to be blighted or that important sites will be developed in a piecemeal manner. The area is urgently in need of a fresh vision to improve the locality and create a socially and economically sustainable future. As the principal landowner, CYC will be instrumental in delivering a joined-up regeneration of the area which will maximise social and economic benefits for the City.
2. This report sets out proposals to kick-start development along Piccadilly whilst simultaneously exploring the potential use of other council assets in the Southern Gateway to improve and regenerate the area.

Recommendations

3. Executive is asked to consider and agree:
 - i. To progress to the development stage of the Southern Gateway project and to appoint a Project Manager using grant funding from One Public Estate to take this work forward.
 - ii. To commence a procurement exercise to identify a joint venture partner to redevelop 17-21 Piccadilly

- iii. To create a conceptual framework for development of the Southern Gateway area and prepare for a public consultation.
- iv. To develop a business case for development of the Southern Gateway which will involve undertaking feasibility work to assess the technical, planning and financial deliverability of development of the Southern Gateway. A report will be brought back to Executive to agree a future approach.
- v. To a budget of £185,000 to be financed from New Homes Bonus, with specific allocations from the budget to be confirmed by the Chief Executive and the Leader of the Council, to enable development of a fully worked up business case for the development of the Southern Gateway area.
- vi. To undertake transport modelling and review parking and access arrangements for the Southern Gateway area.
- vii. To explore potential delivery mechanisms and commence discussions with land owners in the area.

Reason: - To deliver early improvement to Piccadilly, to generate capital receipt, and to develop robust plans for the future regeneration of the Southern Gateway area.

Background

4. The Southern Gateway area covers the length of Piccadilly, the Coppergate Shopping Centre and the Eye of York and runs through to St George's Field and the Foss Basin. Much of the area is of low quality with significant dereliction and underdevelopment and yet the area has great potential in both its location and its historic built assets. The area sits largely within the city walls and within the Historic Core Conservation Area, at the confluence of two rivers, the Ouse and the Foss.
5. The area contains a substantial amount of public estate with three Museums/attractions (Castle Museum, Fairfax House and the Jorvik Viking Centre), three court buildings, many listed structures and a historic monument of international significance (Clifford's Tower). A map showing public ownership and setting out the extent of the Southern Gateway area is attached at Annex 1.
6. Piccadilly and the Eye of York have been the subject of previous unsuccessful redevelopment projects. A major retail led scheme was rejected in 2003 following a Public Inquiry. The land was subsequently sold to LaSalle UK Ventures who in 2008 entered into a partnership

agreement in with the Council to pool assets in an attempt to achieve a holistic scheme. High level proposals for the area were worked up but this fell away as the scheme was no longer felt to be viable.

7. In June 2014 LaSalle UK Ventures Property 8 S.A.R.L went into administration and officers were involved in discussions with the Administrators to explore future plans for the assets. The major creditor sold on their debt and we understand that the current creditor is preparing to sell packages of assets, including a package incorporating assets in the Piccadilly and Coppergate area. This raises the possibility that a holistic area regeneration may once again be possible.
8. In addition, in recent months there has been a lot of commercial activity in the area including the sale of Stonebow House, United House, the former fire station at Clifford Street, and the County Court freehold. Residential schemes at Piccadilly Lofts and behind Reynard's Garage are on the market, or under construction; the Primark store is due to open in the Coppergate Centre early next spring; and English Heritage Trust are currently working on proposals for a Clifford's Tower visitor attraction. Planning permission has been given to demolish 17-22 Piccadilly (Reynard's Garage) creating an opportunity for high quality development on the site.
9. As a principal land holder CYC has a major role to play to ensure that successful and sustainable area regeneration occurs, maximising economic benefits for the city. CYC has an opportunity to shape a new vision for the area, to exert influence on how commercial interests operate within the area, to capture planning gain to contribute to uplift the amenity and accessibility of the area, and to generate much needed financial returns from the proactive management of our property assets. Without any council intervention it is likely that a resurgent property market will lead to incremental development along Piccadilly which, though it may be an improvement on the current state of shabby dereliction, may not achieve any broader aims of improving the city centre – missing a once in a lifetime opportunity to regenerate this important gateway to the City to a high standard.
10. The initial development of the Southern Gateway was included in York's One Public Estate programme sponsored by the Cabinet Office and the Local Government Association, to explore more effective use of public sector assets. A grant of £70k has been made to fund a dedicated project manager.
11. Officers have undertaken preliminary visioning and evaluation work to explore a high level proposition for a scheme, which starts from the perspective of enhancing the heritage assets, improving the public realm

and linking the area back to the city centre to improve its economic buoyancy, in a way that is commercially viable and sustainable. Stakeholders are supportive of this holistic approach and are keen to see a vision developed.

Southern Gateway area

12. The Southern Gateway can be split into 3 different areas:

- 1) **Piccadilly** – the street has a high level of empty, unattractive and derelict buildings. Footfall down the street is small and the River Foss acts as a barrier to movement. Piccadilly would be vastly improved with better buildings and streetscape and better integration with the city centre and the Eye of York.
- 2) **The Eye of York & Coppergate** – The Coppergate Centre has struggled to generate footfall and to the south does not connect well with the Eye of York. The Castle Car Park sits in the shadow of Clifford's Tower and is an inappropriate setting for such a significant historic monument; however, it is one of the busiest car parks in the city and creates an essential income stream for CYC. The Coppergate Centre and the car park and access road are a barrier for pedestrian access to both Clifford's Tower and the Castle Museum. Despite the presence of beautiful buildings, cultural attractions and one of York's largest areas of open public realm, footfall into and utilisation of the public space is relatively low.
- 3) **St. George's Field & Foss Basin** - This is a strategically important site that is wholly under utilised, the car park having very low occupancy rates and the Foss Basin having minimal public use/access. With excellent proximity to the historic heart of the city, fantastic views, bounded by the Rivers Ouse and Foss, there is significant development opportunity. This must, however, be balanced against some of the development constraints, as the site lies in the functional floodplain and the Foss Barrier performs an important flood defence role for the City. Occupancy rates for the car park are low and the car park adds little to the surroundings. The inner ring road acts as a barrier to pedestrian and cycle movement and vehicular exit from the car park can be difficult in heavy traffic. The historic 'New Walk' and the tow path are attractive but benefit little from current uses of the adjoining area. The Foss Basin is underused and unattractive and the water asset is not embraced or exploited.

The Vision

13. The vision being developed for the area will help to achieve the effective regeneration of this strategically important location in the city and will co-ordinate development of wider socio-economic benefits. This is based on a mixed use, quality development with significant civic and public space.
14. The following principles will be used to shape the vision:
 - 1) To improve the quality of the Southern Gateway and contribute to the economic vibrancy and prosperity of the city.
 - 2) The area could include quality public space that will increase footfall, and create a culturally, socially and economically vibrant area of the city.
 - 3) Development will respect and augment the heritage and cultural assets
 - 4) Development will be environmentally sustainable
 - 5) Development will exploit and celebrate the important river setting.
 - 6) Provide new homes and release pressure on green belt land.
 - 7) Maximise financial return from CYC assets to reduce pressure on ongoing budgets.
 - 8) Improve quality of car parking provision and promote the use of sustainable modes of transport.
 - 9) Improve pedestrian and cycle routes and accessibility throughout the area with better access and permeability, particularly across the River Foss and Tower Street.
 - 10) Improve the setting of Clifford's Tower.
 - 11) Improve the quality of the streetscape particularly along Piccadilly.
15. It should be noted, however, that there are a number of significant **technical** issues which would need to be overcome and a lot of work is still needed to provide assurance that the vision is financially and practically deliverable.

Parking and Movement

16. The configuration of car parking that is of a suitable scale, quality and location and satisfies future parking requirements for the city centre is

fundamental to achieving the vision for the Southern Gateway area. A more effective car parking solution as an element of enabling development could free up prime parcels of land for a more appropriate and higher quality use.

17. CYC owns three major car parks in the area: Castle car park, Castle Mills car park on Piccadilly and St George's Field car park. Other car parks in the area include the NCP operated car park on Piccadilly and multi-storey car park in the Coppergate Centre.
18. A comprehensive car parking review is needed to improve and consolidate parking provision in the most appropriate areas in the city. The car parking review will be an enabler for development and could open up the regeneration potential of the area, creating potential financial benefits, including potential capital receipts or revenue income and safeguarding existing income generation which will benefit the wider City of York population.
19. High level engineering feasibility work has been undertaken which suggests that a basement car park under the existing surface Castle car park is technically achievable. Further work needs to be done to explore detailed costs and archaeological implications before this can be brought forward as a formal proposal. Further work also needs to be carried out to explore an alternative option for a multi-storey car park located on Piccadilly.
20. Improved accessibility across the area for pedestrians and cyclists is also a key part of the vision. Through provision of an additional pedestrian and cycle bridge across the River Foss, a new circuit can be introduced if appropriate anchors and environment are developed to encourage and attract people to the area. As part of the strategy, improved permeability and connectivity will be of vital importance. Improved quality of streetscape, public realm and traffic management measures will be considered.

Planning Issues

21. It has long been recognised that a comprehensive planning approach is needed to secure high quality regeneration in this significant and sensitive historic environment and draft policies to guide development of the area are contained within the Local Plan Development Control Draft 2005 and the Draft Local Plan, supported by other non statutory Planning Guidance and evidence base (see list in Background Papers).
22. A key challenge for the local planning authority is to ensure that the planning guidance for the area safeguards this important historic

environment whilst allowing stakeholders and land owners to make the most of heritage and commercial assets and the council to maximise planning gain to enable potential benefit for the city.

23. New planning legislation from April 2015 brought new permitted development rights (PDR) into force, including allowing change of use from offices to residential use which could lead to piecemeal development which may or may not improve the area.
24. However, past experience in this area has shown that the development of an overarching, time consuming and prescriptive master plan has been unable to respond to the challenges of the sensitive setting and balance these effectively with the commercial drivers that will enable regeneration within the constraints of fluctuating economic cycles.
25. There is ongoing dialogue with the local planning authority to review and develop the vision, objectives and development parameters for the Southern Gateway area. This work has been informed by review of the planning history and lessons learned from past regeneration proposals, existing planning guidance and the most up to date technical and evidence base work currently available.

The role of City of York Council

26. It can be seen from the description of the potential of the area and the issues to be overcome that the holistic improvement of the southern gateway is unlikely to be achieved without the full engagement of the Council as a major land holder. The Council has options as to how to exercise its role. It could :-
27. **Option 1** - Leave the market to drive change with CYC contributing with the sale for redevelopment of some of its own assets

Analysis – Given the past history in this area, this approach is unlikely to create a quantum of good quality development. Some sites may be improved but there is little chance of any significant uplift in the quality and effectiveness of the public realm, streetscape or transport/parking. Financially this will not maximise the value of CYC assets.

Option 2 - Develop a comprehensive masterplanning approach to create a regeneration scheme and use planning policy to control and steer development across the area.

Analysis – This approach would be time consuming and would potentially delay or discourage current development appetite and delay improvement in the area. A large scale planning led approach has also

failed in the past in this area. This would also delay any CYC capital receipts in the short term.

Option 3 - Work with private and public sector land owners to harness the momentum of current developments whilst using CYC assets to maximise development opportunities and establish a quality benchmark for development in the area.

Analysis – this could enable the creation of a flexible vision which would be able to flex with the market to accommodate commercial opportunities and blend long and short term goals whilst maximising the role of the council in creating more fundamental changes in the area. This will see early development of some CYC sites to generate early capital receipts but could also create greater future opportunities for both capital receipts and revenue income from assets that currently have a very low yield.

28. It is recommended that Option 3 be adopted with a blended approach to public and private sector development in the area, creating a flexible planning policy that will help to shape quality development without artificially prescribing a scheme which may or may not be viable.

Next Steps

29. In order to bring forward a more detailed set of proposals that identify clearly costed options for development further work needs to be undertaken to :-
 - Establish a dedicated project team to lead the work. A project Manager will lead the project and pull together contributions from officers across Property, Planning, Legal, Finance and Procurement. A part time Project Officer will provide support to the wider team.
 - Undertake engineering feasibility
 - Undertake archaeological feasibility to develop a costed proposal for a dig.
 - Explore planning constraints and develop a suitable approach to planning issues.
 - Undertake a market assessment.
 - Develop a high level spatial plan for the area and a 3D visualisation for the area.
 - Undertake a Development Appraisal.

- Develop a comprehensive business case
 - Explore a range of commercial delivery mechanisms.
 - Prepare for a public consultation.
 - Prepare a Conservation Statement for St George's Field & the Foss Basin.
 - Undertake a development appraisal.
30. The cost of this work is estimated at £185k. It is recommended that Executive agree a budget of £185k to be financed from New Homes Bonus, with specific allocations from the budget to be confirmed by the Chief Executive and the Leader of the Council, to enable development of a fully worked up business case for the development of the Southern Gateway area. Development work will include:-
- i. Feasibility studies & engineering reports for St George's Field and Eye of York est. £80K
 - ii. Specialist commercial advice for whole site - est. £30K
 - iii. Legal advice to procure and establish a Joint Venture partnership for 17-21 Piccadilly – est. £50K
 - iv. Project support officer (part time) £25K

31. The full sum may not be needed if early feasibility work indicates that a scheme is not technically achievable. If any part of a development scheme is progressed (including the proposed redevelopment of 17-21 Piccadilly) then the potential return will more than offset this early investment.

17-21 Piccadilly

32. Following the report to Executive in June 2015 identifying the dangerous condition of the former Reynard's Garage, planning permission has now been agreed to demolish the building on health and safety grounds and the demolition work is being tendered and work is expected to start soon. A modest planting scheme is required and hoardings will be constructed to the rear of the site to provide security for adjacent properties on Walmgate.
33. 17-21 Piccadilly continues to generate a lot of interest from commercial developers. A previous marketing of the site gave rise to a number of proposals for hotels which though they yielded the highest capital values

were not felt to be the most appropriate drivers of area regeneration for a council owned asset.

34. However leaving the site undeveloped is not desirable in the long term and it is possible to proceed with a plan to develop the building whilst the broader area regeneration planning is underway as long as the principles set out at Para 14 are applied .
35. The options for redevelopment of the site are :-

Option 1 Place the site on the open market

This would potentially generate a substantial capital receipt but CYC would not be able to specify a scheme or effectively apply the principles of the vision for the broader area

Option 2 - Procure a developer to purchase the site with a defined brief of what CYC would want to be developed on the site

This would potentially generate a decent capital receipt but would require CYC to specify clearly what proposal it wants to see ahead of any vision being defined for the area. A prescriptive scheme might also limit commercial interest in the site if that proposal was not deemed to be commercially viable or attractive to the market. Experience of trying to evaluate different schemes against both financial and qualitative criteria has been difficult in the past

Option 3 - Procure a joint venture partner to develop the site.

This would potentially generate a maximised balance of capital receipt and quality development, giving CYC more control on the scheme. It could potential lead to a long term revenue stream if CYC wanted to retain the long leasehold or freehold, maximising the financial value of the asset in the long term. It would bring in private sector expertise to design and deliver a viable and attractive scheme.

Option 4 – seek to develop the site ourselves

This would maximise all financial benefits to CYC but would bring risk of designing a commercial scheme without the in house resource to deliver at this time.

Option 5 – Do nothing

Await the development of broader plans for the area and devise a commercial approach at that time. This would ensure that the vision and the development were fully aligned but would potentially miss out

on immediate commercial opportunities and risk the loss of momentum on developments currently underway on Piccadilly.

36. Given our previous experience with this site and the centrality of the site to any future area regeneration options 1 and 2 do not afford sufficient control or flexibility. Option 4 is not considered viable at this time and option 5 though low risk is also low on ambition.
37. It is recommended that we proceed with **Option 3** to commence the procurement of a joint venture partner to jointly develop the site. This option will give the council more control over the nature of any development and will enable us to share in the uplift in development value from the site as well as benefitting from the land value. This will more than cover the early investment of £185k to explore further investment potential as set out in Para 30. It will also give greater certainty over the timescale for an eventual development on the site. Proposals for a future development would be brought back to members for agreement.
38. The development of 17-21 Piccadilly will hopefully kick start other private sector developments along the street and establish a quality benchmark for the area. Work on delivering this scheme will be undertaken first as we explore other development potential in the area.

Consultation

39. The proposed scope of regeneration set out in this report has been discussed with stakeholders and land owners in the area. As part of the next development stage it is proposed that this is formalised within the project board structure and that further dialogue is held with all interested parties to develop proposals. This report has been discussed with ward councillors from Guildhall and Fishergate Ward.
40. A comprehensive public consultation will help to shape and develop proposals but at this stage there is no outline “scheme” to consult upon. The next report to members will include proposals for a broad ranging public consultation on the business case, the social and economic benefits and issues and the spatial plans for a potential scheme.

Council Plan

41. Under the draft council plan objectives 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 :
 - i. Everyone who lives in the city can enjoy its unique heritage and range of activities.

- ii. Residents can access affordable homes while the greenbelt and unique character of the city is protected
- iii. Visitors, businesses and residents are impressed with the quality of our city.
- iv. Local businesses can thrive.
- v. Efficient and affordable transport links enable residents and businesses to access key services and opportunities
- vi. Environmental Sustainability underpins everything we do
- vii. We are entrepreneurial, by making the most of commercial activities
- viii. Engage with our communities, listening to their views and taking them into account.

Implications

42. **Financial** - The One Public Estate Programme has provided grant funding of £70k to fund a project manager. In addition it is estimated that a sum of £185k will be needed to complete the work set out in Paras 29-31. This will be funded from the New Homes Bonus (NHB). Latest indications show that there is over £1m unallocated New Homes Bonus from 2016/17. Funding is needed to deliver the work in the development phase. If a commercially viable scheme is taken forward for any part of the Southern Gateway then this level of exploratory investment will be met from future capital receipts.

Human Resources (HR) –The role of Project Manager and Project Support Officer will be recruited for using normal CYC procedures

Equalities – As proposals for a scheme are developed a Community Impact Assessments will be undertaken

Legal – as proposals for a scheme are developed, detailed legal work will need to be undertaken to identify the most appropriate procurement route(s) and contractual arrangements to be put in place. In the first instance, detailed legal due diligence will need to be undertaken in relation to the 17-21 Piccadilly site as well as an analysis of the most appropriate legal structure to use to achieve the Council's aims for that site as described in this report.

Information Technology (IT) - There are no IT implications

Crime and Disorder - The detail design of any future scheme will need to look at making the riverside more publicly accessible and will require detail consideration of crime and disorder implications and there will be structured input from the Police Architectural Liaison officer

Property – All property implications are covered in the report

Risk Management

43. Failure to take action to shape the Southern Gateway may lead to uncontrolled and undesirable development along Piccadilly or a continuation of the sterilisation of the area. The project itself is still in the very early stages of definition and there are significant risks that the ideas outlined in this report may not be technically deliverable or financially feasible.
44. Procuring a Joint Venture partner will require significant officer time and resource. There is a risk of failing to attract sufficient interest in the market in developing sites through a joint venture partnership arrangement. There will be a need to protect the Councils financial interests within any partnership agreement.
45. All future plans will require planning permission. A full risk register will be developed by the project and will be regularly reviewed by the project board as the project progresses.

Contact Details

Author:

Tracey Carter - Assistant Director
for Finance, Property and
Procurement Tel No. 553419

Catherine Birks
Commercial Project Manager
Tel 552168

Sue Houghton
Reinvigorate York Programme
Manager
Tel 551375

Chief Officer Responsible for the report:

Tracey Carter - Assistant Director for
Finance, Property and Procurement

Tim Atkins
Community Stadium Project Manager
Tel 551421

Report
approved



16 October 2015

Specialist Implications Officers

Financial – Patrick Looker
Finance Manager
Tel No. 551207

Legal – Rachel Dolby
Deputy Head of Legal
Tel No. 551156

HR – Mark Bennet
Head of HR
Tel 554418

Wards Affected: Guildhall, Fishergate

For further information please contact the author of the report

Background Papers:

Local Plan Development Control Draft (2005) *Status: Adopted*

Planning Brief Castle-Piccadilly (2006) *Status: Non Statutory Draft
Supplementary Planning Guidance*

Planning Statement Reynard's Garage, 17-21 Piccadilly (2008) *Status:
Officer Planning Statement*

York Central Historic Core Conservation Area Appraisal (2011) *Status:
Evidence base for emerging Local Plan*

York New City Beautiful - Towards an Economic Vision (2010) *Evidence
base for emerging Local Plan*

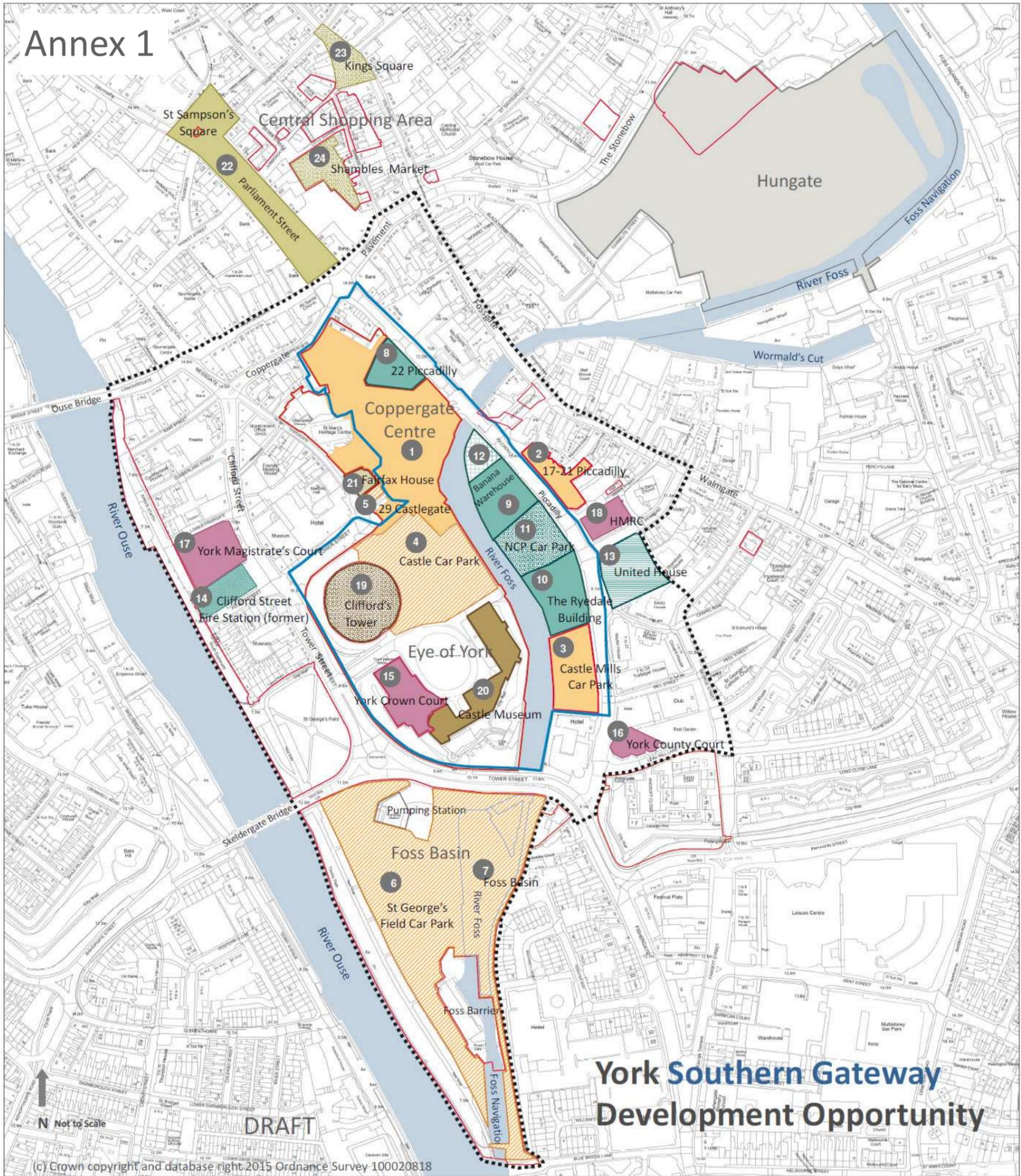
City of York Strategic Flood Risk Assessment Revision 2 (2013) *Evidence
base for emerging Local Plan*

City of York Local Plan Publication Draft (2014) *Status: Work in Progress*

Annexes

Annex 1 – Site map showing ownership

Annex 1



KEY

-  Proposed boundary of York Southern Gateway
-  Castle Piccadilly Area of Opportunity
-  Policy SS10 City of York Local Plan (Publication Draft 2014)
-  Hungate mixed use development site
-  Owned by City of York Council (Freehold)
-  **Commercial Opportunity: CYC Ownership**
 - 1. Coppergate Centre & Toilets
 - 2. 17-21 Piccadilly
 - 3. Castle Mills Car Park
-  **Commercial/Cultural Opportunity: CYC Ownership**
 - 4. Castle Car Park
 - 5. 29 Castlegate
 - 6. St George's Field Car Park (Foss Basin)
 - 7. Foss Basin (waterborne regeneration)
-  **Commercial Opportunity: Private Ownership**
 - 8. 22 Piccadilly (Primark, Coppergate) (*LaSalle UK - in Administration*)
 - 9. 36-44 Piccadilly (*LaSalle UK - in Administration*)
 - 10. The Ryedale Building (*LaSalle UK - in Administration*)
 - 11. 50 Piccadilly NCP Car Park (*Piccadilly Properties (York) LLP*)
 - 12. 34 Piccadilly (*Christopher Martin Burgess*)
 - 13. United House (*recently sold*)
 - 14. Clifford Street Fire Station (former) (*Clifford St LLP*)
-  **Public Estate Opportunity (One Public Estate)**
 - 15. York Crown Court (The Castle)
 - 16. York County Court (Piccadilly House, Piccadilly)
 - 17. York Magistrates Court (Law Courts, Clifford Street)
 - 18. HM Revenue and Customs
-  **Cultural Investment Opportunity**
 - 19. Clifford's Tower (*English Heritage Trust*)
 - 20. Castle Museum (*York Museum's Trust*)
 - 21. Fairfax House (*York Conservation Trust*)
-  **Central Shopping Public Realm Improvement Area**
 - Proposed public realm improvement projects
 - 22. Parliament Street & St Sampson's Square
 - Other public realm improvement projects
 - 23. Kings Square
 - 24. Shambles Market

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Executive**29 October 2015**

Report of the Acting Director of City and Environmental Services

Portfolio of the Executive Member for Transport and Planning

Coppergate Traffic Restrictions**Summary**

1. The purpose of this Report is to review whether and/or how to restrict traffic on Coppergate. It explains the background to traffic management of Coppergate to date. Your Officers' recommendation is to restrict traffic using the present 2013 Traffic Regulation Order (TRO), but to carry out a comprehensive consultation process (to include the Department for Transport and appropriate legal advice) in respect of ensuring adequate signage before commencing civil enforcement of the bus lane by camera.
2. Alternative options, which include revoking the Order, or varying the Order (which will require a statutory consultation process) are set out in the Report, and Members are asked to consider whether they wish an alternative option to be pursued before any further work is undertaken by Officers.

Recommendation

3. It is recommended that the Executive agree:
 - (i) that the York (Coppergate)(Local Bus Priority) Traffic Order 2013 be retained as indicated in Option 1, but that civil enforcement be suspended until a review of the signage has been undertaken and revised signage has been agreed by Members; and
 - (ii) that Officers undertake a review of the signage to convey the meaning of the Order and this shall include appropriate consultation; and
 - (iii) that the final revised signage scheme be brought back to the Executive for approval prior to commencement of any civil enforcement by camera.

Reasons: To provide more certainty for effective civil enforcement by camera of the 2013 TRO in order to reduce the impact of traffic on a key public transport and busy pedestrian area in the City Centre.

Background to Traffic Restrictions on Coppergate

Historical Enforcement

4. There has been an access restriction of one sort or another along Coppergate for many years. These have been varied over the years depending on the prevailing council policy / objectives, changes to legislation, etc. but broadly the aim has long been to provide priority to public transport, restrict the volume of general cross city centre traffic movements and keep vehicles on roads more suitable to carry traffic.
5. One of the major drawbacks of all access only type restrictions is that they are not a well respected restriction by drivers and consequently there is often considerable abuse. Coppergate has been no exception and there has over the years been regular criticism of the city council for not enforcing the restrictions more frequently. It is important to bear in mind however, that the enforcement of access only restrictions can only be carried out by the Police. Because the enforcement of traffic restrictions is not a high police priority when compared with their main role in crime reduction, taking action against drivers tends to be limited. Although the city is able to assist in funding enforcement action by the police this then becomes an ongoing cost burden for the city and the action is only intermittent and compliance with the restrictions remains low.

Legislative Changes and Reasons for 2013 Traffic Restriction Order

6. Changes in national legislation have allowed local authorities to carry out some limited enforcement of moving traffic offences using cameras. One of the traffic restrictions that certain Local Authorities can now use civil enforcement by camera for is bus lane abuse. The City Council is authorised to undertake this enforcement, and to take advantage of this change in legislation, the Council made the York (Coppergate) (Local Bus Priority) Traffic Order 2013 to create a bus lane at Coppergate. In addition to enabling the change in enforcement method, the 2013 TRO set different restriction times from those set by the previous TRO. These changes included:
 - Restriction to 7 days to better reflect the changes to Sunday trading. (the previous TRO only restricted Mon-Sat).
 - Hours of operation 7am to 7pm. (the previous TRO restricted 8am-6pm). The reasons for this change were to give a longer public transport only period at the start and end of the day (with a public

transport and loading only period being in the 10am to 4pm part of the day) and reduce cross town traffic in the early evening.

7. In summary the revised restriction was aimed at:
 - reducing traffic levels in the city centre,
 - reducing the impact general traffic had on key cross town public transport routes,
 - reduce the traffic impact on the pedestrian zone and the link between the Coppergate centre and the rest of the city centre
 - contribute to improved air quality in the city centre
8. No objections were received on the revised TRO therefore following receipt of the necessary approvals for the equipment, enforcement by camera commenced in August 2013.

Impact of Traffic Penalty Tribunal Decision on Enforcement of the 2013 TRO

9. Following the introduction of camera enforcement of the 2103 TRO the initial levels of non-compliance were relatively high with the number of Penalty Charge Notices (PCN) issued much higher than was anticipated at the schemes inception. A number of drivers who had received PCNs appealed to the Traffic Penalty Tribunal (TPT). The TPT consolidated a number of appeals and produced a composite Decision Letter, which held that it was not possible to enforce the 2013 TRO by civil enforcement and camera as Coppergate was not considered to be a bus lane. Also, that the signs were not authorised, and that the signs were inadequate as they did not convey the meaning of the Order as required by the Regulations.
10. The Council did not agree with this decision, and challenged it by applying to the TPT for an Internal Review. The TPT took over a year to report on the Review and held that the 2013 TRO was valid, and that Coppergate could be enforced as a bus lane. However, the TPT considered the signage was not adequate and failed to convey the meaning of the 2013 Order. In respect of the signs the TPT particularly noted that:
 - The omission of the private hire and other vehicle exemptions from the signs could lead to confusion (sign 1 Annex A)
 - The order of the times and exemptions on the supplementary plate below the main sign (and general design of the signs) could lead to confusion (sign 1 Annex A).

Decision to suspend enforcement and provide the Coppergate Refund Request Scheme

11. In April 2014, pending the Review of the TPT decision, the Council suspended enforcement of the 2013 TRO. Following the TPT conclusions on inadequate signage in April 2015, the Council resolved to set up a settlement process, so that should anyone dispute their penalty charge notice, even if they had not appealed at the time to the TPT, the Council would settle a claim to the amount of the penalty charge incurred in full and final settlement.

Options to be considered by the Executive

Option 1 – Retention of existing 2013 TRO – Undertake a review of the signage

12. The review by the TPT has confirmed that the 2013 TRO is legally enforceable but that in the Chief Adjudicator's view the current signage is inadequate and fails to convey the meaning of the 2013 TRO. To commence enforcement of the Order without reviewing signage would be very high risk, in that any appeals to the TPT are likely to be successful having regard to the Review Decision. Therefore progressing without a review of the signage is not considered to be a viable option.
13. Officers therefore recommend that a review of signage is undertaken, to include consultation on signage options, and that the results of this, and a proposed signage scheme are brought back to the Executive for approval prior to commencing civil enforcement by camera of the 2013 Order.
14. Other options that Members could consider are set out below, but it should be noted that these options would require formal amendments to the 2013 TRO which would need to follow statutory processes including public consultation. Formal consideration of any objections in determining whether to make a varied TRO would be required by the Council. (If any option is pursued that requires amendment to the TRO, it should be determined whether any objections would be considered by the Executive or delegated to the Executive Member for Planning and Transport).

Option 2 – Revocation of the 2013 TRO – Is there a need for restrictions on Coppergate at all

15. Coppergate is a key Public Transport route through the heart of the city which can be significantly affected by traffic at peak times. The road also splits the key pedestrianised areas of Parliament Street/High Ousegate and the Coppergate centre. Traffic restrictions could be removed from the road by revoking the TRO but this would compromise public transport

reliability, encourage unsuitably high volumes of traffic through the city centre increasing pedestrian severance between the Coppergate centre / Piccadilly area and potentially have an adverse impact on air quality. It is therefore recommended that a restriction to control traffic on Coppergate continues to be in place.

Option 3 – Amend the vehicular exemptions in the TRO to allow Buses and Taxis only

16. The exemptions within the current TRO address the Council's policy requirements and have been assessed to be compliant with the necessary legislation by the TPT. It is therefore possible to allow private hire vehicles as well as hackney carriages (taxis), to use the bus lane. However, the TPT are concerned that without specifying "Private Hire Vehicles" as well as "buses and taxis" on the signs, the Council has failed to adequately convey the meaning of the Order. Instead of including the additional words on the signs, (which would require an application for special authorisation from the Department for Transport), a much tighter restriction that only allows Buses and taxis (not Private Hire Vehicles) to use the route in the peak hours could be put in place by varying the Order. This would remove the concern raised by the TPT that the other exempted vehicles (such as Private Hire Vehicles) are not mentioned on the signs. This option is however not recommended as it does not sit well with current policy in York of treating Private Hire Vehicles as part of public transport provision and is a significant change to the current restriction. It is therefore recommended that the exemptions within the TRO are not changed but the signage is reviewed to convey the meaning of the TRO more accurately.

Option 4 – Not Undertaking Civil Enforcement of the Traffic Regulation Order

17. The 2013 TRO on Coppergate could be enforced by the police. However, the enforcement of traffic restrictions is not a high police priority when compared with their principal roles in crime reduction and community safety. Although the city is able to assist in funding enforcement action by the police this then becomes an ongoing cost burden for the city and the action is only intermittent and compliance with the restrictions remains low. Civil Camera enforcement ensures a much higher level of compliance. It is therefore recommended that camera enforcement is brought back into place at this location subject to the provision of a suitable signing regime. In any event, the signage would still need to be reviewed to enable police enforcement.

Option 5 Amending the Time of the Restrictions

18. The options below set out suggested alternative time periods that could be considered. Achieving these would require formal amendment to the 2013 TRO through the statutory process.
19. **Option 5a – return to the previous 8am to 6pm Monday to Saturday time of operation**

There have been major changes to the way the city centre operates over recent years. The most significant change is the increased number of people who visit the city on a Sunday, partly as a consequence of the changes to the Sunday trading laws. Pedestrian flows in Parliament Street in 2013 were higher on Sundays than Tuesdays or Wednesdays. It is therefore considered that a Monday to Saturday restriction is somewhat obsolete and the use of the city centre by general traffic would detract from the visitor/shopper experience on a Sunday. In addition, Monday to Saturday would have to be included on the sign above both of the time restrictions (bus lane restriction and loading) adding to the information a driver would have to digest before proceeding. Hence option 5a is not recommended.

20. **Option 5b – retain the 7 day operation but return to the 8am to 6pm time period**

This deals with the Sunday trading issue and accords with the timing of other nearby traffic restrictions in the City. To progress this option would require this element of the TRO to be amended through the formal statutory process, and whilst it is anticipated that there would likely be some support for this there may also be objections that would need to be considered. This option can be supported by Officers if Members wish to pursue this amendment to the TRO in addition to reviewing the signs. If Members resolve to take this Option, consideration should be given to authorising Officers to carry out the necessary statutory procedures, and whether any objections should be considered by the Executive, or delegated to the Executive Member for Planning and Transport.

Delegation to the Executive Member for Planning and Transport

21. In the event that Members wish to amend the times of the restriction in the TRO, it is requested that delegated authority be given to officers to carry out the statutory advertisement procedures in addition to the review of signage.

Consultation

22. Any changes to the existing TRO will be subject to the formal statutory consultation process of advertising the proposed changes for a 3 week period in the local press, a notice to statutory consultees and, in line with council practise, a letter drop to the properties adjacent to the restriction. It is suggested in this instance to also formally contact those groups (like taxis and Private hire firms) who would be most directly affected by any changes to the current situation.
23. If during the formal consultation process objections are made these would need to be formally considered by the Council, and this could be done either by the Executive, or by providing delegated authority to the Executive Member for Planning and Transport.
24. It is proposed that a consultation process on the revised signage will be carried out once the scheme has been designed and that the outcomes of this consultation will be reported to the Executive together with a final scheme for approval before any enforcement is commenced.

Future longer term possibilities

25. The above proposals seek to enable the short term resolution of the current difficulties relating to enforcement. To more comprehensively address the wider issues of the levels of traffic in the City and conflicts with pedestrians and public transport it is proposed to investigate further traffic management measures in Coppergate and the Piccadilly / Pavement area. These measures could include: revised access arrangements at the Stonebow and Piccadilly junctions, enhanced public transport facilities, changes to the Parliament Street / Piccadilly signalling arrangements and prohibited/compulsory vehicle movements. Regardless of what measures are brought forward for longer term future consideration, it is considered that the specific issue of the continuation or otherwise of the enforcement of the Coppergate TRO needs to be resolved more imminently.
26. When the wider possibilities have been investigated it is proposed that the results will be brought forward as a report for the Executive Member for Planning and Transport to consider and progress through to consultation and delivery.

Council Plan

27. The above proposal contributes to the City Council's draft Council Plan of thriving local businesses and efficient and affordable transport links.

Implications

28. This report has the following implications:

Financial – Design and legal advice required to enable the revised restrictions to be implemented will be funded from existing transport service budgets.

Human Resources – None

Equalities – Prior to consultation on any changes to the Traffic Regulation Order or signage a Community Impact Assessment will be undertaken. This will provide Elected Members with an assessment on how any revised proposals could affect different groups within the community compared to the impact of the current restrictions.

Legal – The 2013 TRO is legally enforceable by way of civil enforcement by camera by the City Council. However, to continue enforcement of the existing 2013 TRO with current signage would be very high risk in light of the TPT Review Decision that concludes the signage to be inadequate. A Review of signage prior to any commencement of civil enforcement is advised. The review should include consultation with key stakeholders, (including the Department for Transport to confirm whether Special Authorisation is required), and the consultation process and review of signage should be approved by Members. It is advised that the final approval of the signage scheme should be considered by the Executive prior to any commencement of civil enforcement by camera.

If any changes to hours of restrictions are sought, this would require the amendment of the 2013 TRO and the statutory process to be carried out in order to give effect to any amendment.

Further legal and technical advice will be taken throughout the signage review process to ensure the signage is authorised and adequately conveys the meaning of the Order so that the civil enforcement is therefore as robust as possible.

Crime and Disorder – None

Information Technology - None

Land – None

Other – None

Risk Management

None identified at this stage in the process.

Contact Details

Authors:

Name Tony Clarke
Job title: Head of Transport
Dept. Transport
Tel: (01904) 551641

Chief Officer Responsible for the report:

Neil Ferris
Assistant Director
Transport, Highways and Waste

Date: 18/9/2015

Specialist Implications Officer(s)

Legal - Alison Hartley, Senior Solicitor Planning Licensing and Highways

Wards Affected: Guildhall

All

For further information please contact the author of the report.

Background Papers

None

Annexes

Annex A Existing Signs

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Annex A

Existing Signs

Sign 1



Sign 2



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Executive

29th October 2015

Report of the Director of Customer & Business Support Services

Council Tax Support Scheme Review

Summary

1. A decision was taken at Executive on 30th July 2015 to review York's Council Tax Support (CTS) scheme. This report provides Executive with background on the current scheme, existing financial support available, the number of CTS customers seeking support and what further steps could be taken to support our most financially vulnerable customers in the short term but also in a sustainable way going forward.
2. In addition the report takes account of the agreed amended motion from Full Council held on 8th October 2015 which required Executive to :
 - continue with its review and bring forward a paper to the October meeting of the Executive, to cover a range of options including one to consult on changes to the current scheme; and
 - agree a timetable that meets the 31st January deadline, should it agree to make changes to the scheme, in advance of the 2016-17 budget setting meeting in February.

Background

3. The Government reduced its support for council tax benefit on 1st April 2013. This saw the council's previously demand-led grant reduced by 10% in 2013/14 and removed as an individual grant from 2014/15. The rules relating to council schemes are set out in the Local Government Finance Act 2012 and ensure that pension age residents are fully protected.

The CYC CTS Scheme

4. To clarify some of the issues that have been raised in relation to the council's CTS scheme, it is in essence the housing benefit scheme and in detail differs very little from the council tax benefit scheme that was in existence until 31st March 2013. The council chose not to amend the detail of the scheme that had been developed over the previous 20 years which has provided a fair way to support the relevant customer groups. This was and is the approach taken by many local authorities (including East Riding locally) however others have made substantial changes to their schemes as well in addition to capping the maximum benefit awarded.
5. An analysis of known schemes at other councils is shown at Annex A. These are all unitary local authorities and the information shows that many councils are considering to pass further costs back to CTS customers from either April 2016 or April 2017 – that is reducing the amount of help they can get.
6. The data also shows York is unique in both its low Liability Court Costs and non-use of the bailiffs for related debt recovery. As set out at paragraph 18 below court and bailiff costs can add over £7 per week to a CTS customer's bill. To put that into perspective each 1% reduction in York's scheme (currently requiring a minimum payment of 30%) will provide an average reduction of 15p per week for each CTS customer. In terms of implications for the council's revenue budget each 1% reduction in the scheme will require a saving of £38,436 based on current numbers claiming. As further welfare changes come during 2015 and 2016, these numbers may start to increase putting further pressure on the council's budget.
7. To develop a completely new scheme can be complicated and expensive and as such only a few councils have done so. The implementation of Universal Credit and incremental removal of the Government administration grant for housing benefit in the coming year(s) may force more authorities down this route providing schemes that are simpler to administer but take less consideration of the customer's individual circumstances.

Process for Change

8. Discussions have been undertaken with the council's third sector partners including the CAB and Advice York since the 'Pushed into Poverty' report was published. They have made it clear that their

concern is in relation to the cap (70%) and they are content that the scheme in itself provides a fair and equitable way of calculating entitlement to CTS.

9. If the Executive is minded on the basis of this paper to consider changing the scheme this will require the council to:
 - consult the major precepting authorities (ie the Police and Crime Commissioner and the Fire Authority) in time for them to plan for possible budget changes;
 - prepare a draft scheme;
 - consult such persons as it considers are likely to have an interest in the operation in the scheme.
10. In light of the impact of a change in the scheme such consultation would involve specific consultation with agencies who support those in financial need as well as with the wider public.

Existing Financial Support for CTS Customers

11. At the time of CTS scheme implementation the council was aware that some customers may have difficulty in paying their council tax bills. To support these customers it took a strategic approach to try and address the underlying issues through its broader financial inclusion role and strategy. It also established a safety net for customers through its financial assistance scheme (YFAS). This was initially grant funded by the DWP which then withdrew funding from April 2015. The council has continued to commit a base budget of over £500k to the scheme, with additional funding for two years, to ensure the impact of withdrawal of the specific grant was not felt by YFAS customers.

Table 1

Funding	2013/14	2014/15	2015/16	2016/17	2017/18
Awards (DWP)	£315,141	£315,141	£0	£0	£0
Base Budget Council funding	£0	£0	£315,141	£315,141	£315,141
CYC addition	£100,000	£200,000	£400,000	£400,000	£200,000
Total	£415,141	£515,141	£715,141	£715,141	£515,141

12. Low take-up of financial assistance specifically in relation to CTS customers, however, remains a concern at a time when the level of debt being experienced by financially vulnerable customers in York is reported to be increasing (Pushed into Poverty – Advice York).

13. Table 2 below shows that less than 3% of CTS customers have so far applied for further financial assistance and over 80% of the applications have been successful since 2014/15 to date.

Table 2

Year	Caseload	Claims	% of caseload	Successful claims	% of claims	Average Award £
2013/14	11572	324	2.8	204	63	125
2014/15	10730	237	2.2	200	84	184
2015/16 (YTD)	10606	58	0.5	47	81	211

14. Since 2013/14 to date just £80,913 has been spent on applications for additional help with paying council tax from financially vulnerable customers whilst during the same period, a further £601,174 has been spent on Emergency and Community Payments.

Other Support

15. Full details of the council's financial inclusion work with its partners, along with details of YFAS spend, was set out in the 2014/15 Financial Inclusion outturn report extract as attached at Annex B of this paper.
16. Arising from its broader financial inclusion strategy work, the council has invested an additional £300k in one-off monies since 2013 to support financial inclusion schemes with a follow-up £100k made available in 2016/17. This has included an £80k match funding payment to the Citizen's Advice Bureau (CAB) that succeeded in providing a further £248k of funding from the Big Lottery Fund to consolidate and co-ordinate the work of advice services in the city including the establishment of Advice York. The CAB have received a further one off grant funding of £67k in respect of their outreach work in GP surgeries across the city as well as an ongoing annual support grant of £124k. The council's financial investment in addressing financial inclusion (including the annual CAB grant) since 2013 is £672k. The Big Lottery Fund award brings the total investment in addressing financial inclusion to £920k.

17. Other direct action to support and protect CTS customers includes:
 - home visits to those in arrears and have not contacted the council ;
 - non use of Bailiffs (Enforcement Agents) for related debt recovery;
 - only a minimum £20 fee for liability orders. CYC is the only English council known to be doing this (most councils charge in the region of £80 to £100).
18. Financially this means CYC CTS customers are protected from up to £370 of additional recovery costs (court costs of £80, compliance fees £75 and bailiff visit fees of £235 less York's court costs of £20) that are charged by other councils. This is the equivalent of an additional £7.11 per week compared to the average Band A CTS charge in York of £4.97 per week for Working Age customers.
19. The council's Financial Inclusion Steering Group (FISG) oversees the YFAS and Financial Inclusion strategy and initiatives includes the CAB and South Yorkshire Credit Union. It will be further strengthened through the involvement of two senior Executive Members including the Council Leader. They will seek to ensure that there is a sustainable commitment to financial inclusion and that strategies are in place to help lift people out of poverty.

Strategy and solutions for strengthening support

20. The Advice York report 'Pushed into Poverty' and more recent report 'Every Penny Counts' clearly show that a number of customers are experiencing difficulty in paying their council tax. The most recent report (Every Penny Counts) is supportive of both the council's CTS scheme and recovery processes. As set out in paragraphs 11 to 19 the council has been proactive in trying to address financial inclusion at its source and has also put in place a well funded safety net for financially vulnerable customers through its YFAS scheme.
21. It is clear that the council along with its financial inclusion partners CAB and Advice York need to take a more proactive role in communicating with financially vulnerable customers and signposting the financial support available to customers through applications to the YFAS scheme. The council continues to visit

those CTS customers who are in arrears with 1,400 visits undertaken since January 2014.

22. Given the risks of consulting on a CTS change for 2016/17, the council could choose to develop a short term strategy in discussion with its financial inclusion partners as to how it can better reach out to support those customers quickly with current debts. The development of an approach for immediate relief for 2016/17 can be accommodated but is constrained by the money available in the YFAS scheme which is considerably lower than the value of the total arrears to date.
23. Information showing which customers are having CTS debt problems information on their status e.g. single, married, one parent family and the level of any council tax debt since 2013/14 is set out at Annex C of this paper.
24. In addition to the possible development of a one year debt reduction solution, as a minimum key points of the draft strategy will be to reinforce communication on available support as follows:
 - Ensure all council staff and partners who visit council customers are aware of the scheme no matter which part of the council they work in or which agency they work for;
 - Proactive communication and action with customers known to have problems in paying at the earliest possible stages including applying for YFAS;
 - Targeting those customers who need more intensive support including budgeting advice;
 - Further promotion of the YFAS scheme including all advocacy and advice organisations through Advice York;
 - Promotion through benefits advice and support work at York District Hospital;
 - Promoting the scheme at existing meetings such as resident, Ward, Tenant and Housing advice sessions attended by CAB & Housing;
 - Inclusion of fact sheets at annual council tax billing;
 - Use of emerging channels such as social media.

25. The benefits of the above approach are that the debt pressures on successful customers would not only be alleviated immediately but supported with sustained and sustainable activity in the background across all partners. FISG could be tasked with developing the relief scheme in this calendar year, for approval and implementation early in 2016.
26. This could be considered to a more proactive and effective approach to assisting with customers immediate financial difficulties than any future change in the CTS cap.
27. It is also important, however, that this short term injection of support is not seen as a solution to the financial problems of residents. This needs to be addressed through the broader financial inclusion agenda. The payment of CTS will continue into the future and customers struggle with many bills that continue to increase e.g. utility, rents and other costs. Universal Credit (UC) for all welfare customers is on the horizon and Tax Credits are to be changed in April 2016 and 2017.
28. The council will come under increasing financial pressure in respect of UC and Discretionary Housing Payments while the DWP remain clear that the council is the point of last resort for customers with financial hardship even though the Government social fund grant has stopped. Legally, lack of budget is not sufficient reason to decline discretionary payments (*C.W v East Riding of Yorkshire Council*) and as a result financial pressure on council budgets in supporting financial inclusion is likely to grow substantially in the coming years.

Options

29. There are four options that can be considered in relation to CTS and YFAS:

Option 1 – Maintain the current cap (70%);

Option 2 – Maintain the current cap and consider consultation on the scheme during 2016 for implementation in 2017/18, with the interim development of a one year scheme for short term relief;

Option 3 – Put the scheme out to a shortened consultation process to fit in with the 31st January 2016 deadline for implementation in 2016/17;

Option 4 – Any of the above three options together with the development of a cohesive strategy with the council's partners to implement and promote a sustainable approach to financial support available under YFAS as described in paragraph 24, subject to YFAS funding continuing.

Analysis

30. The collection rate for CTS working age customers remains relatively high at 78.25% and 75.77% in 2013/14 and 2014/15 respectively although some way behind the overall council tax collection rate of 97.55%. The key consideration is whether the current cap (70%) is causing greater financial hardship to certain categories of customer who may benefit from some change in the scheme that seeks to reduce their burden of taxation.
31. Any move away from the current CTS scheme (other than a change in the cap) will potentially require additional financial and staffing resource to both implement and run. Each 1% reduction in the cap will require a council saving of just over £38k resulting in an average weekly reduction in CTS to customers of £0.15 per week (data based on number of customers and scheme costs generated by the Northgate Revenues & Benefits System).
32. As highlighted at paragraphs 9 and 10 any change to the scheme would require widespread consultation. In considering whether to consult now Members need to be aware that that the Government's emergency budget welfare changes, including the wider rollout of Universal Credit, will also impact on many beneficiaries of the council tax reduction scheme. More detail of the impacts of these changes will be known on these over the next six months. As the Budget Strategy for the council would also be discussed over the same period as a 2015 CTS consultation, full consideration also needs to be made of the possible impact on that process of a very late decision on any resulting changes to the CTS scheme.
33. Any change to a CTS scheme following consultation has to be approved by Full Council on or before 31st January preceding the start of the financial year in which the change applies. Currently the last full council in York is 10 December 2015 and the last Executive before this is 26 November 2015. Precepting authorities (Parishes, Police and Fire) require notification of any revised council tax base by the end of December 2015.

34. To meet this requirement the committee cycle in December would need to be amended to ensure that Executive can recommend any change to the CTS scheme to a following Full Council (it is possible to revise the committee calendar to hold an Executive on 15th December and a Full Council on the 17th December without needed any additional meetings). This would accommodate a consultation period of 4 weeks only given required agenda publication dates. The consultation, therefore, would run from Monday 2nd November to Friday 27th November 2015.

Council Plan 2015 - 19

35. The options in this paper provide the opportunity to promote financial inclusion, delivering tangible and measurable benefits to affected customers inline with the Council Plan.

Implications

36.

- (a) **Financial** – Each 1% reduction in the scheme will require a compensating £38,436 saving in the council's revenue budget. Advice York's preference of moving the cap to 83% would equate to required further savings of approximately £500k. To return to a scheme when full relief could be offered at level of 100% would require further savings of around £1.2m. Any such financial decisions would need to be made within the constraints of a tight Budget Strategy setting timetable running concurrently with any consultation and resulting Council decision on the CTS.

These figures do not take account of impending welfare benefits changes that could increase:

- the number of CTS claimants; and
- the likely increase in underlying costs of the CTS scheme for the council for new and existing claimants as other welfare benefits reduce.

Cost of consultation will need to be met from existing council budgets.

- (b) **Human Resources** - If the YFAS scheme funding was to be reduced, a full reduction would result in two employee redundancies in the Customer Services structure.

There will need to be some consideration of the staffing resource needed to run an effective 4 week consultation process if undertaken in 2015.

- (c) **Equalities** – Members are aware of their responsibilities under the public sector equality duty.

In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The existing Community Impact Assessment (CIA) will be reviewed and revised as part of the of the consultation process once the proposed solution is known. CTS has an affect on financial vulnerability and is one of the key drivers for adopting the Housing Benefit scheme as a solution. The scheme has been developed over a number of years to treat financially fairly the various groups of customers e.g.

disabled or a one parent family through the relevant 'applicable amount'*.

This is reflected in the current CIA where the key communities of interest affected by any scheme that reduces the relief below 100% are Gender, Disability and Carers of older and/or disabled people. This arises as all three groups have the greatest difficulty in moving into work through either their disability, need to care, or in the case of gender been one parent families (90% of one parent families in receipt of CTS are female).

*Applicable amount – The amount the Housing Benefit Scheme says a person needs to live on depending on their circumstances.

(d) **Legal** – Specific legal requirements relating to the process for revising a scheme are set out within the body of the report including the requirement for consultation. The general law imposes obligations on public authorities when undertaking consultation. In particular it:

- Must be undertaken at a point where the mind of the decision-maker is still open to change and can, therefore, be influenced by the responses to the consultation. A decision-maker can though consult upon a preferred option provided that its mind is genuinely ajar.
- Must include sufficient information on the proposals to enable an intelligent response.
- Must include sufficient information on the proposals to enable an intelligent response.
- Adequate time must be given to respond. What is adequate will depend on the circumstances of each case. Clearly the longer time available for consultation the more the risk of challenge on this basis is mitigated.
- The product of the consultation must be fed into the decision-making process and conscientiously considered.

Any special meetings required to meet statutory deadlines will need to be set up.

- (e) **Crime and Disorder** - There are no implications.
- (f) **Information Technology (IT)** - The council's scheme currently operates on the Housing Benefit scheme with a Cap. Any increase or decrease in the Cap can be implemented following a full council decision in January 2015 in time for annual billing (2016/17). If any changes were made to the scheme itself (not the cap) or a complex change to the cap this would require a lead in time for the council's software provider to develop and test the new scheme before billing could take place. The cost of developing/amending software for any change would depend on the complexities. The annual billing process starts in February for all council tax and business rate payers so such a change could not be delivered for 2016/17.
- (g) **Property** - There are no implications

Risk Management

- 37. There are significant risks if option 3 is chosen and the tight timescales are not met for any reason. There is also an overriding reputational risk associated with any decision that is made on limited consultation.

Recommendations

- 38. Executive is asked to consider the contents of this paper and the options set out at paragraph 29 in light of the related analysis and agree to:
 - a) consider whether to consult during 2015 (option 3) and/or 2016 (option 2) in advance of the respective budget setting processes.
 - b) if option 2 (2016) is selected only, develop a cohesive strategy with partners to including a short term scheme of relief to be reported back at the scheduled meeting of Executive in January 2016.
 - c) If option 3 (2015) is selected, agree the timescales for consultation as set out in paragraph 34 and the necessary changes to the committee timetable for December 2015 in order

to allow a decision to be taken by Full Council on any changes to the Council Tax Scheme, as recommended by Executive.

- d) agree option 4 to improve promotion of the financial support available under YFAS and supplementary Financial Inclusion monies, subject to the continuation of YFAS.
- e) The detail of the scheme changes for consultation, to be developed by the Director of Customer & Business Support Services in consultation with the Portfolio Holders.

Reason: *To ensure members are fully informed of the options and implications of decisions made in light of this review of the CTS.*

Contact Details

Authors:	Executive Member and Chief Officer responsible for the report:		
David Walker Head of Customer and Exchequer Services Phone No. 01904 552261	Cllr Chris Steward Executive Leader, Finance & Performance Cllr Carol Runciman, Executive Member for Adult Social Care & Health		
Pauline Stuchfield Assistant Director Customers & Employees Telephone: 01904 551706	Ian Floyd Director of Customer & Business Support Services		
	Report Approved	√	Date 19/10/15
Specialist Implications Officer(s) Andrew Docherty, Assistant Director of Governance and ICT			
Wards Affected: All			√
For further information please contact the authors of the report			

Background Papers

Executive Report 30th July – Annual Report of the Financial Inclusion Steering Group 2014/15.

<http://modgov.york.gov.uk/documents/s98769/Report.pdf>

Annexes

Annex A – Unitary Authority CTS Schemes

Annex B - Financial Inclusion Outturn Report 2014/15

Annex C – Analysis of customer CTS debt

Abbreviations

CAB - Citizen's Advice Bureau

CIA – Community Impact Assessment

CTS – Council Tax Support

CYC – City of York Council

DWP – Department of Work & Pensions

FISG - Financial Inclusion Steering Group

GP – General Practitioner

k– Thousand

m - Million

UC – Universal Credit

YFAS – York Financial Assistance Scheme

YTD – Year to date

Other Unitary Authorities: Council Tax Support/Reduction Schemes Oct 2015 - Sample						Annex A
Authority	Is it based on the HB scheme? Yes/No	What changes have been made to the scheme since April 2013?	Is there consultation on changes from April 16?	What is the maximum % of CTS payable?	What court costs are applied to CTS customers?	Are CTS cases referred to bailiffs?
Warrington	Yes	Tweaked the 'Persons from Abroad' rules only without consultation (delegated officer)	No - but will be from April 17, will consult in 16/17	Restricted to 100% of Band A - 80% of CTS customers in Band A.	Standard £75 summons costs	Yes, follow usual recovery profile but pre-bailiff support intervention
Bath & NE Somerest	Yes	No	No - but will be from April 17, will consult in 16/17 -project team working on it now	78%	Same as non-CTS	Yes, follow usual recovery profile but pre-bailiff support intervention (e.g Welfare Support team)
Cheshire West & Cheshire	Yes	No	No, but will reflect changes to HB which their legal advice says can be done without consultation as such changes are 'built into' scheme.	75% but 100% for war pensioners, carers, families with disabled children, some disabled people.	Standard £75 summons costs	Yes, follow usual recovery profile but pre-bailiff support intervention
Stockport	Yes	No -apart from clarifying some minor aspects, needed no consultation	No - but will implement HB-realted changes from April 17, without consultation (alredy built in).	Restricted to 100% Band A - , or 3+ bedroom equivalent. Protection for thsoe getting disabled rate relief	Same as non-CTS £80	Yes, follow usual recovery profile but pre-bailiff support intervention

Authority	Is it based on the HB scheme? Yes/No	What changes have been made to the scheme since April 2013?	Is there consultation on changes from April 16?	What is the maximum % of CTS payable?	What court costs are applied to CTS customers?	Are CTS cases referred to bailiffs?
Poole	Yes	Yes - consulted during 14/15 for April 15 changes	April '16 consulting until 25/10 on 80-85% cap, aligning with HB changes (family premium, backdate).	April 13 91.5% but 100% for vulnerable groups (see Cheshire above); April 15 - 86% or Band C equivalent minm 50p pw entitlement;	Same as non-CTS: £93	Yes but softer reminders, support, engagement, hardship fund
Darlington	Yes	Tweaked the 'Persons from Abroad' rules only without consultation (delegated officer)	Yes - consulted on aligning with 4 year working age benefits freeze and HB changes; also to pay max 100% for those affected by the benefits cap.	80%	Same as non-CTS	Yes
Bracknell Forest	Yes	No	Yes - consultation just closed to reduce max for all to 80%, abolish child maintenance disregard, assess self employed on minimum wage equivalent, increase earnings disregard. Alignment with HB changes will be done via broader council budget consultation	91.5% if out of work or on very low income; 81.5% for all others	Same as non-CTS £80	Yes, follow usual recovery profile but pre-bailiff support intervention
Bournemouth	Yes	No	No	80%	Same as non-CTS £68	Yes

Authority	Is it based on the HB scheme? Yes/No	What changes have been made to the scheme since April 2013?	Is there consultation on changes from April 16?	What is the maximum % of CTS payable?	What court costs are applied to CTS customers?	Are CTS cases referred to bailiffs?
East Riding	Yes	No	Yes - to freeze components within working age benefits for the next four years, removing the family premium and limiting backdating to four weeks.	75%	Same as non-CTS £80	Yes - with offers of pre-bailiff support
Hull	Yes	No	No	80%	Same as non-CTS £80	Yes - to in house bailiffs offering supportive approach
Southend on Sea	Yes	No	No	75%	Same as non-CTS £95	Yes - same as non-CTS customers.
Wiltshire	Yes	Yes- for first year cap was 92% but changed to 90% after the first year	Yes - currently consulting on decreasing max to 75%	90%	Same as non-CTS, approx. £80	Yes- same as non-CTS customers but can apply discretion
Brighton	Yes	Yes - April 15 reduced max CTR to 91.5% to 85%, doubled non-dep charges and reduced capital level to £6k	Yes - align with HB changes, reduce max to 75%	April '13: 91.5% April '15: 85% April '16: 75% (proposed)	Same as non-CTS, approx. £120	Yes - to in house bailiffs adhering to a vulnerability policy
Hartlepool	Yes	No	Yet to be decided	88%	Same as non-CTS £75	Yes, normal process
Blackburn	Yes	No	No	80%	Same as non-CTS £75	Yes

Authority	Is it based on the HB scheme? Yes/No	What changes have been made to the scheme since April 2013?	Is there consultation on changes from April 16?	What is the maximum % of CTS payable?	What court costs are applied to CTS customers?	Are CTS cases referred to bailiffs?
Herefordshire	Yes	Yes - April 14: max CTR reduced from 91.5% to 84% and restrict to Band D; April '15 there was consultation but not approved by Members so no changes.	Yes - consulting on 80% max (or 84% for some disabled, carers, and households with children under 5); restrict to Band C; reduce capital limit to £6k from £16k. No plans to align with changes to HB and other working age welfare changes.	84% / Band D	Same as non-CTS £80	Yes
South Gloucestershire	No	Yes. 2013/14 scheme reflected normal CTB scheme. Consulted to introduce a banding scheme April 14 which had 8 income bands. Consulted again - changed to 5 bands in April 2015.	No but will from 2017/18 - altering way change of circumstance is reported to make it simpler e.g. only if income change enough to move up or down an income band.	Depends on income. £0-£120 p/w = 80% discount £120-£150 p/w = 50% £150-£200 p/w 30% £200-£250 20% £250-300 10%	Same as non-CTS £85	Yes, normal process

Annex B

Extract from Annual Report of the Financial Inclusion Steering Group 2014/15

Table 1: Grants made to all projects since 2013/14

Provider	Project Title	Description	Duration	Period	Grant
York CAB	Advice Services Transformation Fund (ASTF)/ Big Lottery	To overhaul the provision of Advice services with funding from the ASTF/Big Lottery funding. 'Advice York' set up.	2 years	1/8/13 - 31/7/15	£80,000
Schools	Cashless payment systems	To promote take up of free school meals in three secondary schools.	n/a	Sept 2014+	£60,000
Yorkshire Energy Partnership	'Save Money by Saving Energy'	Contribution to fuel poverty campaign work - 'Big Switch' and behavioural change initiatives	1 year	13/14 & 14/15	£10,000
CYC	Living Wage	Publicity material	n/a	2013/14	£230
Yorkshire Energy Partnership	'Save Money by Saving Energy'	Continue 'Big Switch' fuel poverty work until the introduction of the regionally procured 'Better Homes' contract from 15/16.	6 months	1/10/14 - 31/3/15	£18,236
Peasholme Charity	'My Money My Life'	Provide financial capability support for vulnerable and excluded people	1 year	1/9/14 - 31/8/15	£27,018
York CAB	GP surgeries outreach advice service	Placement of a benefits and debt advisor in two GP surgeries in wards with high deprivation.	2 years	5/1/15 – 4/1/17	£67,003
York Housing Association	Digital Inclusion at home and in the community	To provide one to one training to tenants (YHA & CYC) - online discounts / job searches, benefit applications & accessing banking.	15 months	1/10/14 - 21/12/15	£37,513
Total					£300,000

Following the success of the 2014/15 bid process, proposals have been invited from stakeholders to bid for grants from the £100k budget for 2015/16. Twelve bids have been received for grants totalling £299k, far in excess of the available budget. This process will be completed over the next few months.

Monitoring of the projects, most of which run into 2015/16, is ongoing. Outcomes so far include the following.

CAB - Advice Services Transformation Fund (ASTF)/ Big Lottery Fund (BLF)

The grant from CYC enabled an additional £248k matched funding from the BLF to the CAB to transform advice services in the city. Progress to date has been formally approved by BLF to continue draw down of funds. Notable outcomes to date include:

Advice York was established - a network of advice providers in York offering free, independent, impartial, confidential legal advice in areas of social welfare law.

Fifteen training sessions have been delivered to 209 delegates from 19 different organisations.

An Advice Strategy for the city will be launched in early July following an audit of existing advice provision.

A website has been launched¹ and four social policy reports have been produced.

Twenty four new trainee volunteers have been taken on.

Advice training has been delivered jointly with CABx in North Yorkshire.

Published and circulated widely a 'Guide to Advice Services'.

A Benefits Advice and Tribunal Support worker provided 338 instances of second tier (i.e. adviser) support and helped 139 residents with appeals.

Specialist benefits support was provided to 322 residents which helped gain £570k in unclaimed benefit income.

Yorkshire Energy Partnership

This project includes encouraging behavioural change to reduce fuel costs and to promote collective energy provider switching. A summary of the results of the first three Switch campaigns are in table 2. It is worth noting that York has a higher conversion rate than the national average of 29%. A fourth campaign is currently underway and another will take place in the autumn. A range of drop in sessions for residents and training for advisers as well as a wide range of publicity initiatives has taken place to support both aspects of the campaign.

¹ <http://www.adviceyork.org.uk/adviceyork.html>

Table 2: Outcome of Community Switch campaigns

Period	No. Signed up	No. Switched	Conv. Rate	Ave. Saving	Total saving
Dec '13 - Feb '14	751	242	32%	£169	c.£41k
Aug '14 - Oct '14	590	223	38%	£207	c.£46k
Dec '14 - Feb '15	578	255	44%	£243	c.£62k
Total	1919	720	38%	£206	c.£149k

From April 2015 the Better Homes Scheme was launched². This is a consortium of nine local authorities across Yorkshire that works with key partners Keepmoat and Willmott Dixon to bring insulation and renewable technologies to residents.

York CAB - GP Surgeries Outreach Advice Service

Outreach sessions began in late January 2015 working closely with Priory Medical Group providing a generalist advice service focusing on welfare benefits and debt in GP surgeries in Rawcliffe and Cornlands Road. A range of promotional material has been used to encourage take up and the project has been well received by GPs and their staff with 14 clients gaining annualised income equivalent through benefit take up of just under £41k by the end of April. Work continues to promote the service.

Peasholme Charity - My Money My Life

This is a supported learning initiative, delivering enhanced financial capability support and education packages for vulnerable and excluded people. The project started in September 2014. It provides one-to-one supported learning offering 20 hours intensive financial capability support, small group training offering 12 hours of supported learning delivered over 4-6 weeks and open events/drop-in providing one-off themed sessions. It is delivered at Peasholme Resettlement Centre, Kyra Women's Centre, York Mind and Howe Hill Hostel.

By the end of February 2015 50 people had used the service with 20 taking part in small group training, 7 in the one-to-one service and 24 attending an open event - with 7 going on to access training. Some 36 had completed their training programme. Specific outcomes include 88% stating that they will know how to get help if they were in financial difficulty and 82% saying that will have the ability to make effective decisions when purchasing financial products and making effective agreements.

² <https://www.york.gov.uk/betterhomes>

York Housing Association – Digital Inclusion

The project began in October 2014 and has provided tailored support to 34 people by the end of December and a further 102 from January to end of March 2015 making a total of 136. On-line support and training packages are used. Residents affected by claiming Universal Credit are given priority. There are drop-in sessions at Auden House and Lyndsey Avenue and the project worker liaises closely with CYC Housing Services to promote digital inclusion and attended the AGM of the CYC Residents Federation. Two people have obtained low cost tablets through a partnership with Argos.

In addition to providing training to meet individual needs clients are shown how to save money on line. One client, who was with the same energy provider for ten years, switched and saved £600 a year and received a £200 refund from her current supplier.

Other activities

FISG has also been involved in helping to develop and agree changes to the YFAS scheme (noted below) for 2015/16. This was undertaken in partnership with CAB, Advice York and the South Yorkshire Credit Union.

The Credit Union have been active participants in FISG over the last two years and opened new premises in Acomb on 1 June 2015. The shop called 'My Living', offers affordable financial and purchasing services to all.

The council actively supported the successful food collection for Carecent and the York Foodbank as part of the 'Yorkshire Harvest' during September 2014 by securing donation points and providing transport logistics for the collections.

The 'Rental Exchange' scheme will be introduced for CYC tenants during 2015. Developed by the Big Issue and Experian it helps build up the credit scores of social housing tenants using their rent payment histories. Around 66% of CYC tenants will see an increase in their credit score as a result of incorporating their rental data to the credit bureau database. This will allow residents to obtain wider access to financial products. Other York based social housing providers have expressed an interest in the scheme for their tenants.

On the education front regular communications via Head Teachers and Governors Briefings and weekly newsletters encourage school involvement in anti-poverty work generally and financial literacy specifically. The Illegal Money Lending Team has produced and circulated lesson plans to schools and the new National Curriculum, which includes money, budgeting and managing financial risk, has been in place since September 2014.

Outstanding CTS arrears by customer category

Annex C

2013-14

2014-15

Combined

Type of Customer	Number of A/C's	Total
Couple Children	111	£ 33,019
Couple no Children	40	£ 8,072
Single	292	£ 60,143
Single Parent	366	£ 88,520
Grand Total	809	£ 189,753

Type of Customer	Number of A/C's	Total
Couple Children	305	£ 97,962
Couple no Children	105	£ 22,814
Single	658	£ 133,784
single parent	872	£ 238,840
Grand Total	1940	£ 493,400

Type of Customer	Number of A/C's	Total
Couple Children	316	£ 130,981
Couple no Children	111	£ 30,886
Single	694	£ 193,927
Single Parent	896	£ 327,360
Grand Total	2017	£ 683,154

2013-14

2014-15

Combined

Value of Debt £	No of Customers	Total
0-50	198	£ 4,361
100-150	96	£ 11,929
150-200	74	£ 13,061
200-250	69	£ 15,601
250-300	47	£ 12,855
300-400	84	£ 28,820
400-500	42	£ 18,503
500-600	31	£ 16,810
50-100	98	£ 7,331
600-800	34	£ 23,876
800-1000	24	£ 21,827
1000+	12	£ 14,780
Grand Total	809	£ 189,753

Value of Debt £	No of Customers	Total
0-50	337	£ 6,293
100-150	182	£ 23,168
150-200	203	£ 35,997
200-250	230	£ 52,276
250-300	166	£ 45,179
300-400	265	£ 90,654
400-500	113	£ 49,548
500-600	82	£ 44,734
50-100	200	£ 14,953
600-800	94	£ 64,715
800-1000	45	£ 39,639
1000+	23	£ 26,245
Grand Total	1940	£ 493,400

Value of Debt £	No of Customers	Total
0-50	350	£ 6,478
100-150	183	£ 23,034
150-200	185	£ 32,734
200-250	165	£ 36,948
250-300	133	£ 36,553
300-400	213	£ 74,027
400-500	159	£ 70,969
500-600	108	£ 59,161
50-100	191	£ 14,170
600-800	121	£ 84,540
800-1000	89	£ 78,952
1000+	120	£ 165,589
Grand Total	2017	£ 683,154

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Executive**29 October 2015**

Report of Director of Customer & Business Support Services

CYC Future Workforce (Apprenticeships and Work Placements)**Summary**

- 1 This report provides Executive Members with an update on City of York Council's (CYC's) approach to apprenticeships and employment offer to young people, and to seek approval to continue with planned work.
- 2 Members are also asked to approve recommendations to increase Year 1 apprentice pay, and to include as part of an annual review consistent with all other council employees.
- 3 The report confirms progress towards meeting the commitment made as part of the joint administration's plans and emergency budget earlier this year.

Recommendations

- 4 a. Executive is asked to note progress and plans as follows:
 - the further development of the council's in-house apprenticeship and future workforce offer, aligned to future skills need;
 - to increase pre-apprenticeship provision by CYC, through structured work experience and supported traineeship/internship programmes, in line with city-wide initiatives;
 - to ensure that CYC upholds its responsibility as corporate parent to vulnerable groups (including children living in care, care leavers, NEET and SEND populations) through ring-fenced access to work placements and support in gaining apprenticeships.
- b. Executive to agree to increase current Year 1 pay in line with National Minimum Wage increases from October 1st 2015 and review annually in line with other council employee groups.

Reason: *To ensure Executive members are informed of the CYC approach to apprenticeships and that proposals are aligned with likely national policy direction.*

Background

- 5 Since 2011 the council have allocated an annual budget of £115k, managed centrally by HR, to provide 50% match funding for apprentices across the authority.
- 6 The council have run a successful in-house apprenticeship programme since 2011, with 55 apprentices and former apprentices now working in roles across the authority (including 4 schools-based CYC support staff). Total numbers of apprentices taken on since around 2011 are 111, with an overall completion rate of 92% (compared with 71% nationally¹), see table below for a year by year breakdown.

Date	Numbers of Apprentices	Other information
Before 2011	2	
2011/12	35	Commencement of funding of £115k
2012/13	34	
2013/14	18	Reduction from 2012/13 mainly due to introduction of a 'Living Wage' for apprentices increasing pay from the then minimum rate of £2.68ph to £4.98ph
2014/15	10 (+1 school based)	
2015/16	8 Apprentices (+ 3 school-based)	Plus 8 vacancies

- 7 The 2015/16 intake to date is at 8 apprentices (and another 3 school-based apprentices), with a further 8 vacancies in progress across a diverse range of roles.
- 8 To date, the majority of apprentices have joined on 12-18 month contracts, and match-funded posts have been recruited on a supernumerary basis (i.e. apprentice roles sit outside of established team headcount).
- 9 From June 2013, an additional strand of the apprenticeship strategy was developed to enable managers to convert existing vacant posts into

¹ 2013/14 figures, taken from SFA publication on gov.uk:
[2013 to 2014 NSRT apprenticeship overall headline success rates](#)

apprenticeships. Within this 'vacancy management' strand, apprentices were recruited on the basis that their role would be converted into a permanent post on successful completion.

- 10 Uptake of the vacancy management approach has been limited with many suitable posts either ring-fenced for redeployment or unfilled to achieve financial savings targets.
- 11 A gap has also been identified in the council's provision of work experience or work placements, which has been largely reactive and localised.
- 12 The 2015 Enterprise Bill, currently going through Parliament, includes provision to provide the Secretary of State with power to set targets for the number of apprenticeships provided by local government. In reviewing our provision now, we aim to be in a strong position to meet those targets once introduced.

Across the city

- 13 Recent reports from the Skills Funding Agency and the Department of Business, Innovation and Skills show that York is currently in the top 5% of all local authorities for the increase proportion of residents starting an apprenticeship compared to the previous year. York also has a very successful Apprenticeship Hub, in partnership with the Leeds City Region.
- 14 CYC aims to lead by example as a positive role model for apprentice and traineeship employers across the city.
- 15 CYC is currently leading on an innovative supported internship programme for young people with Special Educational Needs and Disabilities (SEND), funded by the DfE. This report recommends working collaboratively to support that initiative through participation and provision of placements, as well as through joint communications and city-wide promotions.

Objectives of the Future Workforce Strategy

- 16 As a council, we want to put ourselves in a strong position to manage future changes to the workforce, increasing opportunities and routes into the organisation for young people on a sustainable basis.
- 17 We aim to achieve this through a continued strategy of promoting high quality apprentices, and increasing work experience provision.

- 18 The Future Workforce Strategy will form part of the council's new draft People Plan and will be aligned to the council's future service plans and operating model, ensuring that investment is made in the skills needed for the future. Recommendations to more closely align the CYC apprentice scheme with the future resource and skills needs of the organisation have been roundly supported and HR will continue to work with leadership teams to identify priority service areas where apprenticeships could create an effective pipeline for succession.
- 19 The council's HR team are providing a dedicated resource to manage the vacancy management process, and once in post, the HR Officer (Future Workforce) will actively promote this strategy, working proactively to increase manager awareness and understanding of apprenticeships. This work will be supported by the York Apprentice Hub team.
- 20 The dedicated HR resource referenced above will undertake the following duties:
 - a. Engagement with managers, directorate management teams and to promote the benefits of apprenticeships and the variety of options available internally, supported by the York Apprenticeship Hub team.
 - b. Secure and monitor adherence to the existing vacancy management policy and work proactively to identify opportunities to convert vacancies into apprenticeships.
 - c. Act with organisational oversight, providing the opportunity to match upcoming vacancies or placements with known requirements from children and young people's support teams.
 - d. Coordinate and support the development of a central work experience package, with ring-fenced provision for vulnerable groups where the authority has a duty as corporate parent.
 - e. Act as a point of escalation for apprentices, providing pastoral support and guidance where needed.
 - f. Facilitate the development of a self-generating support network for apprentices, through joint development activities across the authority.
 - g. Work closely with colleagues from the Children's Services, Education and Skills teams to join up and maximise the impact of internal and citywide initiatives.

Apprentice Pay Proposals

- 21 We want to ensure that our rates of apprentice pay remain competitive and set a positive example to other apprentice employers across the city through formalising an automatic review of apprentice Year 1 pay, linked to increases to the National Minimum Wage for 18 to 20 year olds. We already pay a 'CYC Apprentices Living Wage' for Year 1 apprentices of £4.98 (compared to the national rate of £2.73) but this has not been reviewed since its inception in 2012.
- 22 All Year 2 apprentices also receive enhanced £6.70 an hour which is already set at the National Minimum Wage (NMW) for 21 years and older and receive an automatic increase statutorily in line with national rate increases. This rate has increased from £6.50 an hour from October 2015.
- 23 We recommend that Executive Members agree to increase the pay of Year 1 Apprentices to £5.30 per hour in line with the NMW for 18-20 year olds and amend it automatically in future. This rate has increased from £5.13 in October 2015.
- 24 Should the NMW rate for 18 – 20 year olds for CYC Level 1 apprentice pay be agreed this would see an increase of 32p per hour (6.4%). It is not recommended that any retrospective increases are made.

Consultation

- 25 Council Management Team has reviewed and support the changes recommended in this report.
- 26 This report has been circulated for comment to the Trade Unions and feedback taken. Throughout ongoing dialogue (via CCNC) the Trade Unions have been supportive of CYC initiatives to provide high quality apprenticeships, and have helped to identify areas of need but have raised concerns about retention figures and pastoral support.
- 27 The proposed developments for the scheme incorporate feedback from trade union representatives as well as apprentices, managers and colleagues in support services. We anticipate that these proposals will further enhance the authority's capacity to retain apprentices following successful completion of their qualifications, and that dedicated resource will enable apprentices to feel better supported throughout their studies.

Options

- 28 There are no alternative options for Recommendation a) which asks members to note the progress and plans as outlined in the report.
- 29 Members can choose to agree or to disagree with the proposed increase to Year 1 apprentice pay rates at Recommendation b).

Analysis

- 30 All information is contained in the body of the report.

Council Plan

- 31 Outcomes achieved by the activities covered in this report help to deliver priorities in the Council Plan 2015-19 in support of 'A prosperous city for all', ensuring that as an employer the council sets a positive example of supporting employees to achieve their full potential.
- 32 This work will form part of the draft People Plan strategy which will support overall delivery of the Council Plan 2015 –19.

Implications:

33 a. Financial

To increase the Year 1 apprentice rate of pay to £5.30 from 1st October 2015 would cost approximately £9.75k excluding on-costs, based on current numbers of 21 apprentices in place at that date, with recruitment of a further 8 in process. This equates to an annual increase of just over £600 (or £51.45 per month) per person. Funding would be set aside from the apprentice budget for 50% but departments would be required to fund the remaining 50%.

The HR team will continue to manage the corporate apprentice budget of £115k in line with the proposed strategy. Through adopting the proposed strategic approach to address succession and talent planning through use of apprenticeships to build internal skills and knowledge, longer term savings will be achieved through a reduced need to recruit experienced and in-demand skills.

b. Human Resources (HR)

By adopting a proactive strategy, the longer term impact of this work will mean that HR are better able to plan and align resource where needed. Increased engagement and improved access to information for managers will reduce the advice burden on HR in the medium to long term.

c. Equalities

This work will form a key strand of activity to ensure that the council's workforce profile more closely matches that of the city and its residents. We aim to improve the representation of communities of interest within the council, through working closely with colleagues in the Community Engagement and Children's Services teams to ensure that all future workforce initiatives are promoted to vulnerable and hard to reach groups through supported recruitment and targeted campaigns. See attached Community Impact Assessment (Annex 1) that supports this report.

Recruitment activity will be in line with legislation, ensuring the council upholds its obligations under the Public Sector Equality Duty. Best practice will be applied in order to maintain the Excellent status achieved against the Equality Framework for Local Government earlier in 2015.

d. Legal

None

e. Crime and Disorder

No known implications.

f. Information Technology (ICT)

Anticipated impact on ICT services are limited, though advice and development may be sought from the ICT team to ensure that technology is applied to best advantage to promote apprentice and work placement opportunities, and enable internal and alumni networks.

g. Property

No known implications.

h. Other

No known implications.

Risk Management

- 34 There is a risk in not reviewing apprentice Year 1 pay that apprentices are being treated differently from other employee groups within the council. The main risk is to the council's reputation as an employer in the city, which could be undermined if it is not able to set a positive example as an employer. Implications are likely to have a detrimental effect on the council's ability to attract high calibre employees and make best advantage of the high level of skill in the city's younger population.

Contact Details**Author:**

Emily Taylor
Talent & Resourcing
Advisor
Tel No. 01904 551761

**Chief Officer and Executive Member
Responsible for the report:**

Pauline Stuchfield
AD Customers & Employees
Tel No.01904 551100

Ian Floyd
Director of Customer, Business and Support Services

Jon Stonehouse
Director of Children's Services, Education and Skills

Executive Leader for Finance & Performance
Deputy Leader, including Economic Development and
Community Engagement

Report Approved**Date** 16/10/15**Specialist Implications Officer(s)**

Financial: Ian Floyd
Director of Customer & Business Support Services
Legal: Andrew Docherty
AD for Governance and ICT

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

Background Papers:

None

Annex 1: Community Impact Assessment

List of abbreviations used in this report:

CYC	City of York council
DfE	Department for Education
CCNC	Corporate Consultative Negotiating Committee
NEET	Not in employment, education or training
SEND	Special educational need and disabilities
ICT	Information and computer technology
HR	Human Resources
NMW	National minimum wage

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SECTION 1: CIA SUMMARY
Community Impact Assessment: Summary
1. Name of service, policy, function or criteria being assessed:

CYC Apprenticeships and Future Workforce Strategy

2. What are the main objectives or aims of the service/policy/function/criteria?

- **To increase representation of younger people in the CYC workforce.**
- **To increase Year 1 apprentice pay, and introduce an annual review of apprentice pay in line with CYC pay processes.**
- **To provide good quality apprenticeships, serving as a role model for other employers in the city.**
- **To increase provision of work placements in order to fill an identified need for individuals not yet at a stage to take on an apprenticeship.**
- **To increase collaboration between HR and Children's Services, ensuring that CYC upholds its responsibility as Corporate Parent through access to work placements and support to undertake apprenticeships.**

3. Name and Job Title of person completing assessment:

Emily Taylor, Talent & Resourcing Advisor

4. Have any impacts been Identified? (Yes/No)

Yes

Community of Identity affected:

Age
Race
Disability
Lower income

Summary of impact:

Year 1 apprentice pay increase will impact current apprentices and apprentices joining CYC, and will be back paid effective from 1st Oct 2015.

Alignment and allocation of apprenticeships to the council's future skills requirements should increase uptake and provide longer-term prospects for apprentices.

Introduction of supported work placements will increase opportunities for communities of

		interest to access work and training.
5. Date CIA completed: 7 October 2015		
6. Signed off by: Emily Taylor		
7. I am satisfied that this service/policy/function has been successfully impact assessed. Name: Position: Date:		
8. Decision-making body: City of York council Executive	Date: 29 October	Decision Details:
Send the completed signed off document to ciasubmission@york.gov.uk It will be published on the intranet, as well as on the council website. Actions arising from the Assessments will be logged on Verto and progress updates will be required		

Community Impact Assessment (CIA)

Community Impact Assessment Title:

What evidence is available to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people. **NB. Lack of financial resources alone is NOT justification!**

Community of Identity: Age

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impa (N/P/Non
The recommendations in this report build upon and strengthen current policy, for which the following CIA was undertaken. Recommendations have been made following consultation with HRMT, directorate leadership teams, CCNC, Show Me That I Matter panel, colleagues in support services and including feedback from current and previous apprentices, attendance at recruitment fairs. Recommendations also include those based on a Veritau audit of apprenticeship provision within CYC.	Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	P	P



CIA_CYC_HR_app
renticeship_sche...

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
<p>Increased representation of younger people in workforce.</p> <p>Higher rate of pay for apprentices has a greater impact on younger members of the CYC workforce, and introduces a mechanism to review apprentice pay in line with other groups.</p>	Y	<p>CYC workforce age profile is not representative of city residents.</p> <p>Increased provision of apprenticeships allows for longer-term succession planning.</p> <p>No age restrictions are placed on applicants.</p>	Emily Taylor	7/10/15

Community of Identity: Carers of Older or Disabled People

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
As above	<p>Access to services and employment</p> <p>Education</p> <p>Standard of living</p> <p>Productive and valued activities</p> <p>Individual, family and social life</p>	P	P

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Access to supported work placements will reduce burden of care on carers of disabled people who are successful in gaining placements.	n/a		Emily Taylor	7/10/15

Community of Identity: Disability

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impa (N/P/Non	
As above	Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	P	P	
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
Access to supported work placements will allow disabled residents to gain skills, experience of work, references and will build confidence and self-reliance.	n/a		Emily Taylor	7/10/15

The increased apprentice year 1 pay rate will have a positive impact upon living standards for that group.				
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Community of Identity: Gender

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Selection will be based on best practice to ensure equality of access to opportunities.		Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	None	None
Details of Impact	Can negative impacts be justified?	Reason/Action	Lead Officer	Completion Date
None	n/a		Emily Taylor	7/10/15

Community of Identity: Gender Reassignment

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Selection will be based on best practice to ensure equality of access to opportunities.		Access to services and employment Education	None	None

		Standard of living Productive and valued activities Individual, family and social life		
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Marriage & Civil Partnership

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impa (N/P/Non
Selection will be based on best practice to ensure equality of access to opportunities.		Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Pregnancy / Maternity

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Selection will be based on best practice to ensure equality of access to opportunities.		Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date

Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Selection will be based on best practice to ensure equality of access to opportunities. We will however, target attraction to increase representation of BME and under-represented community groups.		Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	P	P

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
None	n/a		Emily Taylor	7/10/15

Community of Identity: Religion / Spirituality / Belief

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
Selection will be based on best practice to ensure equality of access to opportunities. We will however, target attraction to increase representation of BME and under-represented community groups, where there is a higher diversity of religion or belief.	Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	P	P

Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
None	n/a		Emily Taylor	7/10/15

Community of Identity: Sexual Orientation

Evidence	Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
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Selection will be based on best practice to ensure equality of access to opportunities.		Access to services and employment Education Standard of living Productive and valued activities Individual, family and social life	None	None
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
None	n/a		Emily Taylor	7/10/15



Executive

29th October 2015

Report of the Assistant Director Governance and ICT

**Recommendations of the Local Plan Working Group
– City of York Local Plan – Objective Assessment of Housing Need
and City of York Local Plan Economic Growth**

Summary

1. This report presents the recommendations from a meeting of the Local Plan Working Group (LPWG) held on 29 September 2015 in respect of the City of York Local Plan – Objective Assessment of Housing Need and Economic Growth and asks Members to consider the advice given by the Group in their capacity as an advisory body to the Executive, in relation to these reports.
2. The reports considered by the Local Plan Working Group on the 19th October 2015, relating to the protection of public houses and the Minerals and Waste Joint Plan are being reported separately to this Executive meeting.

Recommendations

3. Members are asked to note the recommendations in the minutes attached at Annex A and to decide whether they wish to:
 - a. Approve the specific recommendations made by the Local Plan Working Group in respect of the Objective Assessment of Housing Need and Economic Growth
 - b. Respond to any of the advice offered by the Working Group.

Reason: To fulfil the requirements of the Council's Constitution in relation to the role of Working Groups.

Background

4. Under the Council's Constitution, the role of Working Groups is to advise the Executive on issues within their particular remits. To ensure that the Executive is able to consider the advice of the Working Groups, it has been agreed that recommendations from the Groups' meetings will be brought to the Executive. In accordance with the requirements of the Constitution, the recommendations of the Local Plan Working Group of 29 September 2015 are presented with this report at Annex A. In addition, to fully inform the Executive on those recommendations, the reports originally considered by the Working Group are available to view at <http://democracy.york.gov.uk/ieListDocuments.aspx?CId=128&MId=9066&Ver=4>

Consultation

5. No consultation has taken place on the attached recommendations, which have been referred directly from the Working Group. It is assumed that any relevant consultation on the items considered by the Group was carried out in advance of their meetings.

Options

6. Options open to the Executive are either to accept, reject or comment upon the advice offered by the Working Group.

Analysis

7. The LPWG at their meeting on 29 September 2015, considered both the Objective Assessment of Housing Need and Economic Growth. Executive are firstly asked to consider the recommendations in respect of the Objective Assessment of Housing Need set out below and in the attached draft minutes at Annex A (minute 4 refers):

'That the Executive be requested to:

Note the Arup report on the Objective Assessment of Housing Need which is to be used as the starting point for determining the amount of housing land required to be identified in the Plan.

Reason: To inform members of the updated evidence base being used in further work on the development of an NPPF compliant plan

8. Secondly, in respect of Economic Growth Members are asked to consider the following recommendation contained in the attached draft minutes at Annex A (minute 5 refers):

'That Executive be recommended to accept the analysis as presented and endorse Option 4 as presented in paragraphs 52 and 53 of the report.

Reason: To provide a basis for undertaking further work on the development of an NPPF compliant Local Plan. This will include a further assessment of both scenarios covered by the recommendation and the development of a potential portfolio of sites. All this will be presented to the working group at a future meeting.

9. As previously agreed, Chairs of Working Groups attend meetings of Executive when the recommendations of their Working Group are considered; Councillor Ayre will already be in attendance at this meeting as Executive Member for Culture, Leisure and Tourism and Chair of the Local Plan Working Group .

Council Plan 2015-19

10. The aim in referring these minutes accord with the Council's recognition that to achieve the priorities set out in the new Council Plan, the Council will listen to residents and provide a prosperous city for all.

Implications

11. There are no known implications in relation to the following in terms of dealing with the specific matter before Members, namely to consider the minutes and determine their response to the advice offered:

- **Financial**
- **Human Resources (HR)**
- **Equalities**
- **Legal**
- **Crime and Disorder**

- **Property**
- **Other**

Risk Management

12. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Contact details:

Author:

Laura Bootland
Democracy Officer
01904 552062

Chief Officer Responsible for the report:

Andrew Docherty
Assistant Director Governance and ICT

Report ✓ **Date** 7th October 2015
Approved

Specialist Implications Officer(s) None

Wards Affected:

All

For further information please contact the author of the report

Annexes

Annex A – Draft minutes of the Local Plan Working Group relating to the City of York Local Plan - Objective Assessment of Housing Need and City of York Local Plan - Economic Growth

Background Papers

Agendas and associated reports for the items - available on the Council's website here

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=128&MId=9066&Ver=4>

City Of York Council

Committee Minutes

Meeting	Local Plan Working Group
Date	29 September 2015
Present	Councillors Ayre (Chair), Steward (Vice-Chair), N Barnes, Boyce (Substitute), Kramm (Substitute), Levene, Lisle, Mercer, Orrell, Rawlings, Reid, Shepherd and Warters
Apologies	Councillors D'Agorne and Williams

1. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

2. **Minutes**

Resolved: That the minutes of the last meeting held on 29th January 2015 be approved and signed by the Chair as a correct record.

3. **Public Participation**

It was reported that there had been one registration to speak under the Councils Public Participation Scheme:

Robert Arnold spoke on behalf of The York Action Group Alliance. He advised that the Alliance were concerned that in satisfying York's housing need, the Council does so by not destroying the green belt and by not overloading infrastructure and services. He referred to The Alliance's Manifesto which contained issues which the Alliance felt reflected the views of local people following a consultation carried out in 2014. In relation to the Department of Communities and Local Government (DCLG) recommended figure of 758 houses a year, the Alliance do not believe that the figure should be increased or decreased. He suggested that using methods to inflate the figure such as looking at previous under provision was not acceptable.

There had been one registration to speak on agenda item 5 – Economic Growth:

Edward Everard spoke on behalf of York and North Yorkshire Chamber of Commerce. He advised that the chamber works closely with the Council on all matters concerned with the regions economy and has taken an interest in Local Plan issues. He stated that the low rate of housing development in the city in recent years had impacted upon economic growth. In relation to agenda item 5, he advised that York needed to respond to economic growth opportunities. A move away from the manufacturing towards the service sector had led to lower productivity and lower wages and this would be the key challenge for York going forward. In relation to the Officers report, Option 1, he considered that this was not acceptable but the other scenarios were more positive and should be considered for addressing future employment land needs. Before making further decisions he suggested that the Council should step back and set out it's visions and aspirations of how the City should look in order to establish how much employment land is needed and where. The Chamber would be happy to continue to work with the Council.

4. City of York Local Plan - Objective Assessment of Housing Need

Members considered a report which provided them with an update on the Objective Assessment of Housing Need report produced by consultants Arup to inform the preparation of the emerging Local Plan.

The Head of Planning and Environmental Management addressed Members to advise that the purpose of the report was to update Members on the Objective Assessment of Housing Need (OAHN) produced by consultants Arup and that this was part of the evidence base for the emerging local plan and would be used as a starting point to establish the amount of housing land required in the Plan. The report was not setting policy and the recommendation reflected this.

Members received a presentation from Christopher Tunnell, Director at consultants Arup. The presentation is attached to the online agenda for this meeting for information.

A number of points were discussed in detail as follows:

- The impact of the student population in York – The representative from Arup advised that the Universities had now confirmed that they expected student numbers to continue to grow at the same rate over the plan period having a resultant impact on the housing market of 10 dwellings per annum. As such, there is no evidence that the figure should be adjusted to take into account student numbers. Officer indicated that they would bring a further paper back to LPWG looking at the student population issue in more detail in terms of student numbers, student accommodation choices and future options.
- A Member queried the impact of international migration and requested that figures be provided clearly, in the same format as in the December 2014 LPWG, showing the impact that international migration has upon York's housing figures. Officers confirmed that they would provide a table showing the components of population change including percentages. Arup also confirmed that migration was a national policy issue and that limited evidence at local level to challenge figures.
- A Member pointed out that the analysis of market signals was limited in the report and it did not show how affordability had changed over time or provide comparison with regional and national averages. It was confirmed that further analysis of affordability will be undertaken and that a new Strategic Housing Market Assessment will look at the issue in more detail. At present the data available did not show a worsening trend in respect of affordability in York so an adjustment to the housing figure to reflect market signals was not recommended by Arup. Officers confirmed that the SHMA would be reported back to LPWG.
- A Member queried the start date of the Plan at 2012 and asked whether the plan start date could be 2015 so that undersupply would not have to be considered in previous years. It was confirmed that the date was 2012 because that was the start date of both the 2012 based population and household projections which the National Planning Policy Framework (NPPF) and practice guidance (NPPG) advise should be the starting point for the objective assessment of housing need. Officers confirmed that if Members wanted officers to explore further the use of a

2015 start date for the Plan then it may be necessary to seek legal advice on this matter.

- In relation to windfalls, a Member pointed out that there was not sufficient analysis of windfall trends included in the report and following his own calculations the availability of windfall sites is decreasing. Officers confirmed that the Council will need to consider how to deal with windfall sites going forward and further analysis would be carried out and a paper brought back to LPWG.

Recommended: That the Executive be requested to note the Arup report on the Objective Assessment of Housing Need which is to be used as the starting point for determining the amount of housing land required to be identified in the Plan.

Reason: To inform Members of the updated evidence base being used in further work on the development of an NPPF compliant

5. City of York Local Plan - Economic growth

Members considered a report which outlined the evidence of demand for employment land and a number of options as set out in the report, as a starting point for determining the amount and type of employment land required to be identified in the plan.

Members received a presentation outlining the report, the slides are attached to the online agenda for information.

The following discussion point was raised:

- A Member queried how the outcome showing a potential average wage decrease across the city was calculated. Officers clarified that this was a result of projecting forward growth in employment sectors and relating this against the applicable sector's wages. Officers confirmed that this would not necessarily come to fruition as subject to Member choice of how to proceed with forecasted sector growth.

A member suggested that a further scenario could be a combination of scenarios 1 and 2.

Officers advised that the report suggested that work continued to develop the evidence around both the baseline and scenario 2. If only scenario 2 was chosen then it would be important to provide satisfactory evidence of the probability of the investments required to deliver the scenario coming forward such as York Central.

Recommended: That the Executive accept the analysis as presented and endorse Option 4 as highlighted in Paragraphs 52 and 53 of the report.

Reason: To provide a basis for undertaking further work on the development of a NPPF compliant Local Plan. This will include a further assessment of both scenarios covered by the recommendation and the development of a potential portfolio of sites. All this will be presented to the Local Plan Working Group at a future meeting.

Cllr N Ayre, Chair
[The Meeting Started At 5.30 pm and Finished At 7.20 pm].

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Executive

29 October 2015

Report of the Acting Director for City and Environmental Services

Protecting Public Houses

Summary

1. This report is in response to the motion passed by Council on 11th December 2014 in relation to protecting public houses. The purpose of the report is to provide Members with background information in relation to the options available to the council to potentially afford greater protection to public houses including Article 4 Directions and the assets of community value register. It asks Members to consider four options.
2. This paper is being considered by Members of the Local Plan Working Group on 19th October 2015. A verbal update of the outcomes of this meeting will be given at Executive.

Recommendations

3. Executive Members are asked to consider, in accordance with option three, the following:
 - i) No further work to be undertaken.

Reason: Based on the information available about the loss of pubs there is not considered to be an immediate threat to the loss of public houses from change of use. In addition, no budget has been identified to support the resources required to undertaken additional work. Pubs will still continue be protected through the planning application process where permission is required, for example for change of use from pub to residential. Residents still have the opportunity to nominate local pubs as assets of community value and the Council will consider any request for immediate Article 4 Directions for specific public houses where there is a justified and urgent requirement for protection.

Background

4. Well-run pubs play an invaluable role at the heart of their local communities. They provide a safe, regulated and sociable environment for people to enjoy a drink responsibly and meet people from different backgrounds. Campaign for Real Ale (CAMRA) research shows that 84% of people believe that a pub is as essential to community life as a shop or post office. However, despite their popularity, in recent years pub closures have escalated dramatically. Latest figures from CAMRA show that nationally, 29 pubs are closing every week. A combination of factors, such as falling footfall and soaring property prices is leading to many owners shutting down their pubs and converting the buildings to another use.
5. In July 2014 an early day motion was submitted for debate in the House of Commons setting out that permitted development rights are leaving pubs in England vulnerable to demolition or conversion to a range of retail uses without planning permission. In light of evidence from CAMRA, that two pubs a week are converted to supermarkets, and that these planning loopholes are contributing to the loss of valued community amenities it was expressed in the motion that there is concern that local people are being denied a say in the future of their neighbourhoods. The motion urged the Government to bring forward amendments to the General Permitted Development Order (GPDO) 1995 so that any demolition or change of use involving the loss of a pub would require planning permission. The Early Day Motion 208 was signed by the then MP for York Central, Hugh Bayley.
6. Locally, a motion was passed at Council on 11th December 2014 in response to 'the growing number of local pubs that are closing and being threatened with conversion to supermarkets, in some cases without the opportunity for the local community to have a say in the process'. The motion called on Cabinet to:
 - follow the example of other councils by swiftly introducing an Article 4 exemption to GPDO 1995 so as to require application for planning permission for such change of use within the boundary of the City of York, starting with the Punch Bowl in the Groves as an urgent priority; and
 - support the provision of advice to local groups on how to register their local pub as a 'community asset', identifying key social assets in local communities that need to be protected.

7. An immediate Article 4 Direction was implemented on 24th December 2014 for the Punch Bowl Pub on Lowther Street. This is discussed from paragraph 23.

Current Evidence Base

8. A public house in a traditional sense can be described as a building with a bar and one or more public rooms licensed for the sale and consumption of alcoholic drink, often also providing light meals. The council holds records of all licensed properties within the city. Under the Licensing Act 1964 there was a clearer distinction of what was a nightclub (closed later than 11pm and provided for dancing) and a public house which closed at 11pm. However under the Licensing Act 2003 there is no clear distinction between types of property. As such upon review of the council's licensing records it was apparent that all licensed properties cover establishments such as restaurants, cafes and bars/nightclubs, as well as the more traditional 'pub'. It is considered that the driving force behind the Council motion and protecting public houses is aimed at the more traditional pub and as such, an attempt has been made to estimate the number of drinking establishments in this regard in the city by colleagues in licensing. There are currently estimated to be 190 'pubs' in York, shown at Annex A. It should be noted that this is an estimate only and includes some city centre 'bars' rather than traditional 'pubs' but should eliminate restaurants with a licence. We have also been advised that the list of licensed premises changes on a regular basis as such the information provided can only be a snapshot at a certain point in time.
9. Applying the same filters, it has been possible to gain an understanding of the pubs that have closed by searching for properties where licences have been surrendered, revoked or lapsed. A licence is surrendered by the licence holder who for one reason or another no longer requires a licence. A licence is revoked by the licensing authority at a licensing hearing. A licence lapses if the licence holder is made bankrupt, insolvent or dies and the licence has not been transferred to someone else. Looking back to 2005 when the council took over alcohol licensing from the magistrates under the Licensing Act 2003 there have been 20 premises where licences have been surrendered, revoked or lapsed. Of these 20, four premises are known to have had new licences issued and are still operating as

drinking establishments. From this information, there can be estimated to have been 16 drinking establishments across the city that have closed since 2005. More information can be found at Annex B.

10. As set out in the following section, most change of uses from a pub to another use do not require planning permission and are instead covered by 'permitted development rights'. As such we are not able to keep a record of these cases. However a review of planning permissions of change of use of public houses that fall outside of permitted development rights and have required planning permission has been undertaken. Over a ten year period there have been 13 applications permitted and implemented for the change of use from public house to residential. The majority of these permissions have been outside of the city centre in the city's suburbs and villages. There has also been one application permitted and implemented for the change of use from public house to retail unit (application required because of external alterations). Annex C shows the location of the 14 change of use applications resulting in the loss of 'traditional' public house over the last 10 years.
11. In comparing both sets of information on the loss of pubs, there are only three changes of use that were not picked up through the search of planning applications but identified through licensing, which can be assumed to be changes that have occurred through permitted development rights. There is one change of use not picked up through the licensing data and this is assumed to be because the licence ceased prior to 2005 when the council's records date back to. Using both sets of information, it can be estimated that the loss of pubs extends to some 17 premises, shown below:

Table 1: Loss of pubs 2005 – 2015

Premise	Address	Reason for Loss	Source of information
Old Orleans	9-11 Low Ousegate, YO1 9QX	Change of use to supermarket through permitted development rights	Licensing
The Fossway	187-189 Huntington Road, YO31 9BP	Change of use to residential through planning permission	Planning and Licensing
Cygnets Inn	Price Street, YO23 1BH	Change of use to residential through planning permission	Planning and Licensing
Turf Tavern	277 Thanet Road, YO24 2PE	Change of use to residential through planning permission	Planning and Licensing
Yearsley Grove Hotel	Huntington Road, YO31 9BY	Change of use to residential through planning permission	Planning and Licensing
Fox & Hounds	39 Top Lane, Copmanthorpe, YO23 3UH	Change of use to residential through planning permission	Planning and Licensing
Edward VII Public House	Nunnery Lane, YO23 1AH	Change of use to residential through planning permission	Planning and Licensing
The Junction Public House	Leeman Road, YO26 4XH	Change of use to residential through planning permission	Planning and Licensing
Corner House	165-167 Burton Stone Lane, YO30 6DG	Change of use to supermarket through permitted development rights	Licensing
Greyhound Inn	5 York Street, Dunnington, YO19 5PN	Change of use to residential through planning permission	Planning and Licensing
Pack of Cards	Lindsey Avenue, YO26 4RL	Change of use to residential through planning permission	Planning and Licensing
Tanglewood	Malton Road, Stockton on the Forest, YO32 9TW	Change of use to furniture shop through permitted development rights	Licensing

Premise	Address	Reason for Loss	Source of information
Reindeer Inn	Townend Street, YO31 7PS	Change of use to retail through planning permission	Planning and Licensing
White Rose Hotel	Cornlands Road, YO24 3DZ	Change of use to residential through planning permission	Planning and Licensing
Locomotive Inn	Watson Street, YO24 4BQ	Change of use to residential through planning permission	Planning and Licensing
Tang Hall Public House	Fourth Avenue, YO31 0SS	Change of use to residential through planning permission	Planning and Licensing
Jacobean Lodge	Plainville Lane, Wigginton, YO32 2RG	Change of use to residential through planning permission	Planning

12. Within this same time period, there have been 13 permissions granted and implemented for the creation of new drinking establishments that fall within the A4 use class. It should be noted that not all of these applications are for 'traditional' public houses. The majority of these new drinking establishments are in the city centre and are shown at Annex D.
13. Whilst over 1,200 people signed a petition to protect The Punch Bowl which was submitted in the case for the pub to have an immediate direction (see paragraph 23) no representations were received through the wider consultation on the decision to make the immediate direction. There was only one response to the city wide Local Plan Preferred Options consultation in 2013 indicated that there should be a more specific presumption against loss of traditional public houses in the plan. As such, city wide opinion on more tightly controlling permitted development rights for public houses is unknown.

Approaches to Protecting Public Houses

14. Currently, planning permission is generally not required under planning law to demolish or change a pub into the following uses:
- a restaurant or cafe;
 - a shop or supermarket; and
 - offices for financial and professional services e.g. estate agents and building societies.

15. These changes are known as permitted development rights. A planning application must be submitted for the change of use from pubs to all other uses, such as to housing.
16. The National Planning Policy Framework (NPPF) at paragraph 70 states that local planning authorities should 'guard against unnecessary loss of valued facilities where they would reduce the community's ability to meet its day-to-day needs' and should 'ensure that established shops, facilities and services are retained for the benefit of the community'. The definition of community facilities includes public houses.
17. Locally, the 2005 Local Plan at Policy L1b 'Loss of Local Leisure Facilities' affords the level of protection to pubs given by NPPF paragraph 70. Policy L1b recognises that leisure facilities provide a valuable service for residents and play an important role in the social and economic character of local areas. These facilities can enhance the quality of life of communities and contribute to the vitality and liveliness of neighbourhoods. It is therefore important that all leisure facilities are protected and continue to meet local needs. For Policy L1b leisure facilities cover a variety of uses such as pubs, bingo halls, sports and leisure clubs. Under Policy L1b planning permission will only be granted for a change of use that would result in the loss of a leisure facility where it can be demonstrated that a need for the leisure facility no longer exists; or appropriate alternative facilities exist within the catchment area.
18. This approach remains in the emerging Local Plan under Policy CF1 'Community Facilities' which acknowledges that the local plan has an important role to play in ensuring that community facilities are provided in the most effective and accessible way. Existing services must be protected as much as possible. Under the policy proposals which fail to protect existing community facilities or involve the loss of facilities unless it can be demonstrated the use is no longer, or cannot be made, viable or equivalent alternative provision can be made.
19. The local authority and community have very little control to protect public houses from the change of use to restaurant/cafe, retail uses or offices for financial and professional services like estates agents and building societies. There is more control for those changes of use requiring a planning application, such as

changes to residential uses which have national and emerging local planning policy seeking to guard against the unnecessary loss of valued community facilities.

20. However, there are two main mechanisms that can potentially afford extra protection to pubs:
 - implementing an Article 4 Direction; and
 - designating nominated pubs as assets of community value.

Article 4 Directions

21. The council can remove permitted development rights through the Article 4 Direction process to cover any geographic area where it is satisfied that it is expedient to do so. The effect of making an Article 4 Direction is that it will be necessary to obtain planning permission to carry out a change of use that would otherwise be permitted by the GPDO. Directions can be property or area specific, or they can cover an entire local authority area. The reasons for making an Article 4 Direction should be justified by evidence of local circumstances being such that there are compelling reasons to impose an exceptional control and should be in accordance with Government guidance. Government guidance states that there should be particularly strong justification for the withdrawal of permitted development rights relating to a wide area. A proportionate approach consistent with the guidance is less likely to be the subject of legal challenge. Planning controls introduced by Article 4 Directions can either take effect immediately or could come into effect after a minimum period of 12 months. In the case of a non-immediate Article 4 Direction, there would be a 12 month period during which change of use of pubs could take place using permitted development rights.
22. One of the key differences between the two types of Article 4 Direction detailed above is the issue of compensation liability for the local authority. There is no provision for compensation claims against councils in respect of non-immediate Article 4 Directions, which come into effect after a minimum period of 12 months following designation as permitted development can still take place during that 12 month period. In the case of Article 4 Directions with immediate effect, local authorities are at high risk of compensation claims by applicants, who can claim compensation under section 108 of the Town and Country Planning Act 1990 (as amended). They can do so if their

planning applications, submitted within one year of the Article 4 Direction designation, are either refused planning permission or granted planning permission subject to more limiting conditions than permitted development would normally allow. They are entitled to claim compensation for financial losses incurred, including process costs, loss of land value and loss of future income.

23. It should be noted that the effect of an Article 4 Direction is not to prohibit development, but to require a planning application to be submitted for development proposals, to which it applies, in a particular geographical area. As such, if the council introduces an Article 4 Direction to control the change of use from a pub to a use falling within use class A1 (shops) in any given area, it would also be necessary to develop a clear planning policy position against which new change of use applications can be assessed. This would be in an interim planning policy statement. Any work to pursue an Article 4 Direction and policy approach would be project managed by forward planning but involve development management and legal.
24. A request was made to the council from the York branch of CAMRA for an immediate Article 4 Direction for The Punch Bowl public house, 124 Lowther Street. The request was accompanied by a petition with over 1,200 signatures from Punch Bowl patrons, local traders, customers of local traders and local residents in opposition to the loss of the pub through the change of use to a shop. An immediate direction was made on 24 December 2014, which removed permitted development rights for the change of use of the pub (use class A4) to a shop (use class A1). Following a period of consultation which ended on 16 February 2015, during which no representations were received either in support or objection the Article 4 Direction was confirmed by the council on 18 June 2015.

Assets of Community Value

25. The community right to bid gives eligible groups the opportunity to identify and nominate a building or other land for listing by the local authority as assets that are of value to the local community and by having such assets listed gives them a fair chance to make a bid to buy them on the open market if the owner decides to sell. An eligible community group could use this right to bid for a local asset like a pub by 'pausing' the sale for a period of time in order to raise the finance to make a bid to buy it on the open

market The right to bid only applies when an asset's owner decides to dispose of it. There is no compulsion on the owner to sell it. The scheme does not give first refusal to the community group, and it is not a community right to buy the asset, just to bid. This means that the local community bid may not be the successful one. All nominations for land or property to be included on the list of assets of community value must be made using the Council's assets of community value nomination form.

26. When assessing whether a particular building is of community value, the council must determine whether it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 i.e. whether the primary use of certain land or buildings (or recent past use) is considered to further the social wellbeing or social interests of the local community and can continue to do so. In January 2015, Ministers announced plans to strengthen the protection of pubs identified as assets of community value by bringing forward secondary legislation so that in England the listing of a pub as an asset of community value will trigger a temporary removal of the national permitted development rights for the change of use or demolition of those pubs that communities have identified as providing the most community benefit. This will mean that in future where a pub is listed as an asset of community value, a planning application will be required for the change of use or demolition of a pub.
27. Changes to the GPDO have now been made, by an amendment order laid before parliament on 12 March 2015. This means that with effect from 6 April 2015, where a drinking establishment has been entered onto a list of assets of community value, or nominated as such, development will not be permitted development for a specified period. Through the changes the Government is dis-applying the national permitted development rights for the change of use or demolition of use class A4 (drinking establishments) premises.
28. Five pubs in York so far have been successfully nominated and added to the list of community value assets. These are The Mitre, Shipton Road, The Fox Inn, Holgate Road, The Golden Ball, Bishophill, The Melbourne Public House, Cemetery Road, and the Punch Bowl Public House, Lowther Street. All are within the main urban area. There are currently two other pubs that are being considered, The Derwent Arms Public House in Osbaldwick and the Swan Public House, Bishopgate Street.

29. Property services currently manage the process, considering nominations, writing reports for the capital and asset board and the Executive Member comments and decision, and maintaining and publishing a list of all successful nominations and those that are unsuccessful, as well as providing a regular update a list of nominations which are currently being considered.

Case Studies

30. A number of authorities have pursued immediate Article 4 Directions to remove permitted development rights for individual pubs. Wandsworth Borough Council has removed permitted development rights for demolition and change of use, North Somerset Council have removed permitted development rights for change of use and Watford Borough Council has removed permitted development rights for painting the exterior of any building work and demolition. Cambridge City Council has issued an immediate direction for 17 pubs throughout the city to remove permitted development rights for demolition. Article 4 Directions were considered expedient because Cambridge already has an undersupply of public houses (highlighted in evidence base work undertaken by consultants), which is likely to be exacerbated by a growing population.
31. Only demolition permitted development rights were removed through the Article 4 Directions. This is because Cambridge City Council is putting in place, via interim planning guidance, a policy of protecting pubs as community facilities whilst allowing flexibility in the re-use of a public house for alternative commercial community leisure, retail and business uses falling within 'A' use classes. As such, to restrict change of use permitted development rights via an Article 4 Direction would be inconsistent with their policy approach.
32. It is our understanding that there are no examples of local authorities who have pursued a city wide Article 4 Direction. A local authority wide direction to remove permitted development rights for demolition of pubs was considered in Cambridge however it was considered that this would represent duplication of controls that already exist in Conservation Areas and would be difficult to justify.

33. Recently, Leeds City Council has added all the public houses in Otley to their register of assets of community value. The Otley Pub Club is a community organisation made up of local pub supporters and submitted 19 simultaneous nominations for pubs within Otley. In accordance with the provisions of the Localism Act, in assessing the applications Leeds City Council noted that the current use of the pubs do further the social interests and social wellbeing of the local community. Pubs are places where people go to drink and socialise. The setting of a pub is social in nature. To argue to the contrary would be to paint a picture of a pub being a place where people went to consume alcohol alone without interacting with other patrons. If the local community solely intended to consume alcohol, it is considered more likely they would do so in their own home, taking advantage of the lower prices available in shops and supermarkets. The fact that people are visiting a social environment supports the fact that they do so to further their social interests and social wellbeing.

Summary

34. Nationally and locally there is concern about the loss of traditional public houses through change of use, which cannot be strictly controlled through the planning system due to permitted development rights. There are however national and local planning policies that can be used to refuse any application that is required for the change of use, for example, for the change of use from a public house to residential. Best practice from other local authorities primarily relates to concern over demolition of public houses rather than change of use.
35. From the information available on this issue it would suggest that in York there is not an immediate threat to the loss of public houses from change of use, particularly in the city centre. However, there is evidence of the loss of public houses outside of the city centre to residential uses. In these cases however it was not considered appropriate to guard against the change of use in accordance with national and local guidance.

Options

36. Officers request that Members consider the following options relating to protecting public houses:

Option One: More widely promote the provisions for nominating the listing of pubs as assets of community value and provide guidance on the nomination process and consider any request for immediate Article 4 Directions for specific public houses where there is a justified and urgent requirement for protection.

Option Two: Explore the implementation of a city wide Article 4 Direction to remove permitted development rights and protect public houses.

Option Three: No further work to be undertaken.

Option Four: Another alternative approach to protecting public houses proposed by Members.

Analysis

Option One

37. Whilst it is not considered appropriate for the council to encourage an application to nominate a particular pub as an asset of community value, the council could promote the nomination process generally and provide general guidance on the process. Work could be undertaken to further engage with residents to publicise the list of assets of community value and the nomination process and provide guidance on how pubs can be nominated and protected. This could be done through relevant officers attending resident forum/parish council meetings for example or a briefing could be provided and discussed through the ward meetings.
38. In deciding to remove national permitted development rights for the change of use or demolition of those pubs that communities have identified as providing the most community benefit through the assets of community value process the Government indicated the need to enable local communities to consider planning applications for the change of use of a pub of particular local value. It was considered that this approach provided the right balance between protecting valued community pubs, but avoided blanket regulation which would lead to more empty and boarded up buildings. It was also considered that blanket regulation could also have adverse consequences on the asset value of pub buildings, harming the financial viability of the pub industry.

39. Pursuing this option would ensure that residents were made aware of the existing mechanisms available to provide additional protection to public houses. Promoting existing measures would give communities the information to decide for themselves if there are much valued public houses in their community that warrant protection through the register of community assets. Option One is therefore in line with the Government's approach to protecting public houses.
40. Should the promotion of the register result in additional pubs being nominated, from speaking with property services it is our understanding that the process from receiving and acknowledging a nomination to formal approval from cabinet decision session can take between one and three months, depending on the nature of the nomination, response from the owner, any potential appeal to the decision. This can take approximately four days of officer time, again dependent on the nature of the nomination, for example it can take longer if there are representations to assess and meetings with community groups to attend, as has been the case with recent nominations. Key stages for listing an asset of community value are as follows:
- Formally acknowledge nomination.
 - Advise owner of nomination.
 - Report to capital asset board for officer decision on the nomination.
 - Report to cabinet member decision session for formal decision.
 - If approved, eight week period for the owner to appeal the decision.
41. We have been advised from colleagues in property services that based on costs for one officer leading the project, work to process any additional nominations arising from promoting the register is likely to cost approximately half a full time equivalent estimated at around £15,000-£20,000 plus additional staffing resources where necessary, alongside consultation costs of £1,000 to promote the register. This is a total estimated upfront cost of approximately £16,000 to £21,000 plus additional staffing resources to support the officer and assistance with the promotion. There would also be the increased costs incurred as result of more applications being received. More information can be found at Annex E.

42. Following the example of the Punch Bowl public house, any requests for immediate Article 4 Directions could also be explored and implemented on a case by case basis where there is an urgent, justified requirement to ensure the protection of the city's public houses that may be at risk. In order to make a direction with immediate effect, there is a legal requirement that the council must consider that the development presents an immediate threat to local amenity or prejudices the proper planning of an area. It should be noted that the withdrawal of permitted development rights from a pub does not necessarily mean that planning consent would not be granted for any change of use. Through the planning process, the council would need to assess any application against national and local planning policy and any other relevant material planning considerations. Therefore, the outcome may still be the loss of the pub.
43. It is also relevant to take into account the potential financial consequences to the public purse of making an immediate Article 4 Direction detailed in paragraph 21. Any request for an immediate direction would need to be given careful consideration given that immediate directions would open up the possibility of compensation being claimed, payable by the local authority.
44. Both these approaches would give pubs protection by removing permitted development rights and requiring a planning application to be submitted to change the use of the pub. Without these mechanisms there is nothing to prevent the change of use of a pub to a use falling within use class A1 (shops). A local planning policy framework should be prepared by the forward planning team to be used to determine any planning applications resulting from pubs being listed as assets of community value or covered by an Article 4 Direction. The further necessary work on a policy approach is likely to cost nearly £8,000 plus additional staffing resources where necessary and consultation costs of £500. There would also be a requirement to commit resources, post implementation to monitor the policy approach.

Option Two

45. Government guidance is clear in stating that use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. It states that the potential harm that the direction is intended to address should be clearly identified and that there should be a particularly strong

justification for the withdrawal of permitted development rights relating to a wide area. The council would need to be satisfied that there was sufficient evidence to warrant the blanket removal of permitted development rights across the city for public houses. To date, it would appear that sufficient evidence does not exist to demonstrate that a change of use would harm local amenity or the well being of the area.

46. It is also necessary to clearly set out in any Article 4 Direction to what development it relates to. It would not be possible to relate an Article 4 Direction just to traditional, community pubs as a result of the way public houses are classified by the use class order. Public houses are covered by the A4 use class which covers all drinking establishments, including public houses, wine bars and other drinking establishments, but not night clubs. It would not be practical, nor is there likely to be sufficient evidence to justify the removal of permitted development rights for all drinking establishments on a city wide level.

Option Three

47. Technical work to date indicates that option one is appropriate and further work could be undertaken to more widely promoting the provisions for nominating pubs as assets of community value. However, it is considered that based on the information available about the loss of pubs, particularly losses to residential use which can be controlled through the planning application process, there is no immediate threat to the loss of public houses from change of use. In addition, the financial implications set out in paragraph 49 indicate there is currently no budget to resource the additional work proposed. As such Members may wish to pursue option three which is for no further work to be undertaken. Under this option, pubs will still be protected through the planning application process where permission is required, for example for change of use from pub to residential. Residents still have the opportunity to nominate local pubs as assets of community value and the Council will consider any request for immediate Article 4 Directions for specific public houses where there is a justified and urgent requirement for protection.

Option Four

48. Members may wish to propose an alternative approach or request officers to undertake further work.

Council Plan

49. The options outlined above accord with the focus on frontline services priority from the Council Plan, specifically the aim for a city where all York's residents live and thrive in a city which allows them to contribute fully to their communities and neighbourhoods.

Implications

50. The following implications have been assessed:

- **Financial** Pursuing option one has financial implications for property services of between £16,000 - £21,000 and for planning and environmental management of approximately £8,500 plus additional staffing resources where necessary. Additionally:
 - Compensation for certain assets of community value listings - Subject to specified exceptions, a landowner or former owner of land is entitled to compensation from a local authority if, at a time when that person was the owner of the land and the land was listed on the local authority's list of assets of community value, the person incurred loss or expense which would be likely not to have been incurred if the land had not been included on the list. The amount of compensation is determined by the local authority.
 - Compensation for immediate Article 4 Direction - Compensation may be payable to those whose permitted development rights have been withdrawn as outlined in the body of the report.
 - Where an Article 4 Direction is in place, the council is required to waive the planning application fee, which is usually £385. Should any future planning application be refused and be the subject of an appeal, the council would be likely to incur further costs.

There is no budget available to fund the additional resources. Should Members wish to pursue option one additional resources (c £30k) will need to be identified as part of the future budget strategy due to be considered in February 2016. There are also potential unspecified costs which the council may be liable and these would need to be considered as part of any Article 4 Directions. This would deal with resourcing

from April 2016. Should Members wish to resource from now it is likely that a bid from contingency would be required.

- **Human Resources (HR)** None
- **Community Impact Assessment** A Community Impact Assessment (CIA) has been carried out which has identified no impact. It does however highlight the benefit that pubs bring to communities including in particular communities of interest who use pubs as a neutral/safe place to meet is a positive one and therefore should resources be identified and further work to protect pubs be undertaken the resulting impact would be positive. The full CIA is attached to this report in Annex F.
- **Legal** Whether to make an Article 4 Direction is a discretionary power to be exercised in accordance with the principles of Wednesbury reasonableness. An Article 4 Direction should only be made if Members are satisfied that the legal and government policy tests have been met, as set out in the body of the report.
- **Crime and Disorder** None
- **Information Technology (IT)** None
- **Property** Included in report.
- **Other** None

Risk Management

51. In compliance with the council's risk management strategy, the main risk in undertaking work to provide additional protection for public houses in line with options one and two are the financial risks relating to the impact on planning and environmental management resources arising from the additional work required to provide greater protection to public houses. This may have associated risks for planning and environmental management's ability to continue to deliver outstanding projects, including the local plan. There are also financial risks for property services. Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

Contact Details

Author: **Chief Officer Responsible for the report:**

Frances Harrison
Development Officer
Planning
Environmental
Management
Tel: 551388

Neil Ferris
Acting Director of City & Environmental
Services
Tel: 551448

**Report
Approved**



Date 16/10/2015

Specialist Implications Officer(s)

Legal – Sandra Branigan
Senior Solicitor
Legal Services
01904 551040

Finance – Patrick Looker
Finance Manager
Corporate Finance Team
01904 551633

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes

- Annex A: Location of Pubs across York (as at September 2015)
- Annex B: Information from licensing on loss of pubs
- Annex C: Change of use planning applications resulting in the loss of 'traditional' public house over the last 10 years
- Annex D: Planning applications resulting in the creation of a drinking establishment (use class A4) over the last 10 years
- Annex E: Breakdown of work required for property services to process additional nominations
- Annex F: Community Impact Assessment

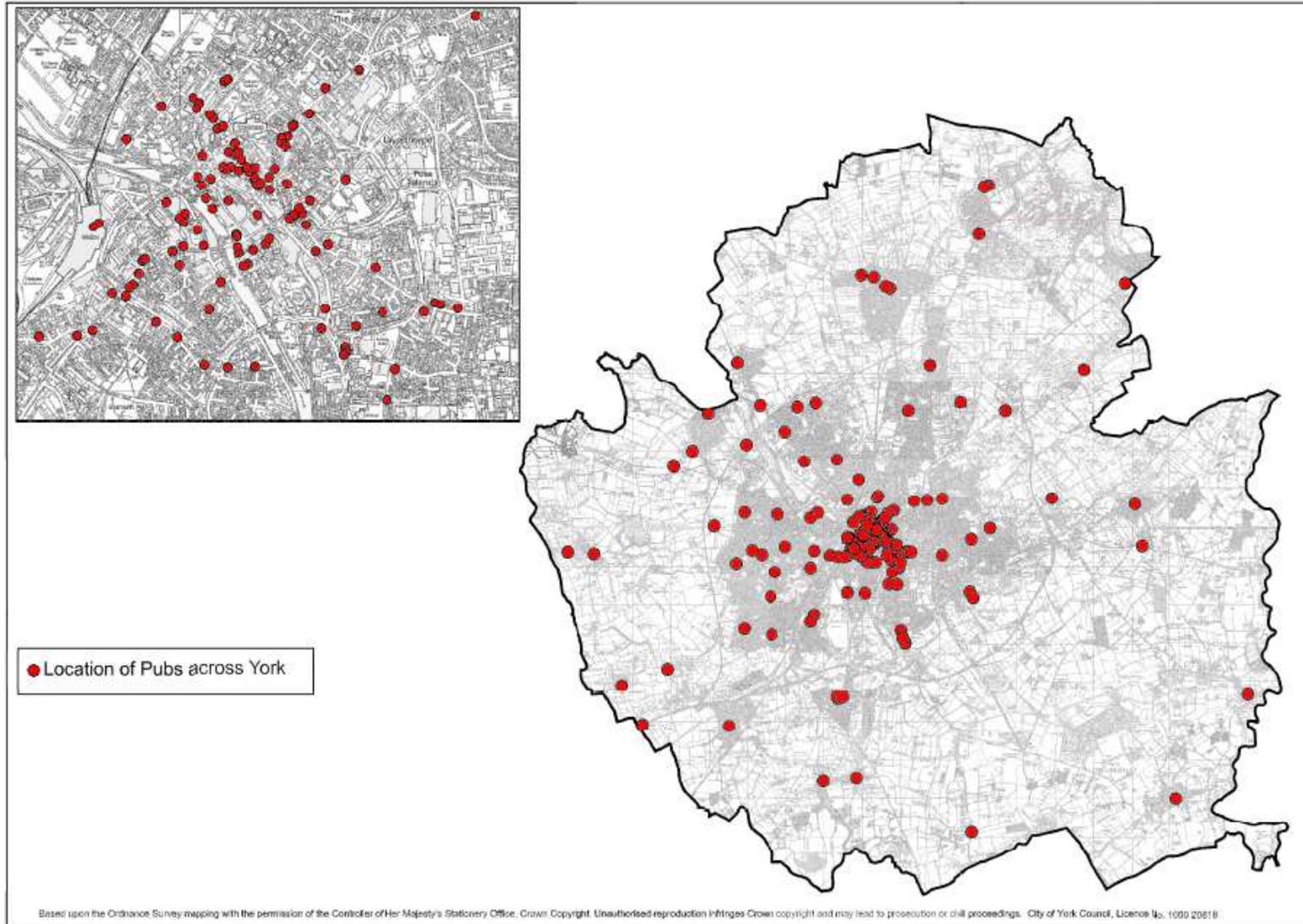
Glossary of Abbreviations

CAMRA - Campaign for Real Ale

GPDO - General Permitted Development Order

NPPF – National Planning Policy Framework

Annex A: Location of Pubs across York (as at September 2015)



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Annex B: Information from Licensing on loss of pubs

Premise	Address	Date Closed	Reason	More Information	Loss of Pub
Reindeer Inn	Townend Street, York, YO31 7PS	17/12/2009	Licence surrendered	Change of use to supermarket, new licence granted.	Yes
White Rose Hotel	Cornlands Road, York, YO24 3DZ	09/09/2010	Licence surrendered	Demolished and change of use to residential	Yes
Locomotive Inn	Watson Street, York, YO24 4BQ	27/08/2010	Licence surrendered	Demolished and change of use to residential	Yes
Old Orleans	9-11 Low Ousegate, York, YO1 9QX	11/05/2011	Licence surrendered	Change of use to supermarket, new licence granted to Tesco	Yes
The Fossway	187-189 Huntington Road, York, YO31 9BP	20/07/2011	Licence surrendered	Demolished and change of use to residential	Yes
Cygnets Inn	Price Street, York, YO23 1BH	31/08/2011	Licence surrendered	Demolished and change of use to residential	Yes
Turf Tavern	277 Thanet Road, York, YO24 2PE	13/10/2011	Licence surrendered	Demolished and change of use to residential	Yes

Premise	Address	Date Closed	Reason	More Information	Loss of Pub
Montey's	129 Micklegate, York, YO1 6LB	14/10/2011	Licence lapsed	New licence issued, re-opened as Gibsons	No
Little John	5 Castlegate, York, YO1 9RN	21/10/2011	Licence revoked	New licence issued, re-opened as Blue Boar	No
Jacobean Lodge	Plainville Lane, Wigginton, YO32 2RG	24/08/2012	Licence lapsed	Demolished and change of use to residential	Yes
Yearsley Grove Hotel	Huntington Road, York, YO31 9BY	12/02/2013	Licence surrendered	Demolished and change of use to residential	Yes
Fox & Hounds	39 Top Lane, Copmanthorpe, York, YO23 3UH	09/04/2013	Licence surrendered	Demolished and change of use to residential	Yes
Edward VII Public House	Nunnery Lane, York, YO23 1AH	03/07/2013	Licence surrendered	Demolished and change of use to residential	Yes
The Junction Public House	Leeman Road, York,.YO26 4XH	03/01/2014	Licence surrendered	Demolished and change of use to residential	Yes
The Stone Roses Bar	4 King Street, York, YO1 9SP	09/07/2014	Licence lapsed	New licence issued, re-opened as Stone Roses	No

Premise	Address	Date Closed	Reason	More Information	Loss of Pub
Corner House	165-167 Burton Stone Lane, York, YO30 6DG	08/12/2014	Licence surrendered	Change of use to supermarket, new licence granted to Tesco	Yes
Leeman Hotel	47 Stamford Street East, York, YO26 4YE	17/12/2014	Licence surrendered	Continues to operate as Leeman Hotel under duplicate licence	No
Greyhound Inn	5 York Street, Dunnington, York, YO19 5PN	21/01/2015	Licence surrendered	Demolished and change of use to residential	Yes
Pack of Cards	Lindsey Avenue, York, YO26 4RL	10/02/2015	Licence surrendered	Demolished and change of use to residential	Yes
Tanglewood	Malton Road, Stockton on the Forest, York, YO32 9TW	01/07/2015	Licence surrendered	Change of use to a furniture shop	Yes

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Annex C: Change of use planning applications resulting in the loss of 'traditional' public house over the last 10 years



Reference	Premise	Address	Proposal
09/01305/FUL	Reindeer Inn	Townend Street, YO31 7PS	External alterations including new shop front, blocking up windows, cash machine, access ramp and concrete bollards (change of use to retail)
11/00004/FUL	The Fossway	187-189 Huntington Road, YO31 9BP	Change of use to residential
13/00791/FUL	Edward VII	105-109 Nunnery Lane YO23 1AH	Change of use to residential
10/01862/FUL	White Rose Hotel	Cornlands Road, YO24 3DZ	Change of use to residential
12/00087/FULM	Turf Tavern	277 Thanet Road, YO24 2PL	Change of use to residential
13/03597/FUL	The Junction	The Junction Leeman Road, YO26 4XH	Change of use to residential
11/02734/FUL	Locomotive Inn	Watson Street, YO24 4BQ	Change of use to residential
11/02372/FUL	Cygnnet Inn	Cygnnet Street, YO23 1AG	Change of use to residential

Reference	Premise	Address	Proposal
05/01627/FULM	Tang Hall Public House	Fourth Avenue, YO31 0SS	Change of use to residential
13/00982/FUL	Yearsley Grove Hotel	Huntington Road, YO31 9BY	Change of use to residential
11/00423/FUL	Jacobean Lodge	Plainville Lane, Wigginton, YO32 2RG	Change of use to residential
13/03099/FULM	Fox and Hounds	39 Top Lane, Copmanthorpe, YO23 3UH	Change of use to residential
14/00763/FULM	Pack of Cards	164 Lindsay Avenue, YO26 4RL	Change of use to residential
14/02990/FUL	The Greyhound Inn	5 York Street, Dunnington, YO19 5PN	Change of use to residential

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Annex D: Planning applications resulting in the creation of a drinking establishment (use class A4) over the last 10 years



Reference	Address	Proposal	Notes
06/01027/FUL	Beer Ritz 31 Goodramgate, YO1 7LS	Change of use from retail (A1 use) to restaurant/cafe and bar (A3/A4 use) and new extract	Now operating as Koko International Bar/Vahbar
07/00746/FUL	Travel Options, 6 Patrick Pool, YO1 8BB	Change of use of part of shop and yard to food and drink (Class A3) - revised scheme	Now operating as The Yorkshire Terrier
09/01976/FUL	Forever Changes, 48 Stonegate, YO1 8AS	Change of use from retail to retail (ground floor) with cafe/bar at first floor.	Now operating as House of Trembling Madness
11/00658/FULM	Plot 5 Monks Cross Drive Huntington, YO32 9GX	Erection of two storey building to provide amenity restaurant/public house at ground floor with first floor ancillary residential and staff accommodation and associated car parking and landscaping	Now operating as Pear Tree Farm
11/01958/FUL	Former Tea Room Station Road York YO24 1AB	Change of use to specialist craft beer bar (Class A4) with minor external	Now operating as York Tap

Reference	Address	Proposal	Notes
		alterations	
12/01249/FUL	Bora Bora, 5 Swinegate Court East, Grape Lane, YO1 8AJ	Change of use from cafe (use class A3) to drinking establishment (use class A4)	Now operating Bora Bora
12/02521/FUL	Borders, 3 Little Stonegate, YO1 8AX	Change of use from retail (Use Class A1) to Bar/Restaurant (Use Class A4/A3)	Now operating as Banyans
12/02985/FUL	Army And Navy Stores, 54 - 56 Fossgate, YO1 9TF	Change of use from shop (Use Class A1) to mixed use comprising retail, restaurant/cafe and drinking establishment	Now operating as Sutlers Bar & Kitchen
13/00626/FUL	St Trinity House, 3 - 4 Kings Square, YO1 8BH	Change of use of estate agents (use class A2) to public house (use class A4) with managers accommodation. New shop-front.	The Duke of York
13/00742/FUL	Fellinis, 11 - 12 Fossgate, YO1 9TA	Change of use from restaurant (use class A3) to public house (use class A4) and replacement shop front	Now operating as The Hop
13/02559/FULM	2 - 16, Piccadilly, YO1 9NU	Change of use from retail (Class A1) to cafe bar with	Now operating as

Reference	Address	Proposal	Notes
		ancillary offices	Pivni
13/03119/FUL	Chiccos Cafe, 25 Fossgate, YO1 9TA	Change of use from retail (use class A1) to mixed use restaurant/bar (uses class A3/A4). External alterations to rear.	Now operating as Fossgate Social
14/00971/FUL	22 - 44, Shambles, YO1 7LX	Change of use of ground floor and the front part of the first floor to include the sale and consumption of alcohol (Class A4) alongside the existing retail (Class A1) and cafe/restaurant (Class A3 uses) (retrospective)	Now operating as Ye Old Shambles Tavern - A1 to front of premises

Annex E: Breakdown of work required for property services to process additional nominations

Assets of community value process

- Pre-nomination enquiries on process
- Receive/register application
 - Check validity
 - Respond accordingly
- Contact building owner
 - Deal with queries
- Deal with information received and correspondence/communication during period following nomination
- Prepare report for capital and asset board
- Following capital and asset board decision prepare report for executive member
 - advise all parties of session and contents of report
 - deal with questions before session
- Attend decision session
- Communicate decision to all parties
- Deal with any appeal from building owner
 - Follow process laid out in legislation
- Maintain assets of community value list on website throughout process
- Deal with any notices served by building owners intending to sell
 - advise community of intention to sell
 - deal with any response received within notice period
- If community wish to bid then deal with process for this as set out
- Monitor throughout six month period and correspond with owners/bidders

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Annex F: Community Impact Assessment



SECTION 1: CIA SUMMARY

Community Impact Assessment: Summary

1. Name of service, policy, function or criteria being assessed:

Protecting Public Houses

2. What are the main objectives or aims of the service/policy/function/criteria?

Well-run pubs play an invaluable role at the heart of their local communities. They provide a safe, regulated and sociable environment for people to enjoy a drink responsibly and meet people from different backgrounds. Locally, there has been concern that there are a growing number of local pubs that are closing and being threatened with conversion to supermarkets, in some cases without the opportunity for the local community to have a say in the process. The main objective of the policy approach under option one is to ensure that valued public houses are afforded protection from change of use and demolition. However, whilst there is technical work to indicate that option one is appropriate, there is currently no budget to resource the work proposed.

3. Name and Job Title of person completing assessment:

Frances Harrison – Development Officer

4. Have any impacts been Identified?

No

Community of Identity affected:

N/A

Summary of impact:

The benefit that pubs bring to communities including in particular communities of interest who use pubs as a neutral/safe place to meet is a positive one and therefore should resources be identified and further work to protect pubs be undertaken the resulting impact of this policy would be positive.

5. Date CIA completed: 1 October 2015**6. Signed off by: Rachel Macefield**

7. I am satisfied that this service/policy/function has been successfully impact assessed.

Name: Rachel Macefield**Position:** Forward Planning Team Leader**Date: 1 October 2015****8. Decision-making body:**

Executive

Date:

29 October 2015

Decision Details:

Send the completed signed off document to ciasubmission@york.gov.uk It will be published on the intranet, as well as on the council website.

Actions arising from the Assessments will be logged on Verto and progress updates will be required

Community Impact Assessment (CIA)

Community Impact Assessment Title: Protecting Public Houses

What evidence is available **to suggest that the proposed service, policy, function or criteria could have a negative (N), positive (P) or no (None) effect** on quality of life outcomes? (Refer to guidance for further details)

Can negative impacts be justified? **For example: improving community cohesion; complying with other legislation or enforcement duties; taking positive action to address imbalances or under-representation; needing to target a particular community or group e.g. older people.** NB. Lack of financial resources alone is NOT justification!

Community of Identity: Age

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Carers of Older or Disabled People

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Disability

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Gender

Community of Identity: Gender				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Gender Reassignment

Community of Identity: Gender Reassignment				
Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impa (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Marriage & Civil Partnership

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Pregnancy / Maternity

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Race

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Religion / Spirituality / Belief

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A

Community of Identity: Sexual Orientation

Evidence		Quality of Life Indicators	Customer Impact (N/P/None)	Staff Impact (N/P/None)
N/A		N/A	N/A	N/A
Details of Impact	<i>Can negative impacts be justified?</i>	Reason/Action	Lead Officer	Completion Date
N/A	N/A	N/A	N/A	N/A



Executive

29th October 2015

Report of the Assistant Director of City and Environmental Services

Minerals and Waste Joint Plan – Preferred Options

Purpose of the Report

1. The purpose of this report is to update Members on progress on the Minerals and Waste Joint Plan that City of York Council is producing with North Yorkshire County Council and the North York Moors National Park Authority and to ask Members to approve the attached Preferred Options documents for public consultation.
2. This report has been presented to Members at Local Plan Working Group for discussion (19/10/15). In addition, it will be reported to Members at North Yorkshire County Council on 27th October and Members at the North York Moors National Park on 22nd October. Dependent on the outcome from the three Joint authorities, further discussion and amendments may be required.

Recommendations

3. It is recommended that Members note progress on the Minerals and Waste Joint Plan and approve the Preferred Options documents for public consultation.

Reason: So that the Minerals and Waste Joint Plan can be progressed.

Background

4. The City of York Council as a unitary authority is also a waste and minerals planning authority and to satisfy the provisions in Planning Policy Statement 10 and the National Planning Policy Framework, it must develop the necessary policies for minerals and waste. This statutory responsibility effectively involves identifying all waste arising in

the area from all sources, such as, household, commercial, hazardous and agricultural, and demonstrating how this is dealt with spatially. With regard to minerals it is necessary to identify the requirement for minerals including aggregates and how these will be sourced. Both these tasks have to be addressed for the lifetime of any development plan.

5. City of York is currently preparing a Local Plan with strategic policies on minerals and waste and a separate joint minerals and waste development plan document with North Yorkshire County Council and the North York Moors National Park Authority. This is known as the Minerals and Waste Joint Plan.
6. The Minerals and Waste Joint Plan involves a number of key public consultation stages to ensure there is every opportunity for community involvement. The key stages include:
 - First Consultation (completed May/June 2013)
 - Issues and Options Consultation (Completed March/April 2014)
 - Additional or Revised Sites Consultation (Completed January/February 2015)
 - **Preferred Options Consultation** (Scheduled to commence November 2015)
 - Pre-Submission Publication stage (Scheduled to commence April 2016)
 - Submission stage (Scheduled for September 2016)
 - Examination in Public (Scheduled for October 2016-February 2017)
 - Adoption (estimated March 2017)
7. Reports containing the outcome of these consultations can be found at: <http://www.northyorks.gov.uk/article/26218/Minerals-and-waste-joint-plan>. Due to their size, it is not possible to attach as an Annex to this report.
8. The first consultation stage took place in May and June 2013. This stage presented initial information about the Plan and sought views on what the Plan should contain. The comments received were assessed, along with relevant evidence, and fed into the Issues and Options consultation documents.
9. The Issues and Options stage was consulted on in March/April 2014 and was a key stage of the process involving the identification of realistic and reasonable options to address the issues identified and to give other parties an opportunity to suggest alternative options. 2405 responses were received at this stage and these have influenced the Preferred

Options stage which is anticipated to be ready for public consultation in November/December 2015.

10. One of the outcomes from the issues and options consultation was the submission of new and revised sites which were subsequently published for consultation in the supplementary sites document in January 2015.
11. Following the Further Sites stage of consultation, all of the sites have been subject to a detailed assessment using the site identification and assessment methodology and the Sustainability Appraisal and Strategic Environmental Assessment process.
12. The Preferred Options is the third main step on the way to preparing the Minerals and Waste Joint Plan. It presents new draft Vision and Objectives, draft planning policies for minerals and waste, and identifies possible new sites for minerals and waste development.
13. The Preferred Options stage provides an opportunity for the people to view and comment on the draft policies and sites before these representations are assessed and used to inform and help draft the next stage of the Plan process; the Publication draft. This will then be reported to Members in line with the estimated timescales contained in paragraph 5.
14. A full Sustainability Appraisal and Strategic Environmental Assessment (SA and SEA) has been undertaken at each stage of the Plan process. This assesses how sustainable the emerging policies and site allocations are as well as identifying any potential environmental effects that need to be addressed. The Preferred Options document contains a brief summary from the SEA/SA after each policy and the full document is contained at Annex D.

Preferred Options

15. The Plan contains policies relating to future minerals supply, particularly aggregate minerals (sand and gravel and crushed rock) and potential future waste capacity requirements. The Plan also deals with protection of amenity and the environment in relation to minerals and waste activity, as well as related social and economic issues.
16. The minerals-related policies include strategic policies which look at the geographical approach to the supply of aggregates, as well as minerals type-specific policies related to sand and gravel, crushed rock, silica

sand, clay, building stone, hydrocarbons, coal, potash, and gypsum. Many of these minerals are not found within the York area.

17. Hydrocarbons include shale gas, the extraction of which is more commonly known as 'fracking'. At the Full Council Meeting on Thursday, 11th December, 2014, a Motion about Hydraulic Fracking in the York area was carried.
18. National planning policy states that both conventional and unconventional hydrocarbons (oil and gas) are minerals of national and local importance and that minerals plans should include policies for their extraction. Development plans which do not deal with fracking or simply seek to restrain it will at best be accorded little weight by the Secretary of State on appeal leaving applications to be judged purely against the general policies of the NPPF.
19. Given the context above, the Council will need to address Shale Gas and other unconventional gas through the Joint Minerals and Waste Plan because in the context of National Planning Policy, it is not permissible to simply include a 'no fracking policy' for the Plan area. At Issues and Options stage, Members discussed at a Local Plan Working Group on 13th January 2014, the inclusion of shale gas policies in the Plan and recognised the need for a full range of options to allow for the public to make representations after viewing all the potential options available. There will be further chances for public consultation on these policies at the latter stages of the Joint Plan preparation as well as the opportunity for public consultation on any minerals and waste development through the planning application process.
20. The Preferred Options draft policies on Hydrocarbons include an overall spatial policy which generally states where such developments will and will not be supported. Further hydrocarbon policies address the different phases of oil and gas development (exploration, appraisal and production) citing the requirements that need to be met for example, assessment of potential impacts.
21. The supporting text for the hydrocarbon policies explains the application process, highlighting the different regulatory regimes that are responsible for the different stages. This clarifies that Mineral Planning Authorities (the Council) only have control over the planning application stage. The Department of Energy and Climate Change (DECC) are responsible for issuing licences like those announced in August 2015. The Environment Agency and Health and Safety Executive also assess

and regulate the environment, water and seismic risks before permits for operation are issued.

22. The Preferred Options document also contains a vision and objectives to help give direction to the policies. The vision provides a picture of what the Plan hopes to achieve by 2030 in terms of minerals and waste development activity. Essentially it seeks a balance between meeting needs for minerals and waste development and protecting and enhancing the economy, environment and communities. The objectives provide a means of taking the vision forward to help ensure it is achieved within the timeframe of the Plan.
23. The Plan also contains draft allocations for minerals and waste sites to support minerals supply and provide adequate waste management capacity up to 2030. The draft Preferred Options document and Appendices 1-4 are attached at Annex A and B. The draft proposals map document showing the preferred allocations is contained in Annex C.
24. These site allocations have been submitted by landowners, developers and operators at previous stages of consultation on the Minerals and Waste Joint Plan such as the issues and options and supplementary sites stages. These sites have been subject to assessment panels containing officers and statutory bodies as well as the Sustainability Appraisal/Strategic Environmental Assessment process. The conclusions of which have led to a list of preferred sites.
25. Three sites have been identified as potential allocations in the York area (Appendix 1 in Annex B contains more details):
 - WJP11 Harewood Whin, Rufforth
Retention of following facilities beyond 2017 – landfill, open windrow composting, recycling, energy from waste, kerbside recycling and waste transfer operation (subject to further discussions with Yorwaste)
 - MJP52 Duttons Farm, Upper Poppleton
Extraction of clay as a proposed extension to former quarry
Landfill and recycling of waste from construction industry
 - WJP05 Duttons Farm, Upper Poppleton
Landfill and recycling of waste from construction industry
26. Five sites have been identified as potential safeguarded waste sites in the York area (Appendix 2 in Annex B contains more details):

- Harewood Whin – non-hazardous landfill, recycling, composting
- Hazel Court – Transfer (hazardous)
- Hessay Recycling - Transfer (non-hazardous)
- North Selby Mine - Anaerobic digestion
- Towthorpe – Household Waste Recycling Centre (HWRC)

Preferred Options Consultation

27. It is anticipated that an 8 week public consultation period on the Preferred Options documents will take place in November and December 2015. This consultation will be in line with the Statement of Community Involvement (SCI) adopted by City of York, North Yorkshire County Council and the North York Moors National Park Authority.
28. The consultation will involve the distribution of a letter to all consultees on the three authorities Local Plan databases informing them of the consultation and where they can view the documents and how to submit representations. This will bring the consultation to the attention of residents, developers, landowners, operators as well as statutory consultees and others. Copies of the document will be available electronically on the Joint Plan webpage as well as hard copies in all the libraries within the Joint Plan area and Council Office receptions. During the consultation period, exhibitions will be held across the Joint Plan Area where officers will be available to provide information and answer questions.
29. A range of consultation material will be available including the main documents, a leaflet, and posters. These will be available online and at the venues listed above.

Options

30. The following Options are being put forward to Members:
 - i) Members approve the Preferred Options documents attached at Annexes A-D for the purpose of public consultation;
 - ii) Members approve Preferred Options documents attached at Annexes A-D subject to amendments agreed at this meeting;
 - iii) Members reject the Preferred Options documents and request that further work is undertaken.

31. The above options would be subject to the agreement of Members from the North Yorkshire County Council and North York Moors National Park Authority following their Executive meetings on 27th October and 22nd October.

Next Steps

32. Should Members approve this Plan for consultation purposes, it is anticipated that an 8 week consultation will run in November and December 2015 to allow people to make representations on the content of the Plan. These will feed into the next stage of the process; the drafting of the Submission document, ahead of a pre-submission publication consultation and submission to the secretary of state. These subsequent stages will be subject to further Member involvement ahead of any further consultation. An Examination in Public followed by Adoption of the Plan will follow. The estimated timescales of these key stages are set out in paragraph 5 of this report.

Financial Implications

33. The estimated costs related to this stage of the production of the Minerals and Waste Joint Plan are outlined in the table below. The costs will need to be contained within budgets across the directorate that support the Local Plan and Waste Strategy.

Task	Total Cost	York cost (55:25:20)
Consultation (printing/posting)	£6,000	£3,000 (+ York consultee letters)
Evidence Base : Strategic Transport Assessment	£18,294	Approx £500 (only 3 sites in York)
Key Diagram work	£460	£115
Specialist input	£3,500	£3,500
Administrative assistance	£100	£100
Total		£7,215

Council Plan

34. The option outlined above accords with the following priority from the Council Plan:
- A Council That Listens To Residents – the report recommends that Members approve the Preferred Options draft for public consultation, which demonstrates an example of listening to residents.

Implications

35. The following implications have been assessed.

- **Financial** – These are detailed in paragraph 33 above
- **Human Resources (HR)** – The production of a Minerals and Waste Joint Plan and associated evidence base requires the continued implementation of a comprehensive work programme that will predominantly, although not exclusively, need to be resourced within CES.
- **Community Impact Assessment** - A Community Impact Assessment (CIA) has been carried out as the plan has developed and will be undertaken again at the next stage of production. This is attached at Annex E.
- **Legal** –The statutory process must be followed in preparing and consulting upon the joint plan and decisions must be taken by each of the separate Authorities involved in their own constitutional decision making processes. The statutory duty to co-operate applies (S33a Localism Act 2011). The Minerals and Waste Joint Plan will eventually become part of the statutory development plan for York along with the emerging York Local Plan. The Plans should therefore be in conformity particularly in relation to any site allocations and safeguarded areas proposed within the York area in the Joint Minerals and Waste Plan.
- **Crime and Disorder** – None.
- **Information Technology (IT)** – None
- **Property** – The Plan includes land within Council ownership.
- **Other** – None

Risk Management

36. In compliance with the Council's risk management strategy, the main risks in producing a Minerals and Waste Plan are as follows:

- The need to steer, promote or restrict minerals and waste development across its administrative area:
- The potential damage to the Council's image and reputation if a development plan is not adopted in an appropriate timeframe;
- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments; and

36. Measured in terms of impact and likelihood, the risks associated with this report have been assessed as requiring frequent monitoring.

Contact Details

Author:

Rebecca Harrison,
Development Officer,
Planning and
Environmental
Management.

Tel: 551667

Chief Officer Responsible for the report:

Mike Slater
Assistant Director of CES
Tel: 551448

**Report
Approved**



Date 16/10/2015

Specialist Implications Officer(s):

Patrick Looker, Finance Manager
Sandra Branigan/Alison Hartley, Legal Services

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



For further information please contact the author of the report

Annexes:

Annex A: Preferred Options document

Annexes B to E below, available online only but copies available on request

Annex B: Appendices 1-4

Annex C: Proposals Map document

Annex D: Sustainability Appraisal/Strategic Environmental Assessment

Annex E: Community Impact Assessment

Glossary of Abbreviations

CES – City and Environmental Services

CIA - Community Impact Assessment

DECC - Department of Energy and Climate Change

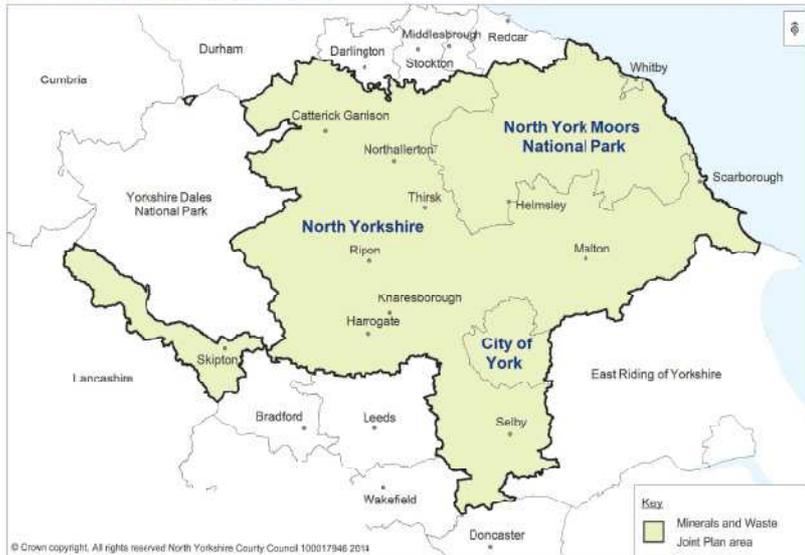
NPPF – National Planning Policy Framework

SA – Sustainability Appraisal

SEA –Strategic Environmental Assessment



Minerals and Waste Joint Plan



Draft Preferred Options Consultation

August 2015

City of York Council North York Moors National Park Authority North Yorkshire County Council

Contact us

Minerals and Waste Joint Plan, Planning Services, North Yorkshire County Council, County Hall, Northallerton, North Yorkshire, DL7 8AH

Tel: **01609 780780** Email: mwjointplan@northyorks.gov.uk

If you would like this information in another language or format such as Braille, large print or audio, please ask us.

Foreword

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 also have a duty to produce planning policies to help take those decisions, which can often be controversial because of the scale and nature of development involved.

Minerals such as sand and gravel, limestone and clay are essential to meeting society's needs for economic growth and development. Other minerals, such as onshore gas, are important in helping meet our needs for energy. The North Yorkshire area is rich in minerals resources and there is a long history of mining and quarrying. In some areas the jobs and economic benefits of mineral extraction are an important part of local community life.

North Yorkshire is also rich in high quality landscapes and the historic built environment and includes 2 National Parks, 4 AONBs and a Heritage Coast, therefore it is especially important to ensure that the working of essential minerals takes place without causing harm to these special landscapes.

It is now well known that Government, commerce and industry and individuals all need to do more to ensure that the waste we produce can be dealt with in less harmful and more efficient ways. In particular, waste needs to be viewed less as a problem and more as a resource, which can be reused, recycled, or from which other value can be recovered.

Ensuring the continued supply of the minerals which may be required, as well as ensuring the availability of the facilities we need to manage waste effectively, can lead to pressure for new development, such as new or extended quarries and waste management sites. As well as bringing benefits, these forms of development can of course affect our environment, communities, quality of life and climate change, for example through lorry movements and impacts on the landscape and from noise and dust.

The three Authorities are therefore working jointly to prepare a Minerals and Waste Plan which, once finalised, will be a long term plan containing planning policies to help us take decisions about matters such as where, when and how minerals and waste developments should be planned and controlled up to 2030.

Work on the Minerals and Waste Joint Plan started in May 2013, when we sought views on what a minerals and waste plan for the area should contain. A further detailed consultation took place in early 2014. The feedback we received from these consultations has helped us identify the issues on which the Plan should focus and the new policies we think we should adopt.

About this Consultation

This **Preferred Options** consultation is the third main step on the way to preparing the Minerals and Waste Joint Plan. It presents new draft planning policies for minerals and waste, and identifies possible new sites for minerals and waste development which we consider may be suitable. Importantly, it provides an opportunity for you to let us know your views on these matters before the Plan is finalised.

How to get involved

It is really important that as many people as possible get involved and tell us what they think. By getting involved now you can help shape policy for making decisions on minerals and

waste planning applications within the Joint Plan area. You can help us by telling us whether we have identified:

- an appropriate vision and objectives for the Plan
- the right policies for minerals and waste
- suitable locations for new minerals and waste development

We have included a number of specific questions which you may wish to consider, but please let us have your views on any aspect of the draft Plan.

Full details of the consultation, including a range of supporting documents and a response form to help you give your views, are available on our website:

www.northyorks.gov.uk/mwconsult.

We recommend that you use the response form as this will enable us to record your comments correctly. All comments should include a paragraph or question number and/or a policy reference number. The reference number can be found in the top left hand corner of each policy box presented. If it is not clear which section or set of options your comments relate to we may need to contact you for clarification.

You can send us your completed response form either by post to:

Freepost RTKH-ZLEU-GAUT
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

The closing date for consultation responses is **XXXX**

Please note for postal responses there is no need to use a stamp.

Alternatively, if you would like to speak to someone about this consultation please contact us using the contact details below:

North Yorkshire County Council: Tel: 01609 780780

City of York Council: Tel: 01904 551356

North York Moors National Park Authority: Tel: 01439 772700

Next steps

Following this consultation we will produce a revised Draft Plan and make this available for further comment before it is submitted for an independent public examination.

We currently expect the Minerals and Waste Joint Plan to be formally adopted by early 2017.

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Strategic policies for minerals

M01	Broad geographical approach to supply of aggregates
M02	Provision of sand and gravel
M03	Overall distribution of sand and gravel provision
M04	Landbanks for sand and gravel
M05	Provision of crushed rock
M06	Landbanks for crushed rock
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M09	Meeting crushed rock requirements
M10	Unallocated extensions to existing quarries
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M14	Incidental working of clay in association with other minerals
M15	Continuity of supply of building stone
M16	Overall spatial policy for hydrocarbon development
M17	Exploration and appraisal for hydrocarbon resources
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M19	Carbon and gas storage
M20	Continuity of supply of deep coal
M21	Shallow coal
M22	Disposal of colliery spoil
M23	Potash and polyhalite and salt supply
M24	Supply of gypsum
M25	Supply of vein minerals
M26	Borrow pits

Strategic policies for waste

W01	Moving waste up the waste hierarchy
W02	Strategic role of the Plan area in the management of waste
W03	Meeting waste management capacity requirements - Local Authority Collected Waste
W04	Meeting waste management capacity requirements – Commercial and Industrial waste (including hazardous C&I waste)
W05	Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)
W06	Managing agricultural waste
W07	Managing low level (non-nuclear) radioactive waste
W08	Managing waste water and sewage sludge

W09	Managing power station ash
W10	Overall locational principles for provision of new waste capacity
W11	Waste site identification principles

Minerals and waste supporting infrastructure policies

I01	Minerals and waste transport infrastructure
I02	Locations for ancillary minerals infrastructure

Minerals and waste safeguarding policies

S01	Safeguarding mineral resources
S02	Developments proposed within Minerals Safeguarding Areas
S03	Waste management facility safeguarding
S04	Transport infrastructure safeguarding
S05	Minerals ancillary infrastructure safeguarding
S06	Consideration of applications in Consultation Areas

Development management policies

D01	Presumption in favour of sustainable minerals and waste development
D02	Local amenity and cumulative impacts
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D04	North York Moors National Park and the AONBs
D05	Minerals and waste development in the Green Belt
D06	Landscape
D07	Biodiversity and geodiversity
D08	Historic environment
D09	Water environment
D10	Reclamation and afteruse
D11	Sustainable design, construction and operation of development
D12	Protection of agricultural land and soils
D13	Consideration of applications in Development High Risk Areas

List of Abbreviations

ALC	Agricultural Land Classification
AWRP	Allerton Waste Recovery Park
AD	Anaerobic Digestion
AONB	Area of Outstanding Natural Beauty
BGS	British Geological Survey
BREEAM	Building Research Establishment Environmental Assessment Methodology
CPRE	Campaign to Protect Rural England
CCS	Carbon Capture and Storage
CYC	City of York Council
CMM	Coal Mine Methane
C&I	Commercial and Industrial Waste
CIL	Community Infrastructure Levy
CDEW	Construction, Demolition and Excavation Waste
DCLG	Department for Communities and Local Government
DECC	Department of Energy and Climate Change
DEFRA	Department of Environment, Food and Rural Affairs
EA	Environment Agency
EIA	Environmental Impact Assessment
FBA	Furnace Bottom Ash
GVA	Gross Value Added
HSE	Health and Safety Executive
LVIA	Landscape and Visual Impact Assessment
LCA	Landscape Character Assessment
LAA	Local Aggregate Assessment
LACW	Local Authority Collected Waste
LEP	Local Economic Partnership
LLRW	Low level (non-nuclear) Radioactive Waste
MCAs	Mineral Consultation Areas
MPA	Mineral Planning Authority
MSA	Mineral Safeguarding Area
MWJP	Minerals and Waste Joint Plan
NORM	Naturally Occurring Radioactive Materials
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NTS	National Transition System
NYMNPA	North York Moors National Park Authority
NY	North Yorkshire
NYCC	North Yorkshire County Council
OGA	Oil and gas authority
PEDL	Petroleum Exploration and Development Licence
PFA	Pulverised Fuel Ash
RSS	Regional Spatial Strategy
SSSI	Sites of Special Scientific Interest

SAC	Special Area of Conservation
SPA	Special Protection Area
SiDCaMP	Sustainability in Design, Construction and Management of Properties
SUDS	Sustainable Drainage Systems
UCG	Underground Coal Gasification
UKOOG	United Kingdom Onshore Operations Group
WMA	Waste Management Authority
WPA	Waste Planning Authority
WHS	World Heritage Site
YDNP	Yorkshire Dales National Park

DRAFT - NOT FOR CONSULTATION

A glossary of terms used in the Preferred Options consultation is provided at the end of this document.

Chapter 1: Background

- 1.1 The Minerals and Waste Joint Plan is being produced for the three planning authority areas of North Yorkshire, the City of York and the North York Moors National Park. Figure 1 below shows the area covered by the Joint Plan.

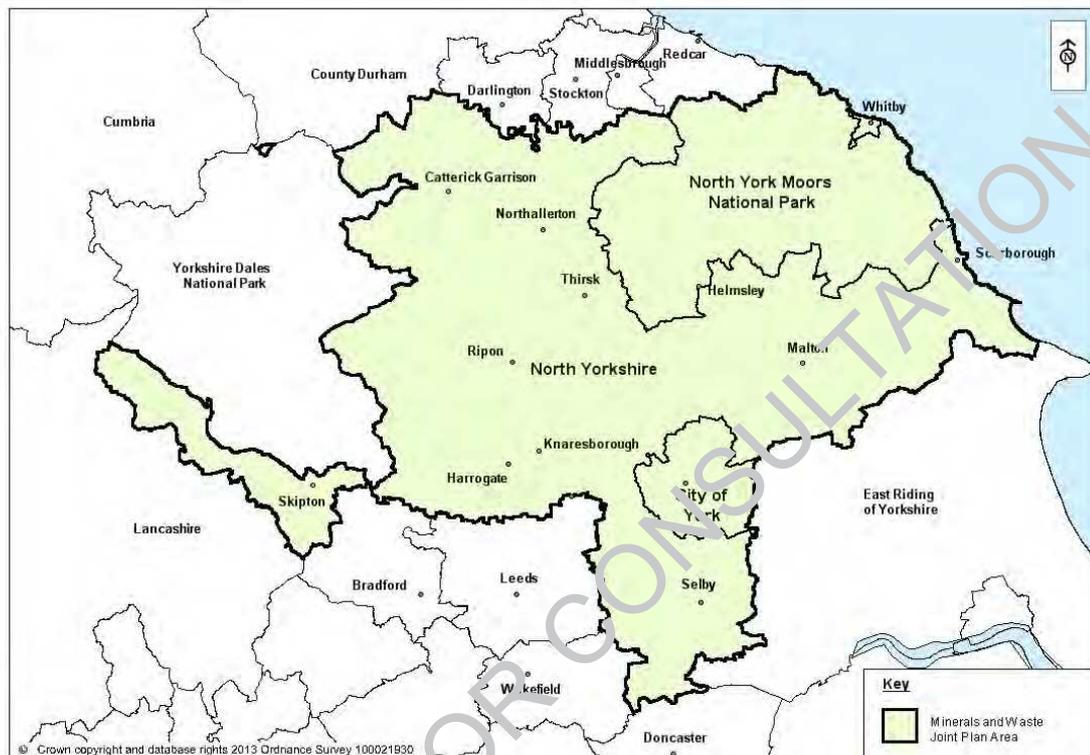


Figure 1: The Joint Plan area

Statutory Requirement

- 1.2 Planning Authorities are required to prepare Development Plans setting out policies for the development and use of land in their area. Unitary authorities, National Park Authorities and County Councils are minerals and waste planning authorities, with the former two, along with District and Borough councils, also being local planning authorities having responsibility for all other types of development. Thus, in the Joint Plan area, the County Council is the minerals and waste planning authority for the parts of the county located outside of the two National Parks, with the City of York Council and the North York Moors National Park Authority being responsible for minerals and waste planning within their areas. The Development Plans of minerals and waste planning authorities must deal with minerals and waste matters, either as part of wider planning documents or as separate plans. Planning authorities can prepare plans for their own area or they can work jointly with other planning authorities to prepare plans. A map showing the boundaries of all the planning authorities in the Joint Plan area is provided after paragraph 1.3 below.
- 1.3 The role of the Development Plan is to guide future development of the area. It forms the starting point for decision making on planning applications. Proposed development that accords with an up-to-date plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

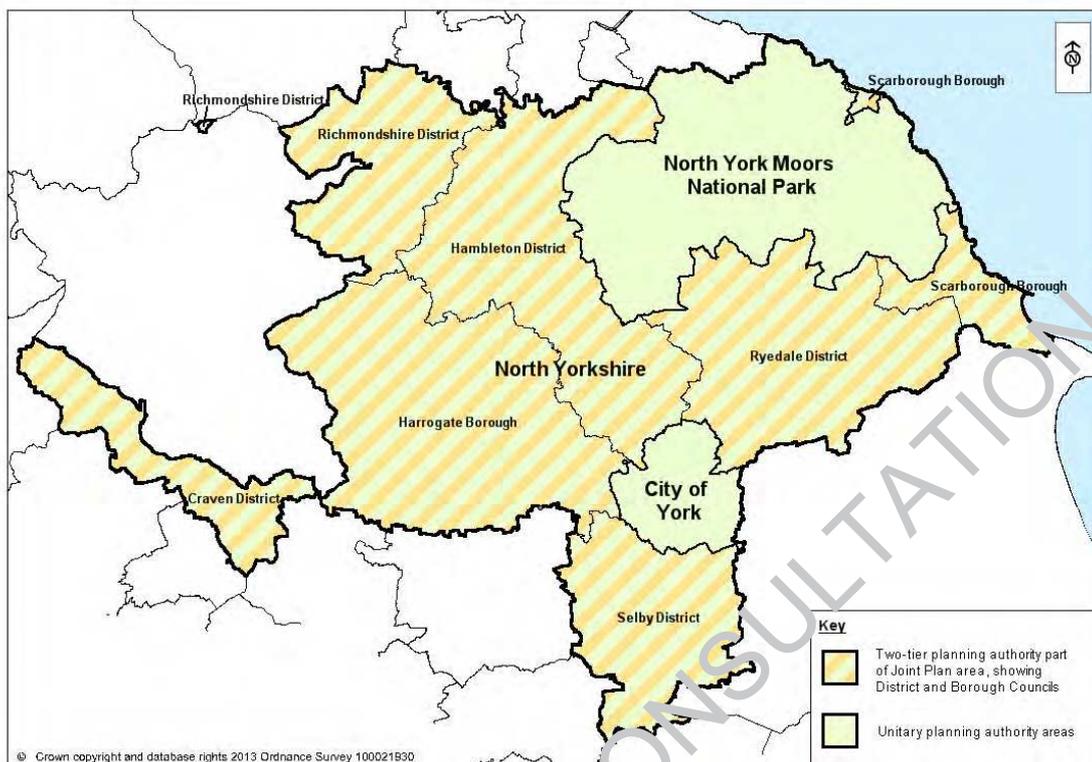


Figure 2: Planning Authority boundaries in the Joint Plan area

Why produce a Joint Plan?

- 1.4 There is a recognition that minerals and waste planning issues often affect larger than local areas and can best be planned for at a wider than local level. In addition one of the key changes to the planning system under the 2011 Localism Act has been the introduction of the 'duty to co-operate', which seeks to enhance the way planning authorities work together in preparing their plans and the NPPF encourages planning authorities to consider preparing joint plans. As a result, the three authorities have decided to prepare a Joint Plan. The Yorkshire Dales National Park Authority is including minerals and waste policies in their Local Plan that they are currently producing.
- 1.5 As the sole planning authorities for their areas, the City of York Council and the North York Moors National Park Authority also have responsibility to plan for other matters such as housing and commercial development land. City of York Council is currently producing a Local Plan. The Plan contains high-level policies on minerals and waste and will provide part of the strategic context for the detailed policies and proposals in the Joint Plan. The North York Moors National Park Authority adopted its Core Strategy and Development Policies in 2008. The North York Moors Core Strategy and Development Policies Document contains policies on minerals and waste, which will be replaced by the Joint Plan. The National Park will soon commence work on a new Local Plan which will replace the Core Strategy and Development Policies. A schedule of existing policies adopted by the three authorities, which it is proposed will be replaced by new policies in the Minerals and Waste Joint Plan, is provided in Appendix 4 for information.

What's been done so far both individually and jointly?

- 1.6 The First Consultation on the Joint Plan was carried out in May/June 2013 in accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This provided an introduction to some of the key information relating to minerals and waste in the area and marked the launch of the preparation of the Joint Plan. Views were invited on what the Joint Plan should contain. The issues raised in the consultation responses, together with issues raised in previous consultations helped us prepare an Issues and Options consultation for the Joint Plan, which was launched for consultation in February 2014. This set out a range of policy options which could be followed to help deal with the issues identified, and invited views on these and any other options which should be considered.
- 1.7 Alongside the First Consultation and Issues and Options consultation, a 'call for sites' was also issued. This provided an opportunity for relevant parties to provide details of sites that they would wish to see identified as being suitable in principle for future minerals or waste related development. Two previous 'call for sites' had also been issued by City of York Council in August 2012 and North Yorkshire County Council in January 2011. The various sites submitted have been considered in preparing this Preferred Options draft Plan and initial views on which sites are suitable for inclusion in the Plan are set out in Appendix 1.
- 1.8 Prior to commencement of work on the Joint Plan, North Yorkshire County Council was in the early stages of preparing separate minerals and waste plans. Relevant information gathered from work on those plans is being carried forward into the development of the Joint Plan.

Consultation Responses

- 1.9 Consultation activities have been carried out to help ensure the views of individuals, minerals and waste industry, statutory bodies and other interested parties are taken into account during the early stages of Plan preparation. The First Consultation on the Minerals and Waste Joint Plan took place in May and June 2013. This sought to obtain views on what the Plan should contain and what issues it should address and the responses have been considered alongside responses received to previous consultations carried out by NYCC. A further main stage of consultation took place between February and April 2014. This Issues and Options consultation sought views on a range of potential policy approaches which would respond to the issues and challenges facing the Plan area. Details of the responses received to both main stages of consultation can be found on the Joint Plan website at www.northyorks.gov.uk/mwjointplan.
- 1.10 The Issues and Options consultation considered a wide range of issues. Summary information about responses received to the consultation and how they have helped us prepare this Preferred Options consultation are contained in a series of background documents, available via the Joint Plan website.

What is the Preferred Options stage?

- 1.11 Although not a formal statutory stage in preparing a new Plan, the purpose of the Preferred Options stage is to provide an indication, pending further consultation, of the proposed new policies which the Authorities wish to adopt.
- 1.12 The consultation provides an important opportunity for interested parties, including Town and Parish Councils, operators, developers, landowners, community groups and members of the public, to influence the content of the Plan before a final Draft 'Publication' Plan is prepared for examination in public. The consultation responses received at Preferred Options stage, along with the Sustainability Appraisal and consideration of the evidence base and other relevant policy, will help us prepare the publication Draft Plan, which will itself be subject to further consultation before an independent examination takes place. The current timetable for producing the Minerals and Waste Joint Plan is as follows.



Joint minerals and waste plan	Date
Preparation of a local plan including: Regulation 18 Consultation - (setting the scene and identifying issues) Issues and Options Consultation (identifying issues and potential options for dealing with issues) Preferred Options Consultation (detailing of options selected from issues and options consultation)	May 2013 - December 2015
Publication (opportunity to comment before consideration by the Planning Inspector regarding the Plan's soundness)	June 2016
Submission	September 2016
Examination	October 2016- February 2017
Adoption	March 2017

Sustainability Appraisal and Habitats Regulations Assessment

- 1.13 Sustainability Appraisal is a statutory requirement under the Planning and Compulsory Purchase Act 2004 and Strategic Environmental Assessment is required by European law. The two assessments are being undertaken simultaneously in relation to the Joint Plan under the term Sustainability Appraisal. The Sustainability Appraisal will assess the potential effects of the Plan at each stage in relation to sustainability objectives and inform further development of the Plan. A Sustainability Appraisal scoping report, which sets out the methodology for the Sustainability Appraisal, has been prepared and consulted upon and is available in the Sustainability webpage: www.northyorks.gov.uk/mwsustainability.
- 1.14 At Issues and Options stage each option was assessed against each of the sustainability objectives and the results were presented in a sustainability report. Similarly, a sustainability report has been prepared to accompany the Preferred Options Draft Plan, which can be viewed on the sustainability webpage. A summary of the findings of the appraisal is presented alongside each preferred option in this consultation document. Where appropriate, recommendations arising from the appraisal process have been incorporated into the preferred policy text and supporting justification as presented in this consultation document.

- 1.15 Habitats Regulations Assessment, required by European law, is concerned with ensuring that the Plan will not cause harm to the integrity of Special Areas of Conservation, Special Protection Areas and Ramsar sites. An initial test of each draft policy and site in terms of its likely significant effects has been carried out and can be viewed in the Habitats Regulations Assessment report on the sustainability webpage. Findings from the Assessment have been incorporated into the text of the draft Plan where relevant.

DRAFT - NOT FOR CONSULTATION

Chapter 2: Context

- 2.1 This Chapter provides information relating to current planning policy, both national and local, supporting evidence for the Plan and a description ('spatial portrait') of the Joint Plan area, setting out information about what the area is like now, as well as an introduction to minerals and waste development. It provides the background information for identifying the issues and challenges that the Plan needs to address.

Spatial Portrait of the Joint Plan area

- 2.2 A detailed description of the Joint Plan area can be found within the evidence supporting the Plan, all of which can be found on the Joint Plan website at www.northyorks.gov.uk/mwevidence.
- 2.3 The Joint Plan area covers the combined area of the three minerals and waste planning authorities of North Yorkshire County Council, (NYCC), the City of York Council, (CYC), and the North York Moors National Park Authority¹ (NYMNP). The three authority areas form the major part of the North Yorkshire sub-region, along with the adjacent Yorkshire Dales National Park Authority area, which is preparing a separate local plan including minerals and waste issues.
- 2.4 The total extent of land covered by the Joint Plan area is 6,718 square kilometres – this is a particularly large and diverse planning area, covering most of the county of North Yorkshire which is the largest in England, plus the City of York Council area². The NYCC area is largely rural containing a number of small market towns and numerous villages, along with the urban areas of Scarborough and Harrogate. The CYC area is focussed upon the historic city and is mostly urban, though with a rural hinterland. The NYMNP is very rural and sparsely populated. It was designated as a National Park due to its 'intrinsic merits as an area of beautiful and unspoilt country and magnificent coast with a wealth of architectural interest.'
- 2.5 A total of about 789,000 people live within the Joint Plan area. At an average of 117 people per km² the area is more sparsely populated than many English counties, even taking account of relatively high population density in York. Most of these live within the North Yorkshire area whilst 202,400 live in York and 23,146 live in the North York Moors National Park. It is forecast that the population of the Joint Plan area will grow to around 815,200 by 2022 and 838,500 by 2030. York is a fast growing city with a population increase of 9.2% between 2001 and 2011. It is forecast that this relatively high growth will continue with the population of York reaching around 222,400 by 2030.³ Relatively high growth is also projected for Selby District, whereas growth in other parts of the Plan area is expected to be more modest. Increase in population is expected to be accompanied by a proportionately higher increase in the number of households, as a result of an expected decline in

¹ Although the majority of the North York Moors National Park Authority area lies within North Yorkshire, a small area in the northern part of the National Park falls within the Redcar and Cleveland Borough Council area (see fig. 8). The National Park Authority is the planning authority for the whole of the area of the National Park. As Waste Management Authority, North Yorkshire County Council only has responsibility for that part of the National Park area which lies within North Yorkshire, with Redcar and Cleveland Borough Council being the Waste Management Authority for the remainder of the National Park area.

² The actual area covered also covers the small part of Redcar and Cleveland Borough which is within the North York Moors National Park, but does not include the Yorkshire Dales National Park

³ ONS, 2013 Mid-Year Population Estimates and Population Projections based on 2011 Census (2015)

- average household size. Correspondingly high rates of housing growth are proposed in some parts of the Plan area in response to these expected changes.
- 2.6 The largest commercial and industrial sectors in the Joint Plan area are retail, accommodation and food services and manufacturing, although in York transport and storage is also a prominent sector and in the North York Moors National Park agriculture, mining, forestry and fishing are important. Selby District contains a significant proportion of the area's industry, including power generation and coal mining, although the latter activity is due to cease at the end of 2015. Within NYCC a very high proportion of the area is occupied by agricultural land, much of which is graded as being of 'best and most versatile' quality. The high quality of the Joint Plan area's natural and historic environment and the presence of a substantial length of attractive coastline mean that tourism and recreation is also of importance to the local economy.
- 2.7 Unemployment in the Joint Plan area is generally lower than the regional and national average, although in line with national trends has been rising over recent years. Employment in mining and quarrying represents around 1% of employment in the Joint Plan area, although Boulby Potash Mine is the largest employer in the North York Moors National Park. Around 1,800 people work in industries related to waste in North Yorkshire. Approval has recently been granted for a second potash mine in the Park and this is planned to be developed within the course of the plan period.
- 2.8 The main transport links in the area run on a north-south axis, via the A1M and A1 and the East Coast Main Line. East-west routes are generally poorer except from York and the East Coast Mainline and many of the more rural parts of the area are particularly remote from major transport networks.
- 2.9 The emerging Spatial Plan for York, North Yorkshire and East Riding indicates that the overall focus for growth is to realise the benefits of significant development and investment opportunities in the North-South Corridor focussed on the A1/A19 and East Coast Mainline. Although the Spatial Plan is not a Statutory Plan it is a material consideration in decision taking. The Joint Plan area is also closely related to its more urban neighbours - the Tees Valley to the north and the Leeds City Region to the south. The Districts of Craven, Harrogate and Selby, along with York, are all part of the Leeds City Region. The economies of the Tees Valley and Leeds City Region are particularly relevant to North Yorkshire as commuter patterns cross into these areas. Population and household growth in adjacent urban areas is also expected to be relatively high, particularly in West Yorkshire, and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.
- 2.10 The North York Moors National Park was designated in 1952 due to its 'intrinsic merit as an area of beautiful and unspoilt country and magnificent coast with a wealth of architectural interest'. The diverse landscape of the National Park includes open heather moorland, interspersed by narrow dales, extensive woodland areas, high coastal cliffs and dramatic geological features such as Sutton Bank and Roseberry Topping. The statutory purposes for National Parks, as set out in the 1995 Environment Act, are to 'conserve and enhance the natural beauty, wildlife and cultural heritage of the Park and promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public'. In pursuing these two purposes the 1995 Act also places a duty on National Park Authorities 'to seek to foster the economic and social well-being of local communities'.
- 2.11 There are two AONBs in the Joint Plan area - Howardian Hills and Nidderdale - as well as small parts of two others, Forest of Bowland and North Pennines. In terms of

planning policy the AONBs enjoy the same level of landscape protection as National Parks. The primary aim of the designation is to conserve and enhance the natural beauty of the landscape. Much of the coastline of the Joint Plan area is defined as Heritage Coast for its natural beauty. A number of local landscape designations have been identified by the District and Borough councils. The implications of a large part of the Joint Plan area being either National Park or AONB are significant in terms of planning for minerals and waste, which are typically large-scale industrial type developments as there is a presumption against major development.

- 2.12 As well as a large area being designated as a National Park or AONB, the Joint Plan area contains numerous other important environmental and heritage designations. Large swathes of the Plan area, particularly the uplands, are designated at European level as a Special Area of Conservation for habitats or Special Protection Area for their importance to wildlife. There are also around 865km² of Sites of Special Scientific Interest, some of which are also subject to the European designations such as the River Derwent and Derwent Ings as well as five National Nature Reserves and 15 Local Nature Reserves. There are also many locally designated wildlife sites across the Plan area. This network of sites contributes to the overall biodiversity and geodiversity of the Plan area. Much of the woodland in the Joint Plan area is located in the North York Moors National Park, which has around 310km², and there is around 80 km² of ancient woodland in the Plan area. There are also many non-designated parts of the Plan area which are nevertheless very important for biodiversity, such as within towns and villages, on agricultural land or along road verges.
- 2.13 There is 361km² of Green Belt designated in the Joint Plan area around York, although the inner boundary is still to be defined. The general aim of Green Belt policy is to maintain open space around large urban areas, although the main purpose of the York Green Belt is to protect the historic character and setting of the City. Parts of the western fringe of Selby District fall within the West Yorkshire Green Belt.
- 2.14 Within the Joint Plan area there are 327 Conservation Areas, over 14,000 Listed Buildings and 1,605 Scheduled Monuments as well as thousands of other non-designated heritage assets. Fountains Abbey and Studley Royal World Heritage Site is also located in the Plan area. The relatively flat and low lying landscape of York allows for views of the Minster and the green wedges and strays are an important part of the setting of York. The City's status as an Area of Archaeological Importance recognises the value of the Minster, around 2000 listed structures and a number of scheduled monuments, including the city walls, Clifford's Tower and St Mary's Abbey. The cultural heritage of the North York Moors National Park was one of the reasons behind its designation and it contains a particularly high concentration of Scheduled Monuments.
- 2.15 Large parts of the lower lying areas covered by the Plan are at risk from flooding, particularly around York, Selby and the Vale of Pickering. Some parts, particularly around Northallerton, the area to the west of York, the area to the south of Selby and the southern parts of the North York Moors National Park are classified as Groundwater Source Protection Zones and most of the lower lying parts of the area are classified as Nitrate Vulnerable Zones, where water quality needs to be protected. In addition Principal Aquifers, which usually provide a high level of groundwater storage, have been designated in some locations. They may support water supply and/or river base flow on a strategic scale, and therefore need additional protection.

- 2.16 Air quality is generally good but a small number of urban locations have been designated as Air Quality Management Areas, including in Knaresborough, Ripon, Malton and three in York. The York AQMAs are based on breaches of health based objectives for nitrogen dioxide. Nitrogen dioxide is the result of emissions from a variety of different sources, however by far the main source is transport related emissions. As such, there is every possibility that the boundaries of the existing AQMAs may change over time (or indeed new AQMAs may be declared) as a consequence of more development across the city. The council has recently adopted a Low Emissions Strategy and is developing planning guidance to reduce the emissions impact of new developments.
- 2.17 The Plan area contains numerous opportunities for recreation and leisure including over 12,000km of public rights of way, many gardens, historic houses and castles, the historic city of York and the North York Moors National Park and is therefore important as a visitor destination.
- 2.18 Ecosystems services are the services provided by the natural environment which help to support human life. Ecosystems services provided by the Joint Plan area include food production, raw materials, recreation, landscape and aesthetic benefits, opportunities for carbon capture, pollination and climate and water regulation. Maintaining biodiversity is important in the provision of ecosystems services.
- 2.19 The assets referred to in the paragraphs above combine to create networks of green infrastructure across the Joint Plan area providing habitats for wildlife as well as opportunities for recreation.

Policy Context

National policy

- 2.20 The National Planning Policy Framework (NPPF) contains the Government's overarching policy on minerals planning. It contains a number of requirements relating to specific minerals types which are considered later in this document. The NPPF clearly identifies a need to ensure that a continuous supply of minerals is available to support the economy and states that great weight should be given to the economic benefits of minerals extraction but alongside this suggests that minerals should be used sustainably. The NPPF identifies a range of minerals that are of 'local and national importance' for which planning authorities should have policies. Minerals 'of local and national importance' of relevance to the Joint Plan area are aggregates, brickclay, silica sand, gypsum, salt, fluorspar, coal, gas, potash and building stone.
- 2.21 The NPPF sets out specific policy requirements in relation to a number of minerals. It requires the maintenance of landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, 10 years for silica sand sites (more in some circumstances) and 25 years for clay sites. It also requires planning authorities to consider how to meet demand for minerals for the repair of historic assets.
- 2.22 In aiming to reduce the need to extract primary minerals and also find uses for waste materials, the NPPF requires planning authorities to take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials before considering extraction of primary materials. It also

places an emphasis upon safeguarding mineral resources for future use and safeguarding minerals infrastructure.

2.23 In relation to gathering appropriate evidence on minerals the NPPF states:

'Minerals Planning Authorities should work with other relevant organisations to use the best information to:

- Develop and maintain an understanding of the extent and location of mineral resources in their areas; and
- Assess the projected demand for their use, taking full account of opportunities to use materials from secondary and other sources which could provide suitable alternatives to primary minerals'.

2.24 These requirements have been addressed through the production of a range of evidence papers produced by or for each authority, as detailed in the Evidence Base section below.

2.25 The NPPF also places emphasis upon conserving important landscape and heritage assets by requiring that landbanks for non-energy minerals are provided for outside of National Parks, AONBs, Scheduled Monuments and World Heritage Sites, which is particularly relevant to the Plan as a relatively large proportion of the area is subject to such designations. In National Parks and AONBs many minerals and waste developments would be classed as 'major development' and should not be permitted except in exceptional circumstances, as defined by a series of considerations known as the 'major development test' (see Glossary). It also requires that minerals developments have no unacceptable adverse impacts on the natural and historic environment. The NPPF advises that in considering planning applications substantial weight should be given to any harm to the Green Belt but also advises that minerals extraction is not considered to be inappropriate development within Green Belt, provided the development would not conflict with the purposes of including land within it. This is addressed further in Chapter 9 Development Management.

2.26 National waste planning policy is informed by European waste policy such as the Waste Framework Directive (2008) which introduced the concept of the Waste Hierarchy. The Landfill Directive (1999) is a key driving factor behind the diversion of waste from landfill and aims to reduce the negative effects of landfilling on the environment and human health. This Directive sets a 2020 target to reduce the total amount of biodegradable municipal waste sent to landfill by 35%, using 1995 as a baseline year. A further important consideration, relevant to planning for both waste and minerals, is the Climate Change Act and an associated requirement at a national level to reduce greenhouse gas emissions by 80% below 1990 levels by 2050.

2.27 The NPPF does not contain specific policies on planning for waste management although its policies remain generally relevant. A new National Waste Planning Policy was published in October 2014 and provides the specific national framework for waste planning. It operates alongside the Waste Management Plan for England and National Policy Statements for Waste Water and Hazardous Waste. The new policy requires that planning strategies help drive waste up the waste hierarchy, deliver sustainable development and resource efficiency, provide appropriate infrastructure, enable businesses and communities to take more responsibility for their own waste without harming human health or the environment, including protecting the Green Belt. The waste hierarchy, shown in Figure 3 below, places priority on the prevention of waste, followed by re-use, then recycling, then other

recovery (which can include recovering energy from waste) and finally disposal as a last resort.



Figure 3: Waste hierarchy (Defra, Government Review of Waste Policy 2011)

- 2.28 Waste planning authorities are required to identify sites and areas for new or enhanced waste management facilities for the management of the waste needs in their areas. In identifying suitable sites and areas waste planning authorities should identify the broad type or types of waste management facility that would be appropriately located on the allocated site or area, plan for the disposal of waste and recovery of mixed municipal waste in line with the proximity principle, consider opportunities for on-site management of waste where it arises and look for opportunities to co-locate facilities with complementary activities. The new national policy indicates that planning authorities should first look outside the Green Belt for suitable sites and areas for waste facilities which, if located in the Green Belt, would be inappropriate development.
- 2.29 It also places greater emphasis on considering needs for waste management capacity of more than local significance, and on joint working between waste planning authorities to provide a suitable network of facilities through considering waste arising across neighbouring authority areas.

Local Policy and Strategies

- 2.30 The key relevant local policy documents forming part of the evidence base for the Plan, can be viewed at www.northyorks.gov.uk/mwevidence.

Municipal Waste Management Strategies

- 2.31 The waste management authorities covering the Joint Plan area (NYCC, CYC and Redcar and Cleveland Borough Council⁴) set out the approach to management of municipal waste (now often referred to as local authority collected waste) over forthcoming years. Only a small part of the North York Moors National Park lies within Redcar and Cleveland Borough and the local authority collected waste generated within that area has been considered as part of the Tees Valley Minerals and Waste Core Strategy.

⁴ See footnote 2 for an explanation of the role of Redcar and Cleveland Borough Council in the Plan area.

- 2.32 The most relevant strategy for the Plan is therefore the Municipal Waste Management Strategy for the City of York and North Yorkshire. This was adopted in 2006 and sets targets and policies for the period up to 2026. The strategy's objectives and targets are:
- To reduce the amount of waste produced in York and North Yorkshire to make us one of the best performing areas in the country by 2013
 - To promote the value of waste as a natural and viable resource by:
 - Re-using, recycling and composting the maximum practicable amount of household waste;
 - Maximising opportunities for re-use of unwanted items and waste by working closely with community and other groups;
 - Maximising the recovery of materials and/or energy from waste that is not re-used, recycled or composted so as to further reduce the amount of waste sent to landfill.
- 2.33 With regard to recycling and composting the strategy aims to achieve the following targets as a minimum:
- Recycle or compost 45% of household waste by 2013
 - Recycle or compost 50% of household waste by 2020
- In addition to the targets above the strategy also sets a target to, as a minimum:
- Divert 75% of municipal waste from landfill by 2013.
- 2.34 These targets are considered in more detail and in relation to current performance and future requirements in Chapter 6 of this document.

Local Plans

- 2.35 CYC is a 'unitary planning authority' while the National Park is the 'sole planning authority', meaning that they are the only planning authority for their areas and are therefore responsible for local planning (e.g. housing, employment uses, etc.) as well as minerals and waste planning⁵. The Joint Plan will operate alongside the wider planning policies for these areas which will also be factors in determining minerals and waste planning applications.
- 2.36 Since the production of the CYC Preferred Options Local Plan, the Council have produced a draft Publication Local Plan (September 2014). This was taken to Members of the Local Plan Working Group and Cabinet in September 2014. Following this, on 9th October 2014 full Council requested further work in relation to housing requirements in the Plan. The overarching draft policy, setting out the main principles for planning in York, is draft Policy SS1 which states that '...York fulfils its role as a key economic driver within both the Leeds City Region and York and North Yorkshire Sub Region'. Policy WM1 on sustainable waste management sets out the proposed strategic approach to waste management including managing municipal waste through mechanical treatment, anaerobic digestion and energy from waste, safeguarding existing waste management facilities, identifying sustainable locations for new waste management facilities, co-locating with other appropriate uses and providing opportunities to manage waste on-site. Policy WM2 proposes safeguarding mineral resources and infrastructure and identifying sites for extraction if needed. As the York Local Plan is still under preparation its progress, including the definition of a permanent Green Belt for York, will be reflected within subsequent

⁵ The National Park Authority is defined as the 'sole planning authority' for the National Park in the 1995 Environment Act.

documents produced in relation to the Joint Plan. York Green Belt has been established for many years but has never been formally adopted. Whilst the Regional Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York.⁶

- 2.37 NYMNPA adopted its Core Strategy and Development Policies in 2008. This contains strategic planning policies as well as development management policies. The minerals and waste policies (Core Policy E and Core Policy F) will be replaced by the Joint Plan, however all other policies will remain in place pending the preparation of a new Local Plan for the National Park. Of particular relevance is Core Policy A which sets the overall principles for development in the National Park, and aims to ‘further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park’s special qualities’. Of further relevance to the Plan and the supply of minerals are the conservation and design policies which specify that the use of the correct materials is important in ensuring new development can be assimilated into the landscape.
- 2.38 The development plans of local planning authorities within and around the Joint Plan area set out future requirements for housing and employment development, including through allocations of land for such uses, as well as identifying major building projects in the area. Some of these plans are still at a draft stage. Economic growth and new building is linked to demand for minerals and the generation of waste. It is therefore important to understand the likely scale of development which may take place over the plan period. An analysis of current housing requirements reveals that there are plans for more than 2,591 new houses per annum⁷. Housing growth is also expected to be linked to additional development such as for employment purposes and a range of social and economic infrastructure. In addition, major infrastructure projects, some of which are planned for at a national level, such as the High Speed 2 rail line, the proposed gas fired power station near Knottingley and the White Rose carbon capture project may, if developed, also generate demand for minerals. Specific figures for new housing growth and employment land are likely to change over time as new or revised local plans are prepared.
- 2.39 The information above nevertheless suggests that the Plan should support the continued supply of minerals in order to meet local development and economic needs. The scale of new development expected within the Joint Plan area will also have a bearing on the range, and scale of waste management capacity and facilities that should be planned for, and this has been considered in the waste arisings and capacity work which is discussed below.

Sustainable Communities Strategies

- 2.40 The North Yorkshire Sustainable Community Strategy is produced by the Chief Executives Group North Yorkshire and York and Local Government North Yorkshire and York Partnership Group, an organisation comprising a range of public, private and voluntary sector bodies. The North Yorkshire Community Plan relates to the period 2014-2017 and sets out three key priorities for the Partnership to focus on over the next three years. These are to:

⁶ The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 came into force on 22nd February 2013.

⁷ Draft York, North Yorkshire and East Riding Spatial Plan (June 2015) Note – the City of York figures are yet to be confirmed and are not included within this figure.

- facilitate the development of key housing and employment sites across North Yorkshire by delivering necessary infrastructure investments through partnership;
 - support and enable North Yorkshire communities to have greater capacity to shape and deliver the services they need and to enhance their resilience in a changing world; and
 - reduce health inequalities across North Yorkshire.
- 2.41 The City of York Council's Strategic Plan, 'The Strategy for York 2011 – 2025', was produced by the Without Walls partnership of public, voluntary and business organisations. The guiding principles of the strategy are focused on 'inclusion and enrichment' and 'reducing our environmental impact.' The long term objective is 'York will be a leading sustainable city by demonstrating strong performance in tackling climate change, resource efficiency, environmental protection and enhancement (natural and built environments), sustainable transport and quality of life for all, and whilst respecting its special qualities and capacity for growth accordingly'.

North York Moors National Park Management Plan

- 2.42 National Park Authorities must produce a National Park Management Plan setting out the vision, aims and policies for the management of the National Park. Planning Practice Guidance on the natural environment states that, although not part of the statutory development plan, National Park Management Plans may be material considerations when determining planning applications. The North York Moors National Park Management Plan was adopted in 2012. Within the context of delivering the statutory National Park purposes, the plan focuses upon the Park's ecosystem services, setting out a strategy to conserve and enhance the National Park's special qualities and improve habitat networks whilst at the same time supporting new woodland, increased agricultural production, more visitors and renewable energy generation. The Plan aims to protect the Park's landscape, biodiversity, natural and historic environment and tranquil areas, provide opportunities for enjoying and understanding the Park's special qualities, promote the North York Moors brand and support the local economy. It contains a policy which aims to reduce the amount of waste generated and increase the amount of waste which is re-used or recycled.

Strategic Economic Plan

- 2.43 The Strategic Economic Plan for North Yorkshire, City of York and the East Riding was published by the Local Enterprise Partnership (LEP) for the area in March 2014. In addition to setting out a vision for the area to become 'a thriving prosperous place where businesses are growing in size, number and long term profitability', the Strategy identifies a number of matters of more specific relevance to the Minerals and Waste Joint Plan. These include a focus on the area becoming a 'UK leader in food manufacturing, agriculture and biorenewables', and 'Driving Growth in our towns and the City of York'. The Strategy recognises a strong connection between food and agriculture and natural resources, especially biorenewables, for example using farm waste to produce energy through anaerobic digestion. It also indicates an intention to focus strategic investment in growth towns identified within the area's local plans, as well as development in the City of York to support its ambition to be a top 5 UK City. In smaller towns and rural areas the focus is on locally led economic development. The Strategy makes specific reference to the inward investment

potential of the proposed potash mine in the North York Moors National Park, as well as the biomass and carbon capture and storage proposals at Drax power station. Specific messages of relevance to the MWJP are:

- Ambition to: create 20,000 jobs; generate £3 billion growth; major investment in agri-tech and bio-renewables and double the rate of house building.
- £1 billion generated annually in exports from the proposed potash mine.
- Potential for sustainable energy and resource efficiency in farm and food businesses - this includes producing energy from waste with significant investment already made in this technology within the area, as well as an overall aim to grow the bio-economy by 40%.
- Support for investment in energy and resource efficiency, turning waste into a resource of renewable energy and income stream, with the overall outcome to achieve a reduction in waste and carbon emissions.

2.44 The southern part of the Joint Plan area (Craven, Harrogate, York and Selby council areas) also falls within the Leeds City Region Local Enterprise Partnership Area. The Leeds City Region Strategic Economic Plan (March 2014) sets out four strategic priorities: Supporting business and enterprise; Enabling a skilled and flexible workforce; Fostering a low carbon, sustainable economy; and, Creating the infrastructure for growth.

2.45 Although only a small part of the Joint Plan area falls within in the Tees Valley Local Economic Partnership area, managed by Tees Valley Unlimited, it is still important to consider the influence which may occur due to economic growth from outside the Plan area. The Strategic Economic Plan, published May 2014, contains a number of ambitions relevant to the MWJP, including; to drive the transition to a High Value Low Carbon economy, focused on renewable energy, new technology, biological feed stocks and reduction in carbon foot print of existing industries, a growing demand for advanced manufacturing products and services with potential to exploit the restructuring of domestic energy and environmental markets, onshore and off shore low carbon opportunities, energy from waste and the potential to exploit shale gas, and leading the way in energy from waste.

Climate Change

2.46 Addressing the causes and effects of climate change, and contributing to wider targets, is being taken forward through a number of local strategies. The City of York Council approved a Climate Change Framework and accompanying Action Plan in 2010 to ensure that, over time, York accelerates actions to reduce carbon emissions. It commits the City to a 40% reduction in CO₂ emissions by 2020 (based on a 2005 baseline) and an 80% reduction by 2050 (based on a 1990 baseline). It also commits the City to making full use of the potential for low carbon, renewable and localised sources of energy generation and highlights 10 key issues for the City to focus on, including sustainable planning and waste management. North Yorkshire County Council's Climate Change Strategy aims to reduce the impact of climate change across North Yorkshire by firstly looking at its own services and operations and secondly working with partners to support the wider community of North Yorkshire to reduce the impact on climate change. Mitigating and adapting to climate change is identified as one of the key pressures for change in the North York Moors National Park Management Plan and is integral to many of its policies and actions. A range of work is taking place alongside preparation of the Plan to help ensure that

these issues are taken into account, including a Sustainability Appraisal incorporating Strategic Flood Risk Assessment.

Evidence Base

- 2.47 Key documents used in preparing the draft Plan are listed below and are available at www.northyorks.gov.uk/mwevidence. The conclusions and key messages arising from these documents informed the generation of options for the Plan and are considered in more detail where relevant throughout this consultation document.

Minerals and Waste Joint Plan Evidence Base and Technical Papers

- 2.48 Each of the Joint Plan Authorities has produced Minerals and Waste Evidence Base and Technical Papers relating to their area. These provide a detailed account of the geological distribution, technical properties and uses, historic and current activity and policy framework for each mineral in each planning authority area. Evidence base papers relating to economic and environmental aspects of the Plan area, as well as on a number of other specific topics, have also been produced on a joint basis. Some of the main ones are identified below.

Local Aggregates Assessment

- 2.49 All minerals planning authorities are required to produce a Local Aggregates Assessment (LAA). This must be based on a rolling average of 10 years sales data and other relevant local information and include an assessment of all supply options for aggregate minerals (including marine dredged, secondary and recycled sources). The Joint Plan authorities, along with the Yorkshire Dales National Park Authority, published their first Local Aggregates Assessment in March 2013, with a draft revised LAA being subject to initial consultation in May 2014. A third review was carried out with updated information including a revised approach to forecasting future demand for aggregate, leading to a further revised LAA being produced in 2015. Specific findings of the LAA are considered within the aggregate minerals sections in Chapter 5.

Marine Dredged Sand and Gravel

- 2.50 The minerals planning authorities in the Yorkshire and Humber area appointed consultants (URS Environment and Infrastructure UK Ltd) to assess the extent to which off shore sand and gravel resources could contribute increased supply to the area, which could have implications for the amount of sand and gravel required to be supplied from land-based quarries. This is identified in the Local Aggregate Assessment (see above) as a matter which needs to be kept under review. The report published in January 2014 suggests that there is potential for a significant increase in supply of marine aggregate into the Yorkshire and Humber area, but that this is unlikely to occur in the short term (within 5 years), whereas over the medium to long term, particularly the latter, there is potential to provide a significant increase in supply subject to additional investment in existing and new infrastructure being made. A shift in supply towards marine sources is relevant to the Plan area because of the potential implications for sand and gravel supply requirements from land won resources in North Yorkshire, although it is considered unlikely to have a substantial impact over the current Plan period.

Minerals Safeguarding Studies

- 2.51 The National Planning Policy Framework requires planning authorities to define Minerals Safeguarding Areas, to protect resources from sterilisation by other forms of development. British Geological Survey was commissioned to carry out work to identify Mineral Safeguarding Areas within the Joint Plan area. The outcome of the work has been used to help inform the approach to Mineral Safeguarding taken within the Plan.

Updated sand and gravel assessment

- 2.52 As part of the work on minerals safeguarding, a re-assessment of the distribution of potentially viable sand and gravel resources in the area was also undertaken by British Geological Survey on behalf of NYCC and CYC. This has identified a revised (and reduced) overall distribution of potential resources and will form the basis for identification of safeguarding areas for sand and gravel, as well as assisting with the identification of locations for future development.

Waste Arisings and Projections

- 2.53 The Joint Plan authorities commissioned consultants Urban Vision to provide evidence in relation to waste arisings and capacity for the Joint Plan authority areas. The Yorkshire Dales National Park Authority was also involved and information relating to the Yorkshire Dales National Park forms part of the outputs.
- 2.54 The work provides an assessment of likely future arisings to 2030 in relation to local authority collected waste⁸, commercial and industrial waste, construction, demolition and excavation waste, hazardous waste, agricultural waste, local level non-nuclear radioactive waste and waste water / sewage sludge. These projections are set within the context of varying growth scenarios. The work identifies the available capacity of existing and permitted waste management facilities and any potential 'gap' between existing capacity and capacity likely to be required over the plan period. The work and its conclusions are discussed in Chapter 6.

Identification of opportunity locations for waste facilities study

- 2.55 This project, undertaken for the three authorities by Fairhurst and Partners, adopted a systematic approach to the identification of locations such as existing and proposed industrial estates and employment land allocations which are likely to be suitable in principle to host built waste management facilities. The main purpose of this project was to gain a clearer understanding of the potential for delivery of new waste infrastructure if needed in order to meet expected future capacity requirements.

Managing Landscape Change project

- 2.56 This study was commissioned by NYCC, prior to commencement of work on the Joint Plan, with funding from Historic England and adopts an integrated approach to the consideration of environment, landscape and historic environment issues in relation to areas of surface minerals resources. Whilst the study only covers the NYCC area, it also contains a range of more generic good practice advice on minerals site design, operation and reclamation which is likely to be of relevance to the Joint Plan area.

⁸ The study does not generate new projections of arisings for LACW but incorporates projections already generated by the York and North Yorkshire Waste Management Partnership, who have responsibility for management of this waste stream, as these projections are considered to be robust

The study can be viewed at: <http://www.northyorks.gov.uk/article/26667/Local-core-documents---managing-landscape-change-project-April-2012> .

Sustainability Appraisal

- 2.57 The Sustainability Appraisal will ensure that environmental, social and economic considerations are integrated into the production of the Plan. Sustainability Appraisal has been carried out on the vision, objectives and options and has informed the development of the Preferred Options. Sustainability Appraisal will also be carried out at the Publication stage of Plan production and its recommendations will be considered in further in finalising the Plan. The Sustainability Objectives, which will be used to assess the Plan, have arisen through consideration of the objectives of many plans, policies and programmes which are relevant to the Joint Plan area along with other considerations and have been agreed through consultation on the Scoping Report. This consultation took place alongside the initial consultation on the draft Plan in 2013, including two workshops with key stakeholders. The scoping report can be accessed here: www.northyorks.gov.uk/mwsustainability.

Mineral and Waste specific context

- 2.58 The purpose of this section is to provide more background to the development of the preferred policies. The content of this section is derived mainly from information in the evidence base for the Plan, which can be accessed at www.northyorks.gov.uk/mwevidence. More information on minerals and waste issues is contained in Chapters 5 and 6.

Minerals

- 2.59 Minerals are important as they provide many of the raw materials necessary for construction, energy and industry. They are therefore essential in helping to sustain economic growth. For these reasons, Government attaches importance to planning for their supply, whilst at the same time requiring that the impacts of extracting them are kept within acceptable limits. An important consideration in planning for minerals is that they can only be worked where they occur in sufficient quantity and quality and this fundamental geological constraint will always be a key influence on minerals planning. A range of mineral types exist within the Plan area, as shown in Figures 4 and 5 below.

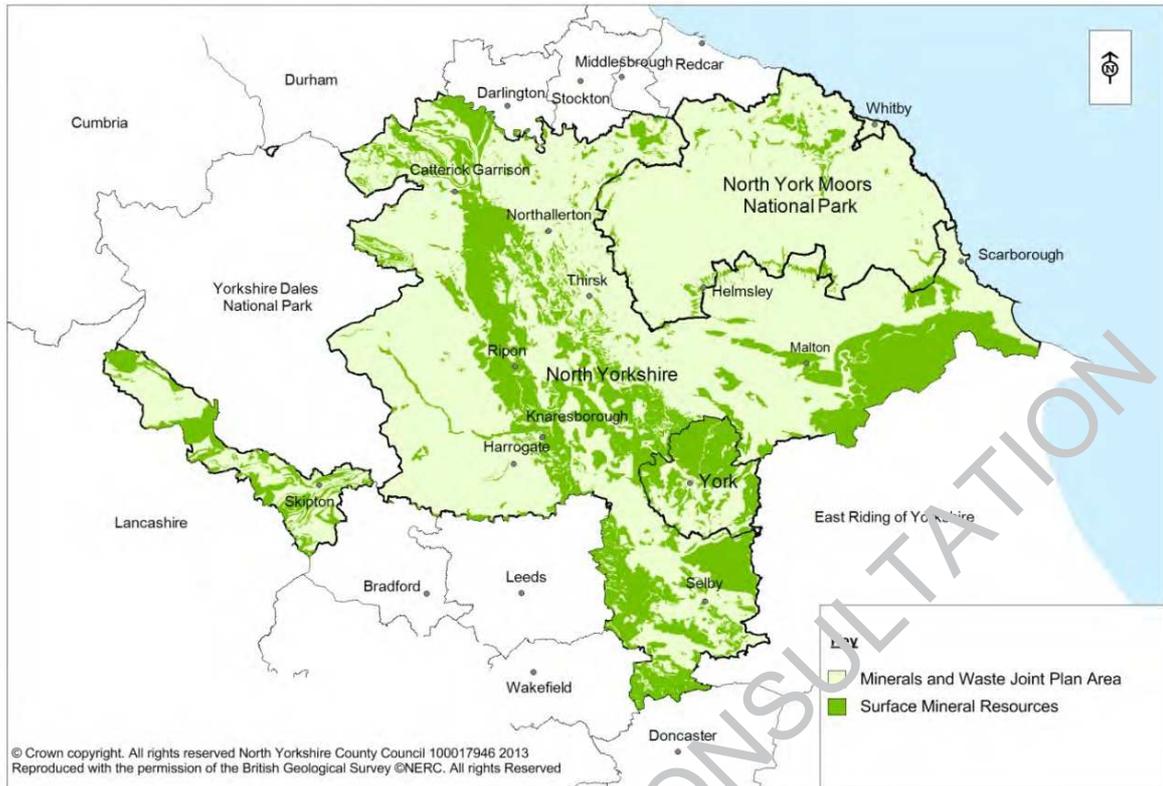


Figure 4: Distribution of surface mineral resources within the Joint Plan area

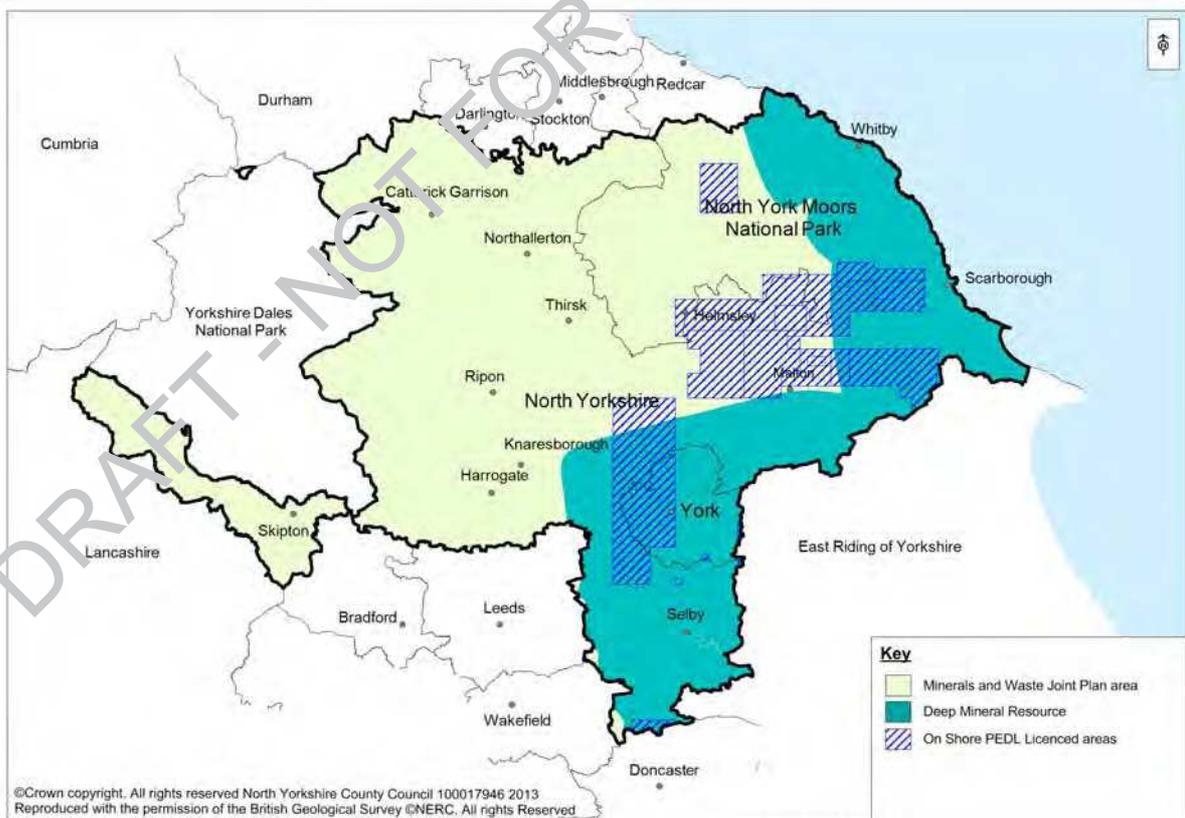


Figure 5: Distribution of underground mineral resources

- 2.60 Despite this relatively broad distribution of resources, there is currently a focus on extracting minerals in particular locations where the quarrying industry is well established and infrastructure exists to help process minerals and transport them to markets. This has resulted in the existence of concentrations of working in certain parts of the Joint Plan area such as the valleys of the Rivers Swale and Ure, the western and southern parts of Selby District and in parts of Ryedale District in the eastern part of the Plan area. Most current mineral workings are in the NYCC part of the Plan area, although an important exception to this is Boulby potash mine, located in the northern part of the North York Moors National Park.
- 2.61 With over 50 working quarries, the Joint Plan area is a significant producer of minerals at a regional and, in some instances, national scale. Aggregate minerals (sand and gravel and crushed rock) are particularly important, with the Joint Plan area being the largest supplier of concreting sand and gravel within Yorkshire and Humber, all of which is extracted in the NYCC area. Other important minerals include coal (Kellingley Colliery in NYCC is one of only a small number of active coal mines remaining in the country although it is due to close at the end of 2015), potash (Boulby Mine in the North York Moors National Park is the UK's only potash mine) and silica sand, which is a scarce and nationally significant mineral worked on a relatively small scale at Burythorpe Quarry in the NYCC area. Onshore gas is exploited in the Vale of Pickering, in one of the UK's largest onshore conventional gas fields, and approval has recently been given for extraction from a well at Eberston in the North York Moors National Park. Other minerals quarried on a smaller scale are clay and building stone, which are worked mainly in the NYCC area, although two building stone quarries exist in the National Park.

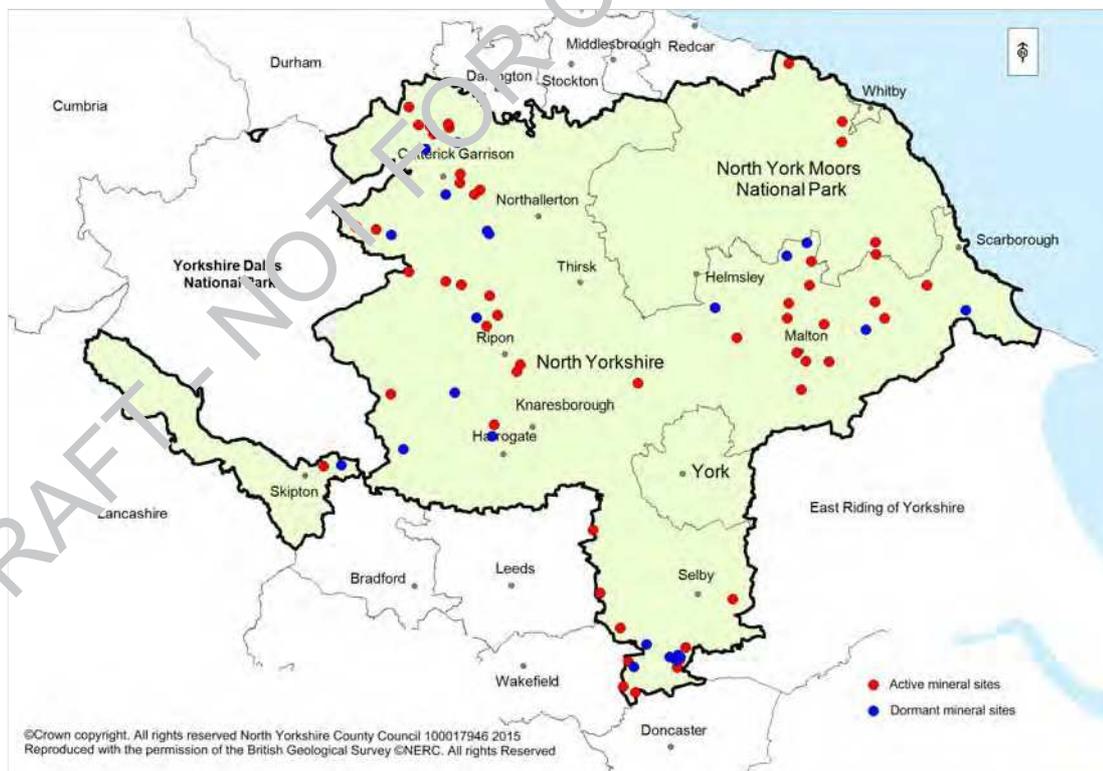


Figure 6: Distribution of active and dormant quarries in the Joint Plan area

- 2.62 In addition to these 'primary' minerals resources of commercial significance, the Joint Plan area is also a supplier of secondary aggregate, in the form of colliery spoil and waste ash from power stations, both of which are located in Selby District. The area also produces recycled aggregate from construction and demolition waste. These

are both important sources of supply as they can act as more sustainable alternatives to the extraction of primary resources

- 2.63 As well as quarries and mines, the area contains a range of other infrastructure associated with the supply of minerals. These include plant for the manufacture of concrete and coated roadstone and the production of blocks made from aggregate, as well as facilities used or with potential for use to help transport aggregate, such as rail heads and river wharves. This infrastructure is important as it helps ensure that minerals can be supplied in forms which the market requires and to the locations where it is needed. The large majority of this infrastructure is located within the NYCC area.
- 2.64 Markets for minerals are not restricted by administrative boundaries and evidence indicates that a number of export and import movements occur. Although predominantly rural, the area is located between major urban areas to the south and north (West and South Yorkshire and Teesside respectively) and it is therefore not surprising that minerals are transported into these areas, where demand tends to be greater than in more rural locations and there are known supply constraints. Information about minerals movements is not available in full detail but we know that, in recent years, about one-third of all the sand and gravel produced in the area has been transported into the North East Region, mainly Teesside and about one quarter into West and South Yorkshire. Similarly, only around half of the crushed rock produced in the Joint Plan area has been used in the area, with significant amounts transported to West and South Yorkshire and the former Humberside area.
- 2.65 Less information is available for other minerals but it is understood from the mine operator that around a third of potash produced from the Boulby potash mine is exported from the UK. Smaller scale known exports from the Joint Plan area include silica sand, which has a national market, secondary aggregate and gas extracted in the Vale of Pickering, which is used to generate power and fed into the national grid. Most of the building stone worked in the area is sold locally, although some is known to have served more distant markets, including Scotland. Coal worked at Kellingley Colliery is used at local power stations such as Drax, Eggborough and Ferrybridge. Clay is used mainly at local manufacturing facilities within the Joint Plan area.
- 2.66 The overall scale of imports of minerals is understood to be relatively small compared with total consumption, although data is limited. Known imports include aggregate from the Yorkshire Dales National Park, North East Region, Cumbria, Wakefield, Doncaster, the East Riding and Derbyshire. Silica sand is also imported as a raw material for a glass manufacturing plant near Selby. These imports are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area, or where local market conditions exist near the boundaries of the area.
- 2.67 Transport of minerals within the Joint Plan area is mainly by road. Some rail transport occurs in Selby District for the movement of coal from Kellingley Colliery to the power stations and potash extracted from Boulby mine is transported by rail, whilst gas is transported by pipeline. Some minerals are imported into the Joint Plan area by rail, but again, this is currently limited to Selby district.
- 2.68 Continued availability of reserves of some minerals (such as sand and gravel and clay) is under pressure, with current reserves expected to run out during the Plan period in the absence of new permissions. By comparison, the current supply situation for other minerals, such as crushed rock, coal and potash is relatively healthy. It is likely that there will be a need to make significant new provision for

sand and gravel working in particular, if security of supply in accordance with current arrangements is to be maintained.

- 2.69 Since consultation at Issues and Options stage there has been an increased focus on the potential for development of shale gas resources in the Plan area. Third Energy announced in November 2014 an intention to submit a planning application for appraisal of potential shale gas reserves at a site near Kirkby Misperton, in the eastern part of the Plan area. An application was submitted in July 2015. In August the first tranche of new licence blocks, which do not require any further environmental assessment under the conservation of habitats and species regulations 2010, was announced in response to the 14th onshore oil and gas licensing round. A second tranche will be announced later this year and is likely to lead to further interest in resources in the Plan area.
- 2.70 In June 2015 the North York Moors National Park Authority resolved to grant, subject to completion of a legal agreement, permission for development of a major new polyhalite mine in the north eastern part of the National Park.
- 2.71 Whilst planning for the future supply of minerals is clearly important, there is also a need to ensure that other aspects of the Joint Plan area that are highly valued, such as its high quality landscapes and natural, built and historic environment (which includes the North York Moors National Park and AONBs and the historic core of York), its local communities and businesses, are protected from any harmful effects of minerals working and transport.

Waste

- 2.72 Dealing with waste is a major challenge for society and needs to be addressed alongside other initiatives to improve the sustainability of our environment and economy. Many items discarded as waste have the potential to be re-used, recycled or used as a resource. Managing waste in these ways has benefits in reducing the amount of natural resources that are consumed. For example re-using or recycling materials generated during demolition activity can reduce the need for extraction of new minerals. At the same time, it can reduce the need for landfilling of waste, which is itself an inherently unsustainable practise in many circumstances. Treating waste as a resource can also lead to new opportunities for the economy, with the outputs of modern waste management processes acting as inputs to businesses which can use them. The management of waste can be relatively energy and resource intensive, including through transportation requirements and also through certain waste management practices themselves. In recent years there has been rapid change in the policy and regulatory context for waste management, as well as in the means by which waste is being managed, and this is expected to continue over the plan period.
- 2.73 Waste arises from a wide range of domestic, commercial and industrial activities. The main waste types (streams) arising within the Joint Plan area include:
- Local Authority Collected Waste⁹ (LACW, which includes Household waste and other similar wastes collected by the Local Authorities)
 - Commercial and industrial waste (C&I)
 - Construction, demolition and excavation waste (CDEW)
 - Hazardous waste

⁹ Recent re-definition of municipal waste to include other similar wastes collected by local authorities (such as waste from businesses previously counted as Commercial and Industrial waste) has led to the term Local Authority Collected Waste becoming a more accurate description

- Agricultural waste
 - Low level (non-nuclear) radioactive waste (LLRW)
 - Waste Water.
- 2.74 LACW, C&I and CDEW are the three main types which need to be considered in the Plan, although it is intended that the Plan should contain appropriate policy in relation to the other important waste streams known to arise. Of the three main streams, C&I waste is the most significant by volume in the Joint Plan area.
- 2.75 The amount and type of waste produced, and the ways in which it is managed, partly reflects the environmental, social and economic characteristics of the area. Concentrations of population and commercial/industrial activity, such as in the City of York and the towns of Harrogate and Scarborough, along with industrial activity in the Selby area, are the largest producers of waste and this tends to be reflected in the overall pattern of waste management facilities. However, large parts of the area are also highly rural, with population and development sparsely distributed. Amounts of waste generated in these areas are likely to be lower (with the exception of agricultural waste) but managing waste in such areas can present challenges as arisings are more dispersed and significant transport of waste may be needed if local facilities cannot be provided.
- 2.76 The majority of waste in the Joint Plan area has, historically, been disposed of through landfill and this continues to be the case today for some waste types. This is partly due to the fact that parts of the area have a high number of quarries which traditionally have been restored via landfill and landfill has been a relatively cheap means of dealing with waste. However, in line with the waste hierarchy¹⁰, current national policy seeks to change this position and deliver substantially greater levels of re-use, recycling and recovery of waste, such that only 'residual' waste (i.e. that which cannot be re-used, recycled or composted or put to beneficial use in some other way) is disposed of. The Government defines such a position as a 'zero waste economy'.
- 2.77 In addition to increased re-use, recycling and composting of waste, alternative methods of dealing with residual waste have been developed, including technologies such as mechanical and biological treatment, anaerobic digestion, incineration with energy recovery and advanced thermal treatment processes such as pyrolysis and gasification. Some of these (such as anaerobic digestion and incineration with energy recovery) are well established in the UK on a commercial scale. Others, such as pyrolysis and gasification technologies, are less well established.
- 2.78 There are many organisations involved in the overall process of dealing with waste and the actions of individuals are important too. The three waste planning authorities have a particular responsibility to ensure that up to date planning policies are in place to help support the more sustainable management of waste. This can include setting out the overall scale, location and nature of waste management capacity that is likely to be needed in the area over the next 15 years, as well as policies to ensure that any proposals for new waste facilities can be developed without unacceptable impact on communities, businesses and the environment.
- 2.79 It is not the role of the Plan to specify how waste is collected, or the detailed processes and technologies by which it must be managed. These are mainly matters

¹⁰ The Waste Hierarchy is a concept endorsed at all levels of planning policy which places five categories of waste management in their order of priority: Prevention, Preparing for Re-Use, Recycling, Other recovery, Disposal.

for business and, in the case of household and other similar waste, the District and County Councils, City of York Council and Redcar and Cleveland Borough Council in their capacity as waste collection authorities (district, borough and unitary councils) and waste disposal authorities (county and unitary councils). Figure 7 below shows the waste disposal authorities covering the Joint Plan area. Most of the waste arising in the North York Moors, and also the Yorkshire Dales National Park which is largely within North Yorkshire County, is managed outside the Parks but within the NYCC area, and this situation is expected to continue.

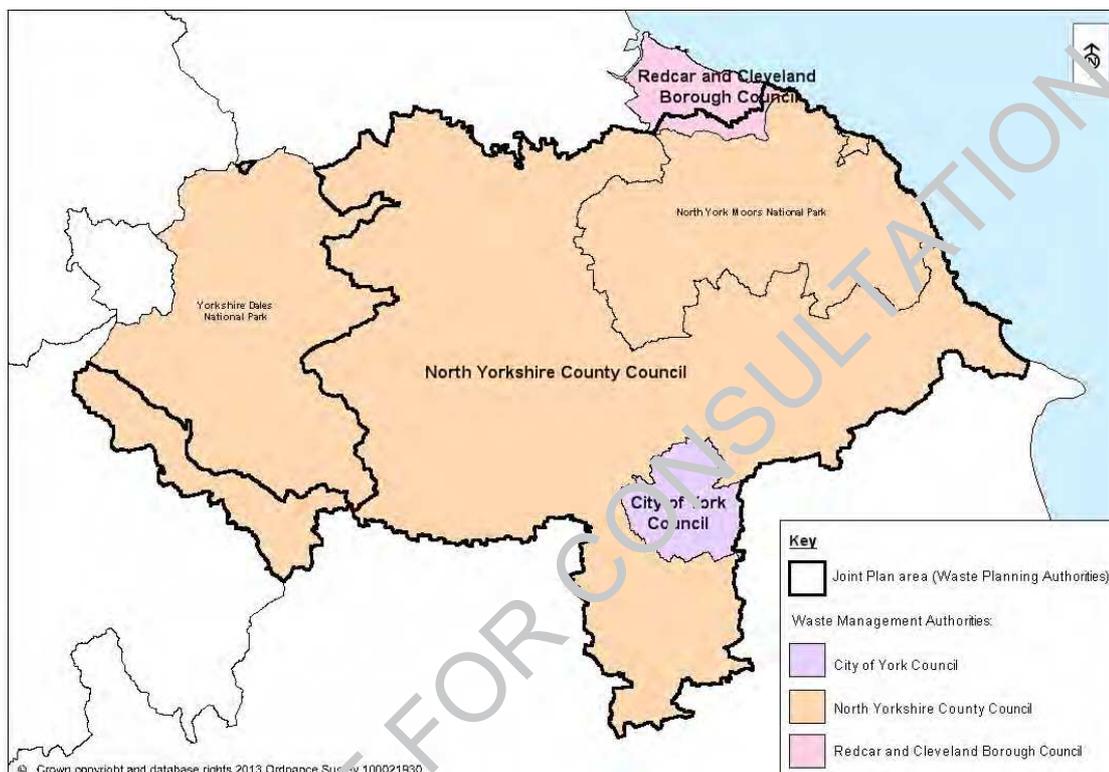


Figure 7: Waste Disposal Authorities covering the Joint Plan area.

- 2.80 Specific local targets for recycling, composting and diversion of household waste from landfill have been set by the York and North Yorkshire Waste Partnership (which comprises the seven District Councils in North Yorkshire together with the County Council and CYC). The northern part of the North York Moors National Park lies within Redcar and Cleveland Borough, with targets for waste management in this area set out in the Tees Valley Joint Waste Management Strategy. Whilst these matters are clearly of relevance to the Plan, as they may have implications for the general range and quantity of waste management capacity that may be needed in the area, they are identified separately from it.
- 2.81 The management of waste is not necessarily constrained by local authority boundaries. Although evidence is limited, it suggests that there are both imports and exports of waste across the North Yorkshire sub-region boundary, as well as imports of waste from the adjacent Yorkshire Dales National Park Authority area. Whilst some of these movements may be part of well-established patterns of waste management, other movements may take place in a more ad hoc way depending on shorter term commercial and market considerations. Previous or current patterns of movement may not necessarily continue in the future in response to a wide range of market and other considerations. This represents a considerable challenge to comprehensive planning for the management of waste and suggests a need for a degree of flexibility in the Plan.

Links between minerals and waste development

- 2.82 Whilst the above sections have focussed on the context for minerals and waste development separately, there are important links between the two. The efficient use of minerals, including the re-use of materials such as ash and spoil as alternatives to primary minerals, help reduce waste as well as conserving a natural resource. Quarries may have potential for the disposal of waste via landfill, as part of the reclamation process, in circumstances where any need for landfill capacity has been identified, and in some cases the disposal of inert waste via landfill can help improve the quality of derelict or degraded land. These links will need to be reflected in the content of the Plan.
- 2.83 Minerals and waste developments can also both have the potential for the delivery of benefits. For example through the careful design, operation and reclamation of mineral sites it may be practicable to provide enhancement of wildlife habitats, the provision of floodwater storage capacity or other environmental benefits, as well as helping to support local businesses and the economy, and some waste developments may be able to produce power or heat for use by local consumers.
- 2.84 Both forms of development, due to their nature, also have the potential to give rise to adverse impacts, for example on the landscape, through the impact of vehicle movements and the generation of noise or other forms of pollution. A key role for the Plan will be to develop planning policies which help deliver the maximum benefits from the development which may be needed, whilst ensuring that any harmful impacts are minimised through appropriate locations, design and operation.

Addressing the Duty to Cooperate

- 2.85 It is a legal requirement that local plans are prepared having regard to the statutory Duty to Cooperate on strategic cross boundary issues. Cooperation with a range of organisations, including other planning authorities and certain statutory bodies, is required where necessary. Both minerals and waste development can give rise to strategic matters of importance to more than one local authority area. The decision to prepare the Plan on a joint basis is itself a response to the requirements of the Duty, reflecting the benefits of a consistent and coordinated approach which acknowledges existing cross-boundary issues and relationships.
- 2.86 Development of the evidence base for the Plan, together with the outcome of a range of consultation activity, has identified a number of issues for which it will be necessary to cooperate with other bodies in order to ensure a coordinated approach. These include;
- Cross boundary movements of aggregate minerals, particularly exports to the West and South Yorkshire areas and to the Tees Valley and the implications of potential shortfalls in indigenous supply in West and South Yorkshire and the Tees Valley area.
 - Cross boundary movements of waste, particularly exports of waste from the Plan area to a range of other WPA areas.
 - Safeguarding of minerals and waste sites and infrastructure within the two tier parts of the Joint Plan area.

2.87 Cooperation with a wide range of relevant organisations has taken place in relation to the above matters, resulting in the following specific actions so far:

- Preparation of a joint Local Aggregates Assessment for the North Yorkshire sub-region to help establish the scale of future requirements for aggregates minerals
- Preparation of a joint evidence study on waste capacity needs for the North Yorkshire sub-region
- Preparation of draft memoranda of understanding with the Yorkshire Dales National Park Authority and Redcar and Cleveland Borough Council in relation to arrangements for the management of waste
- Liaison with a wide range of specific minerals and waste planning authorities in relation to identified cross boundary movements of minerals and/or waste
- Liaison with relevant prescribed bodies in relation to the development of policies for inclusion in the Plan.

2.88 It is expected that cooperation on these matters, and any other relevant matters that are identified, will continue through the remaining stages of preparation of the Plan. A background paper¹¹ summarising work undertaken so far relating to the Duty to Cooperate can be found in the evidence pages on the Joint Plan website.



Q01) Please tell us if you have any views on important cross boundary planning issues that should be addressed in the Plan or about the approach taken so far to planning for minerals and waste across local authority boundaries.

¹¹ Duty to Cooperate Summary Document for Preferred Options Stage

Chapter 3: Issues and Challenges

- 3.1 In order to plan for minerals and waste development, it is important to understand the relevant issues and challenges facing the area and the implications of these for the Plan.
- 3.2 The need to ensure relevant issues have been taken into account is reinforced through the NPPF which requires the Plan to be justified and based upon proportionate evidence.
- 3.3 The issues and challenges that the Plan should address have been identified through:
- Review of the NPPF, NPPG, the National Planning Policy for Waste and other relevant national policy
 - Consideration of any relevant local policies and strategies, including local waste management strategies, Sustainable Communities Strategies and the North York Moors National Park Management Plan
 - Review of factual, technical and independently sourced information contained in the evidence base
 - Specific items of evidence produced to support the Plan
 - Comments received as part of the Joint Plan First Consultation and Issues and Options Consultation (as well as previous consultations undertaken by NYCC prior to the decision to prepare a Plan on a joint basis).

Issues and Challenges Summary

- 3.4 Based upon available evidence, the issues and challenges considered to be of most significance to the Joint Plan are summarised below. These will be considered in more detail in Chapters 5 to 9 of this document.

Minerals

- Ensuring a continuity of supply of minerals, reflecting the likely levels of economic and housing growth and future requirements for minerals;
- Maintaining the required land banks for sand and gravel, crushed rock, silica sand and clay, but as far as practicable providing for these outside of the National Park and AONRs;
- Continuing to provide a supply of building stone for repair of traditional buildings and for new build;
- Considering how to address the potential positive and negative impacts of exploiting unconventional hydrocarbons resources such as shale gas as well as planning for conventional forms of energy minerals;
- Addressing commercial interest for a new potash mine in the National Park
- Encouraging the use of alternative sources of supply of aggregate such as secondary, recycled and marine aggregate where practicable over primary land won minerals extraction;
- Safeguarding important minerals resources and infrastructure from sterilisation by other uses;
- Ensuring there are sufficient safeguards in place to minimise the local impacts of minerals extraction on communities, the environment and other important assets;
- Providing for a range of enhancements, including ecological services and biodiversity, particularly through reclamation of workings; and

- Developing an appropriate locational strategy for minerals supply, taking account of cross-boundary supply issues where relevant.

Waste

- Promoting the management of waste further up the waste hierarchy i.e. reducing the amount going to landfill and providing facilities to enable the re-use, recycling, composting and recovery of waste, as well as supporting an overall reduction in the generation of waste;
- Supporting the delivery of the additional waste management capacity expected to be required, in line with any identified needs;
- Incorporating flexibility to reflect uncertainties resulting from waste data limitations and evolving technologies and practise;
- Developing an appropriate locational strategy for new waste management facilities, taking account of cross-boundary movements where relevant;
- Considering opportunities to co-locate waste management facilities with complementary uses;
- Ensuring there are sufficient safeguards in place to minimise the local impacts of waste management on communities, the environment and other important assets; and
- Safeguarding strategically important waste management infrastructure.

General

- Establishing policies which are appropriate across the diverse characteristics of the Joint Plan area;
- Developing an appropriate approach to the protection and enhancement of the Plan areas' important landscapes, and natural and heritage assets including the North York Moors National Park, AONBs and World Heritage Site, the historic city of York, numerous Conservation Areas, Sites of Special Scientific Interest, Special Areas of Conservation, Ramsar Sites, Special Protection Areas, Sites of Importance for Nature Conservation, Heritage Coast, Green Belt, nature reserves and listed buildings as well as the wide range of non-designated assets which are important for their own intrinsic value;
- Ensuring minerals and waste development contributes to and supports economic growth both within the Plan area and nationally, including the employment opportunities that they provide;
- Seeking to reduce carbon emissions, particularly in relation to the transportation of minerals and waste, promoting re-use and recycling of materials and recovery of energy from waste; and providing opportunities to assist in adapting to the effects of climate change, such as reducing flood risk and enhancing habitat connectivity;
- Considering accessibility to major transportation networks and sustainable transport infrastructure, recognising constraints on opportunities for the movement of minerals or waste;
- Recognising the potential for mutually beneficial links between minerals and waste activities, such as utilising specific waste streams in the sustainable restoration of mineral workings; and
- Ensuring an element of flexibility is built into the Plan.

Chapter 4: Vision and Objectives

- 4.1 Having a vision and objectives gives direction to the policies in the Plan and helps ensure it delivers what we want to achieve. This section sets out a draft vision and related objectives. It responds to the issues and challenges facing the area, as identified in the previous Chapter, which reflect the outcomes of public consultation to date, as well as the evidence base and the national policy context. In developing the vision and objectives for the Joint Plan, the outcomes of previous consultation on a vision and objectives for minerals and waste plans in the NYCC area have also been taken into account.

Vision and Priorities

Over the period to 2030 the Joint Plan area will move towards the more sustainable provision of minerals and waste infrastructure and services, maintaining a careful balance between meeting future needs whilst protecting and enhancing the Joint Plan area's environment, protecting and supporting its communities and strengthening its economy.

The following interconnected priorities underpin the vision and objectives:

- Delivering sustainable waste management
- Achieving the efficient use of minerals resources
- Optimising the spatial distribution of minerals and waste development
- Protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change.

Delivering Sustainable Waste Management

- i. *Less waste will be being generated and the Joint Plan area will have moved substantially closer to a zero waste economy, with more waste being used as a resource and disposal of waste arising in the Joint Plan area only taking place as a last resort. National and local targets for recycling and diversion of waste will, as a minimum, have been met and, where practicable, exceeded. Important waste management infrastructure will have been safeguarded for the future and the Joint Plan area will have delivered sufficient waste management capacity to meet needs equivalent to waste arising in North Yorkshire and the City of York, with waste only being exported out of the Joint Plan area where necessary or more sustainable.*

Achieving the Efficient Use of Minerals Resources

- ii. *Whilst maximising the use of alternatives to primary minerals, the provision of an adequate and steady supply of minerals will have been maintained, recognising the important role the Joint Plan area has in the supply of a range of minerals and in particular recognising the area's role in aggregates provision in the Yorkshire and Humber area and the adjacent North East region. Provision will have also reflected the importance of using local minerals to help maintain and improve the quality of the area's built environment. Important minerals resources and minerals supply infrastructure will have been safeguarded effectively for the future.*

Optimising the Spatial Distribution of Minerals and Waste Development

- iii. *Where geological and infrastructure considerations allow, opportunities to ensure a good match between locations of minerals supply and demand will have been taken, and appropriately located mineral workings will also be playing a role as locations for the re-use and/or recycling of construction and demolition and excavation waste.*
- iv. *For both minerals and waste development, an adequate network of suitably scaled and sustainably located facilities will have been delivered in order to meet requirements identified in the Plan and the distribution of these will have had regard to the availability of adequate transportation networks, any opportunities for modal shift and the benefits of minimising the overall distance waste and minerals are transported.*
- v. *Waste arising in both urban and rural areas will be being managed as near to where it arises as practicable, appropriate to the waste stream and scale of risings, in order to provide a network of facilities accessible to local communities and businesses. New waste facilities in both urban and rural locations will, where practicable, have been co-located with complementary industries, businesses and producers or users of waste, in order to maximise the overall efficiency of waste management and the delivery of wider benefits to local businesses and the economy, including from the generation of heat and power through the recovery of waste.*
- vi. *In identifying appropriate locations for the delivery of both minerals and waste development the distinguished natural, historic and cultural environment and unique and special landscapes of the Joint Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty and the historic City of York.*

Protecting and Enhancing the Environment, Supporting Communities and Businesses and Mitigating and Adapting to Climate Change

- vii. *Minerals and waste development will be taking place in accordance with the highest practicable standards of design, operation and mitigation throughout the life of the development in order to ensure that the amenity of local communities, the sustainability of local businesses and the high quality environment of the Joint Plan area are given robust protection. Liaison between developers and local communities, businesses, regulators and landowners will have been key in delivering this.*
- viii. *Improved efficiency in energy and resource use, including increased use of alternatives to primary minerals and appropriate design and mitigation to address effects on, and from, climate change, including reducing the carbon footprint associated with minerals and waste and reducing flooding will have occurred, and a high standard of reclamation and afteruse of minerals and waste sites will be being delivered, providing a range of benefits for local communities and the environment of the area, including connecting habitats and enhancing biodiversity as well as protecting and restoring agricultural land.*

Sustainability Appraisal

The vision has been assessed as contributing to beneficial impacts on the environment, economy and communities in the Plan area. Potential positive impacts have been identified in relation to the natural and historic environment objectives, landscape, climate change, the economy and protecting communities and their health and wellbeing. In addition, potentially strong positive impacts are identified in relation to minimising the use of resources, transport, soils and land, biodiversity and geo-diversity, managing waste more sustainably, mitigating and adapting to climate change and enabling the supply of minerals to support the needs of the population. No negative impacts have been identified, primarily due to the vision being an overarching set of aspirations for the Plan



Q02) Do you agree with the vision presented above? If not how can it be improved?



Objectives

- 4.2 Based on the proposed Vision and the priorities identified above, the following objectives are proposed as a means of taking them forward. They are split into four groups reflecting the interconnected priorities.

Delivering sustainable waste management

Objective 1	Encouraging the management of waste further up the hierarchy
Background explanation supporting the objective.	This includes supporting the efficient use of materials in the design and construction of development and supporting a reduction in the amount of waste generated by individuals and organisations; delivering national and local targets for recycling, composting and diversion of waste from landfill; using waste as a resource; incinerating waste without effective energy recovery and disposing of waste via landfill only as a last resort or to ensure that landfill sites or quarries are restored to beneficial use, and; building appropriate links between waste and minerals policy.
Objective 2	Making adequate provision for the waste management capacity needed to manage waste arising within the sub-region
Background explanation supporting the objective.	This includes planning for the delivery, where practicable, of the new waste management infrastructure needed to manage a level of arisings equivalent to the anticipated future arisings of waste in the Joint Plan area, including arisings of Local Authority Collected Waste arising within the adjacent Yorkshire Dales National Park Authority area, and; safeguarding and supporting the best use of important waste management infrastructure and ensuring appropriate co-ordination with District and Borough Councils in North Yorkshire to ensure a joined-up approach to safeguarding. It also helps support the contribution of the waste industry to the local and wider economy.

Achieving the efficient use of minerals resources

Objective 3	Safeguarding important minerals resources and minerals infrastructure for the future
Background explanation supporting the objective.	This includes safeguarding relevant surface and underground minerals resources of national and local importance, important aggregates supply and transport infrastructure such as railheads, wharfs, roadstone coating and concrete plants; and ensuring appropriate co-ordination with District and Borough Councils in North Yorkshire to ensure a joined-up approach to safeguarding.

Objective 4	Prioritising the long-term conservation of minerals through facilitating provision of sustainable alternatives to primary minerals extraction, including increasing the re-use and recycling of minerals and the use of secondary aggregates
Background explanation supporting the objective.	This includes identifying an appropriate local contribution from alternative sources to primary land won minerals; supporting the development of such alternative sources in appropriate locations; encouraging the efficient use of minerals resources through the sustainable design and construction of new development; and building appropriate policy links between minerals and waste policy.

Objective 5	Planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth, development, quality of life, local distinctiveness and energy requirements, within the principles of sustainable development
Background explanation supporting the objective.	This includes identifying and maintaining future supply requirements for minerals, in line with national planning policy and the North Yorkshire Local Aggregates Assessment and maintaining adequate landbanks, particularly for aggregates; recognising the role of the Joint Plan area in supply of minerals, particularly aggregates, beyond the Joint Plan area boundary, whilst also considering and responding to the ability of the area to sustain minerals extraction without compromising other social, economic and environmental goals including obligations under the Climate Change act.

Optimising the spatial distribution of minerals and waste development

Objective 6	Identifying suitable locations for the extraction and recycling of minerals, the production of secondary aggregate, key minerals supply and transport infrastructure and the management of waste
Background explanation supporting the objective.	This includes identifying and allocating appropriate sites or areas for future minerals working, the provision of secondary and recycled aggregate, minerals supply and transport infrastructure and the disposal of mineral waste, as well as identifying and allocating appropriate sites or areas for the management and where necessary disposal of waste. Identification of strategically important sites or areas will be the priority.

Objective 7	Seeking a good match between locations for waste management infrastructure and the places where waste arises, and between locations for mineral working and minerals supply infrastructure and the places where minerals and mineral products are used, in order to minimise the overall need for transport
Background explanation supporting the objective.	This includes developing locational policy which encourages new waste management infrastructure in locations as near as practicable to existing sources of arisings and expected patterns of future growth; co-locating waste facilities, where practicable, with complementary industries, businesses and producers or end users of waste including taking opportunities to utilise heat and/or power for the benefit of local communities and businesses, and; encouraging new minerals workings

	and infrastructure, including sites for the supply of secondary and recycled aggregate, in locations well related to existing markets within and near to the Joint Plan area.
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Objective 8	Promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks
Background explanation supporting the objective.	This includes developing locational policy which encourages new waste management infrastructure, minerals workings and minerals supply infrastructure, where practicable for longer distance and large scale movements, to locations where sustainable transport modes such as rail, water and pipeline can be utilised, and; where such modes are not practicable, that locations for development are well connected to suitable highways infrastructure.

Protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change

Objective 9	Protecting the natural and historic environment, landscapes and tranquil areas of the Joint Plan area
Background explanation supporting the objective.	This includes developing policy to protect, conserve and where practicable enhance the environment of the Joint Plan area, including natural and historic assets, landscapes and environments, priority habitats and biodiversity, geodiversity, ground and surface waters, green infrastructure (including agricultural land) and ecosystems services; recognising and protecting the special qualities of the North York Moors National Park and the AONBs, and the historic views into York and supporting the use of local building stone to help maintain and improve the quality of the built environment and local distinctiveness.

Objective 10	Protecting local communities, businesses and visitors from the impacts of minerals and waste development, including transport
Background explanation supporting the objective.	This includes promoting high standards of design, operation and where relevant reclamation of minerals and waste sites (including sites for the supply of secondary and recycled aggregate and the disposal of mineral waste) and high standards in the transport of minerals and waste; as well as promoting the involvement of local communities and businesses in proposals for minerals and waste development in order to help protect local amenity, quality of life and the local economy.

Objective 11	Addressing the causes and effects of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste development and reclamation activity to mitigate and adapt to climate change
Background explanation supporting the objective.	This includes planning for more sustainable design and working practices, including those aimed at carbon reduction, at minerals and waste sites; considering opportunities for the delivery of renewable and low carbon energy; and taking a long term view of the potential for reclaimed minerals sites for purposes such as flood alleviation, the provision of ecosystems services and maintenance of agricultural capacity. This objective would also contribute to meeting the national requirement to reduce greenhouse gas emissions by 80% below 1990 levels by 2050.

Objective 12	Delivering benefits for biodiversity, recreation opportunities and climate change adaptation through reclamation of minerals workings
Background explanation supporting the objective.	This objective supports wider objectives within the NPPF and within local strategies which seek to enhance conditions for biodiversity and other important environmental objectives, increase opportunities available for recreation and ensure measures are in place to adapt to climate change. This objective would also support the utilisation of a strategic, landscape scale, approach to reclamation where this could help minimise overall impacts and deliver maximum benefits.

Sustainability Appraisal

To summarise, the objectives of the Plan are considered to have a potentially positive relationship on many of the environmental, economic and community Sustainability Appraisal objectives. The Plan Objectives which seek to protect the environment and address climate change (9, 11 and 12) score particularly positively in relation to the SA objectives. A number of uncertainties have been identified, however, in terms of the relationship between Plan and SA objectives, particularly for Plan Objectives 2, 5 and 6. On their own these objectives may ultimately result in a range of potential impacts on the environment and communities in the Plan area, and so exhibit an uncertain relationship with the relevant SA objectives. Plan Objectives 5 and 2 in particular may impact negatively on the achievement of the biodiversity, landscape, the historic environment and community wellbeing SA objectives, with objective 5 showing outright negative effects in these areas.

It should be noted that all objectives will operate in combination with each other and that a positive score has been recorded at least once in relation to each sustainability objective, meaning that the Plan will contribute in some way towards each SA objective.



Q03) Do you agree with the objectives presented above? If not how can they be improved?

Policies map and key diagrams

- 4.3 The NPPF requires that Local Plans indicate broad locations for strategic development on a key diagram and land use policies on a Policies Map. As part of this consultation draft minerals and waste key diagrams have been prepared, as well as detailed Policies Maps.
- 4.4 The Policies Map illustrates geographically the policies in the Plan, based on an Ordnance Survey map base. The map includes a range of information such as assets and designations, minerals safeguarding areas and site allocations. The Policies Map is available to view on the Joint Plan website at www.northyorks.gov.uk/mwjointplan.
- 4.5 The Joint Plan Area covers a large area. To help ensure the Policies Map is user friendly the area has been subdivided into 15 sections (see key map below). A number of separate theme-based maps have also been prepared to help with illustrating some of the large scale constraints, such as flood zones and aerodrome safeguarding zones.

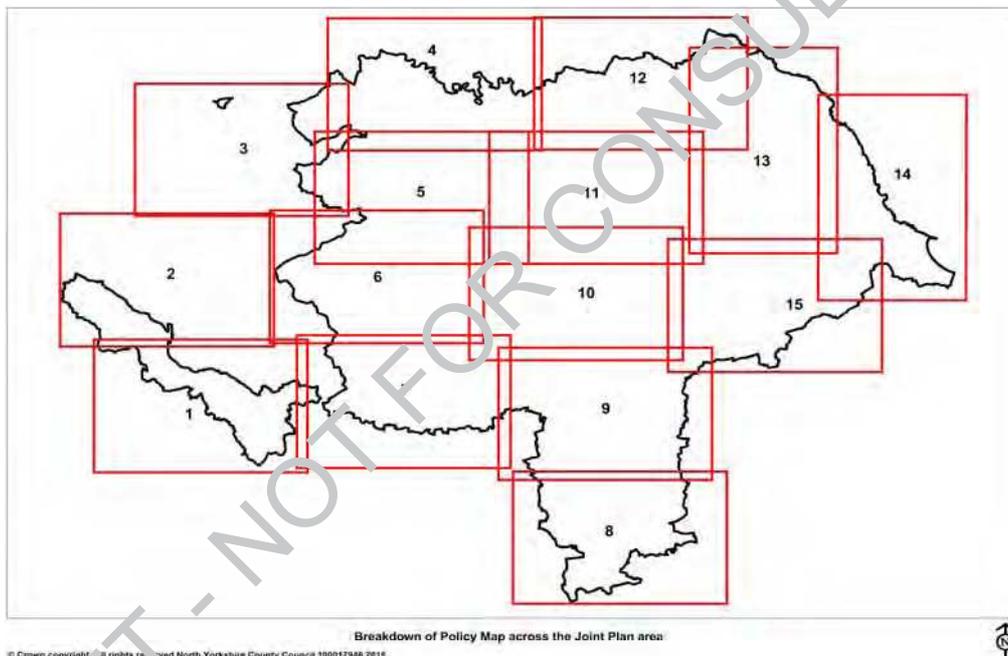


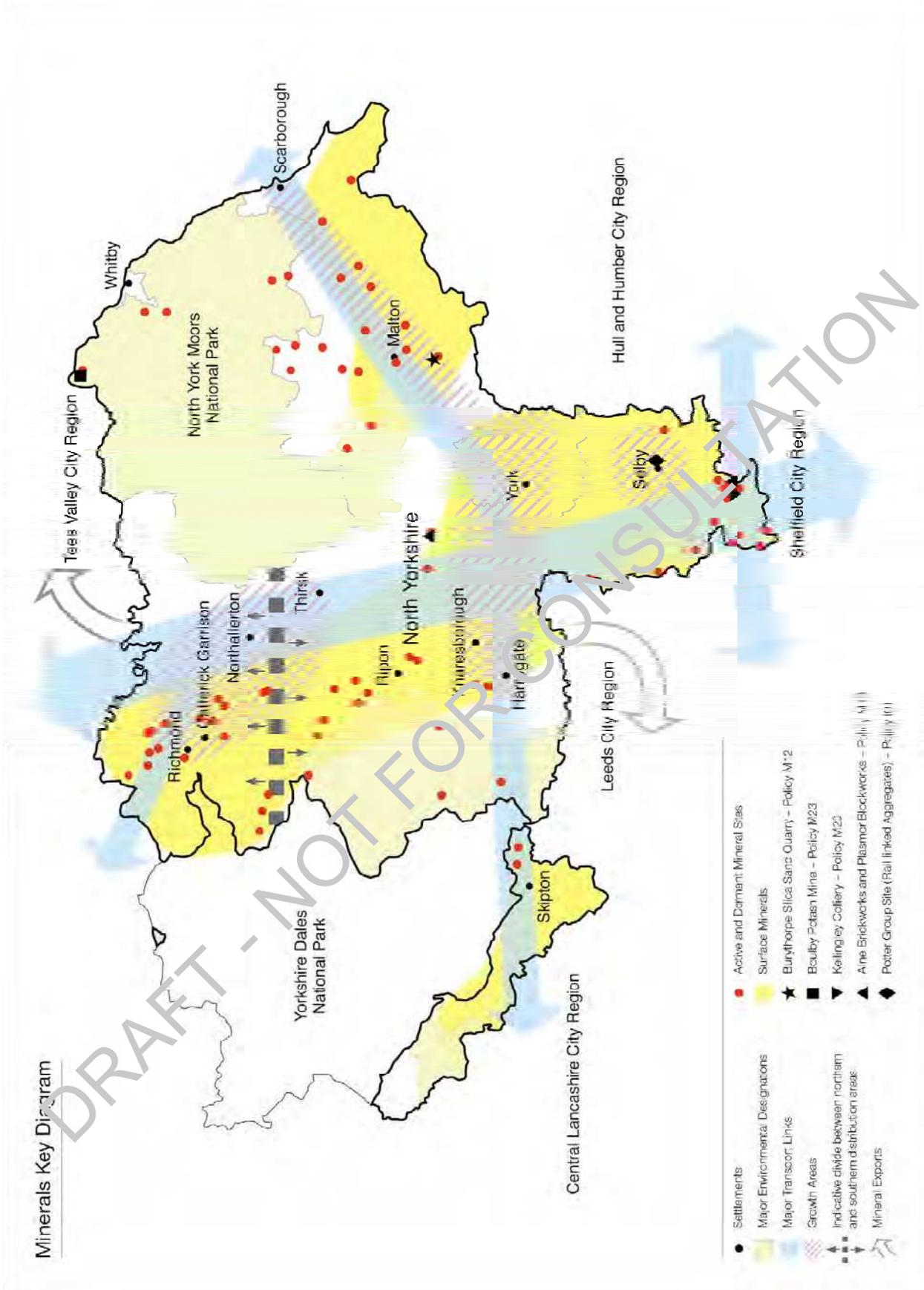
Figure 5: Breakdown of Policies Map across the Joint Plan area

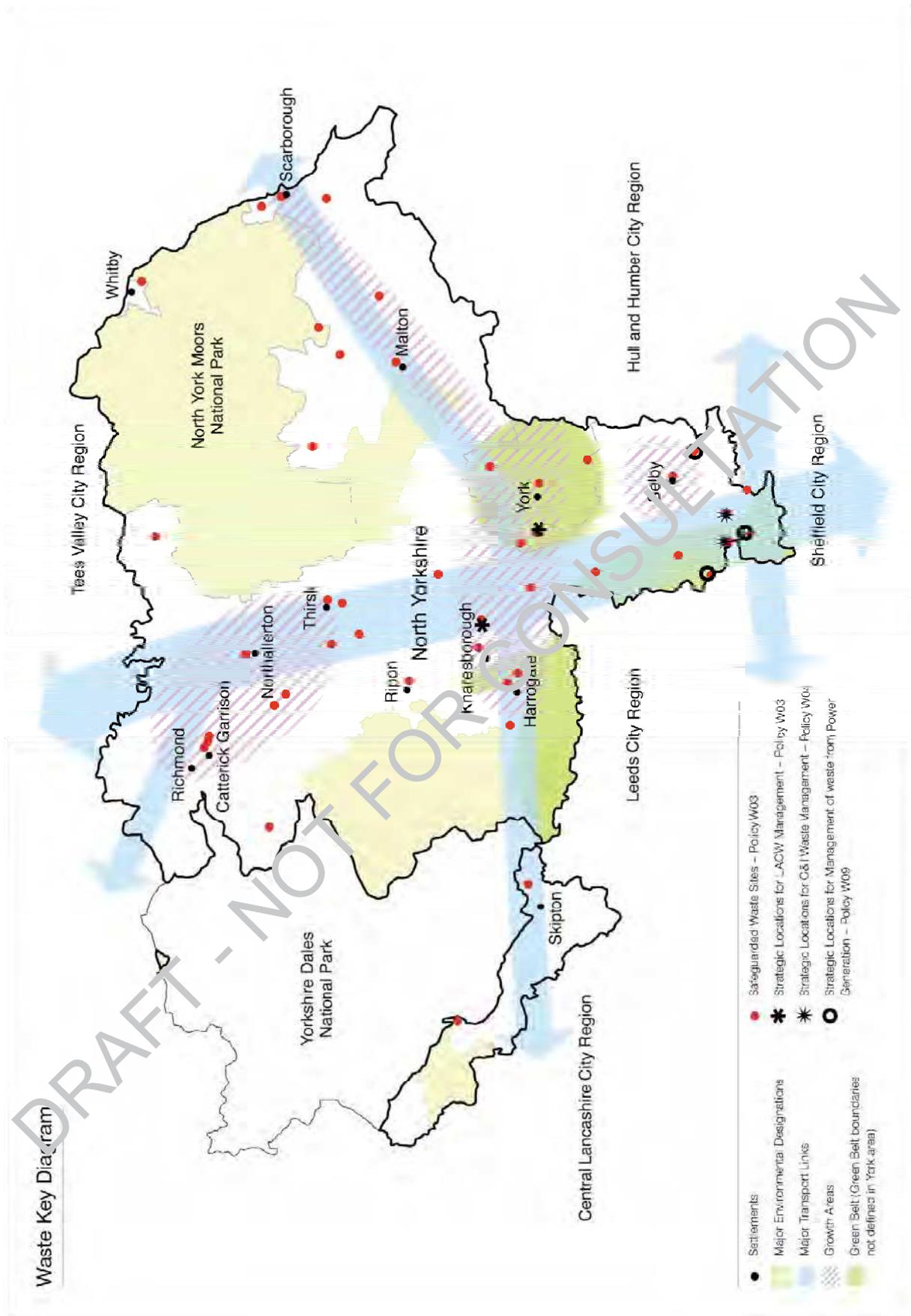
- 4.6 Both the minerals and waste key diagrams are prepared on a base plan reflecting elements of the York, North Yorkshire and East Riding Spatial Plan and depict the 'focus for growth areas' as identified within the Spatial Plan. It also identifies main towns (with a population in excess of 10,000) and key transport links across the area, as these are of significance for both minerals and waste development.
- 4.7 The minerals key diagram (below) identifies the general extent of surface minerals resources, as a reflection of the fact that minerals can only be worked where they occur. Many of these resources are also proposed for safeguarding in the Plan. Main areas of important environmental designations, subject of national and local policy restraint for mineral working, are shown. The diagram also shows illustratively the northwards and southwards landbank areas for concreting sand and gravel and identifies a number of key minerals and minerals infrastructure sites of particular significance within the Plan area. Important known export market destinations for

aggregates minerals are indicated to illustrate important cross-boundary supply relationships. Active and dormant mineral working sites are also identified as an indication of where development is currently taking place, or where there is potential for it to take place.

- 4.8 The waste key diagram (below) identifies important existing waste infrastructure, which is also proposed for safeguarding in the Plan. It also indicates strategic locations of current or permitted large scale infrastructure for management of LACW and C&I waste. Areas of Green Belt are indicated as certain forms of waste management activity are unlikely to be acceptable in such areas. The extent of the inner boundary of the Green Belt for the City of York area is currently under review.

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Preferred Options policies

- 4.9 The following chapters address the identified minerals, waste and associated development management issues and put forward draft policies to deal with them. It is really important that as many people, organisations, and interested parties tell us what they think about the various policies presented within the following chapters.



Q04) Do you support the preferred policies in Chapters 5 to 9? If not how should they be changed and why?

- 4.10 As there are a substantial number of draft policies in the Plan we have provided reminder questions after each policy. When responding, please use the relevant reference number (provided alongside each draft policy) to ensure your comments are recorded against the correct policy and taken into account when moving the Plan forward to the next stage.
- 4.11 A number of other questions are asked at specific points of the document. These are clearly identified and we would like to know your views. When responding please use the comments form, available to download at www.northyorks.gov.uk/mwconsult.

Monitoring

- 4.12 Monitoring the effects of the policies set out in the Plan will be important. This is to help ensure that policies are having their intended effects and to help identify whether any review is required. A monitoring framework has been prepared to accompany the Plan and is provided in Appendix 3.



Q05) Do you agree with the monitoring indicators detailed in the monitoring framework in Appendix 3? If not how can they be improved?

Chapter 5: Minerals

- 5.1 This Chapter addresses the issues and puts forward draft policies to help maintain continuity of supply for each different mineral resource present in the Joint Plan area. Where practicable it identifies expected future needs for minerals and sets out in broad terms how those needs could be met. It includes key 'spatial' issues where relevant for the various mineral types. In this respect it should be noted that no overall spatial approach applicable to extraction of all forms of mineral worked in the Plan area is proposed, mainly because minerals can only be extracted where they occur in economically viable quantities and this is fundamentally constrained by geology, and also because minerals worked in the Plan area serve very wide geographical markets ranging from local to international. More detailed consideration of the potential impacts of minerals extraction on the environment and communities is provided in Chapter 9 Development Management.

Aggregates supply

- 5.2 Planning for future supply of aggregate minerals (sand and gravel and crushed rock used mainly by the construction industry) is complex and is the subject of a range of national policy and guidance. There is a more detailed evidence base on sales, reserves and movements of aggregate compared with some other minerals. The following sections address a range of issues relating to the supply of aggregate.

Spatial Approach to Aggregates Supply

- 5.3 Aggregates are identified in national policy as a mineral of national and local importance and are some of the most important primary minerals worked in the Plan area, as they contribute to requirements for high quality concreting aggregate in urban areas such as West and South Yorkshire and the Tees Valley, as well as meeting local requirements. Minerals resource information produced to support preparation of the Plan indicates that the large majority of potential sand and gravel resources in the Plan area are located within NYCC. The total volume of the resource is very large, although a wide number of constraints such as surface development, environmental constraints and accessibility considerations, means that the volume potentially available for extraction is likely to be substantially lower. Working has traditionally taken place along the main river valleys (including through river dredging historically although this activity has now ceased for environmental reasons) and associated fluvio-glacial landscapes

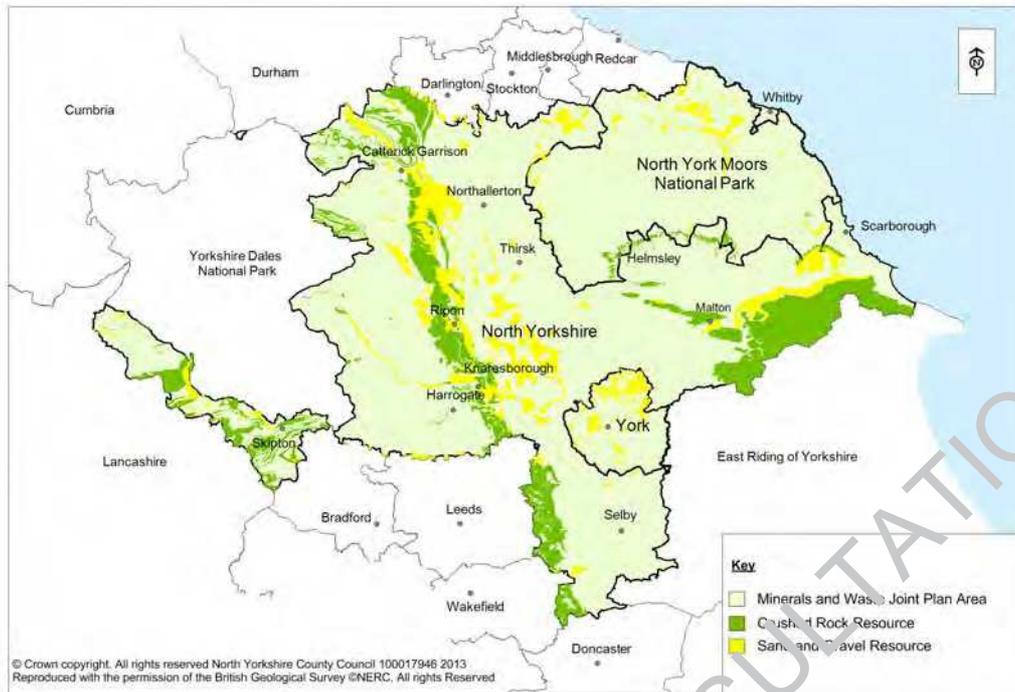


Figure 9: Aggregate resources in Joint Plan area

- 5.4 Crushed rock resources in the Joint Plan area typically comprise three main types: Carboniferous limestone, which occurs in the north of the Plan area around the Scotch Corner-Leyburn area in Richmondshire and Craven in the West; Magnesian limestone, which occurs as a narrow strip running north-south through the central part of the Plan 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 also previously been produced but there is currently no significant production. There are no crushed rock resources in the City of York area.
- 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 Joint 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 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, subject where necessary to the major development test, the limited lateral extension or deepening of existing quarries where necessary to help ensure continued

<p>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, enhancement of mitigation and quality of site reclamation compared with that required by the existing permission/s.</p> <p>3) In the City of York area, the small scale extraction of sand and gravel where the development will comply with the development management policies in the Plan.</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, M26, I01, I02, S01, S04, S05, D01, D02, D03, D04, D05, D06, D07, D08, D09, D10</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 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 Joint 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 existence of substantial permitted reserves elsewhere in the Joint Plan area, as well as the requirements of 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 Joint 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 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 ensure that local economic benefits, including local employment, are sustained, as well as 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 an extension in time, or additional extraction through lateral extensions or deepening, are proposed a very high degree of protection of the environment should be demonstrated and, preferably, overall enhancement of the quality of environmental mitigation and site reclamation compared with that required by the existing permission/s. This is necessary to help 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. Where any proposals are considered to be 'major development' they will also need to satisfy the specific policy tests for such development as currently set out in the National Planning Policy Framework.

- 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 help encourage delivery of a local contribution to supply, subject to suitable proposals coming forward. The draft 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 Minerals and Waste Joint Plan.

Sustainability Appraisal

This preferred option exhibits a range of different effects. In the main the sustainability objectives recorded minor positive effects for the protected landscapes in the plan area. However, some minor negative effects associated with crushed rock extraction shifted location away from protected areas and into the remaining plan area.

Recommendations:
No further mitigation is proposed.



Q04. Ref M01

Do you support the preferred policy approach? If not how should it be changed and why?

Sand and gravel

Scale of provision for 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 in the Yorkshire and Humber and Tees Valley areas, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. 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 16 year period 1st January 2015 to 31st December 2030 will be made in the range of 41.3 to 42.8 million tonnes, at an

equivalent annual rate between 2.58 and 2.68 million tonnes.

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary in order to maintain a 7 year landbank of 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, M26, I01, S01, D01	Objective 5
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Monitoring: Monitoring indicator 2 (see Appendix 3)

Policy Justification

- 5.13 The Joint Plan area is particularly important for the supply of high quality concreting aggregate, of which it is significantly the largest supplier in the Yorkshire and Humber area. Supply of concreting sand and gravel into the Tees Valley and adjacent areas in the North East from quarries in northern North Yorkshire is also very important. In 2009 more than half of sales were exported to locations outside North Yorkshire. It is expected that the important role of the area in the supply of aggregate minerals, including to markets outside the Plan area, will need to continue over the period to 2030.
- 5.14 The initial distribution of provision between concreting sand and gravel (northwards distribution), concreting sand and gravel (southwards distribution) and building sand will be in accordance with the approach set out in Policy M03 Overall Distribution of Sand and Gravel Provision.
- 5.15 In order to ensure availability of an adequate supply (i.e. a 7 year landbank) at the end of 2030, it will also be necessary to identify the additional resources needed to deliver this. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that the demand forecast may change over the plan period in response to new information, it is not considered appropriate to specify, at this stage, the level of further provision that may be needed in order to maintain a 7 year landbank at 2030. This is a matter which can be addressed in monitoring of the Plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, through the annual review of the Local Aggregates Assessment and additional site allocations brought forward if necessary. A commitment to maintaining a seven year landbank is set out in Policy M04.

Sustainability Appraisal

This preferred policy's effects are in the main uncertain as no indication of where provision would be obtained from is presented. However, clearly extracting a substantial volume of sand and gravel will have at least some environmental effects, though the magnitude of these effects is dependent on location. There are a small number of exceptions to this. For instance, it requires energy to extract and to transport minerals which, assuming continued reliance on fossil energy, would generate significant CO₂ and other greenhouse gases, with strongly works against the climate change objective. Similarly, the 'minimising resource use' use objective displays strong negative effects, as this policy will allow for the consumption of up to 42.8 Mt of primary minerals. There are also some positive effects noted, for instance the recreation objective receives indirect positive support, as further extraction would ultimately lead to further restoration in line with other policies in the plan, while the economic

development, flooding and changing population objectives would also be supported.

Recommendations:

While much is uncertain in relation to this objective, although this is inevitable in a policy of this nature. To some extent this policy is mitigated by policy M11 which encourages alternatives to land won primary aggregate, though it is acknowledged that many secondary and recycled aggregates are not direct substitutes for sand and gravel. Further consideration of the potential contribution made by recycled and secondary aggregate is recommended when this policy is considered at the mid-term review, depending on the availability of reliable data.



Q04. Ref M02

Do you support the preferred policy approach? If not how should it be changed and why?

Overall distribution of sand and gravel provision

- 5.16 The Local Aggregates Assessment provides further information on the operation of the sand and gravel supply system in North Yorkshire and is a key source of evidence for the Plan.
- 5.17 Due to the specific properties and different end uses of building sand and concreting sand and gravel, their supply has been addressed separately. There is no general substitute for building sand and concreting sand and gravel and it is considered that maintaining this distinction is likely to remain appropriate over the plan period.

Policy M03: Overall distribution of sand and gravel provision

Overall provision of sand and gravel will be allocated in the following proportions:

Southwards distribution area: 50%

Northwards distribution area: 45%

Building sand: 5%

If it is not practicable to make overall provision, through grant of permission on allocated sites in accordance with this ratio, then provision for concreting sand and gravel shall be made across both areas in combination.

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

Key links to other relevant policies and objectives

M01, M02, M04, M07, M08, M26, I01, I02, S01, S04, S05, D01

Objectives 5, 6, 7

Monitoring: Monitoring indicator 3 (see Appendix 3)

Policy Justification

- 5.18 Evidence in the Local Aggregates Assessment suggests that demand for sand and gravel from the Plan area will be significant and that there will be a continuing requirement for exports of concreting sand and gravel into adjacent areas, particularly Tees Valley and West and South Yorkshire, where there are substantial limitations on the availability of similar resources. Since adoption of the North Yorkshire Minerals Plan in 1997 separate provision has been made for maintenance of supply in northwards and southwards distribution areas for concreting sand and gravel, reflecting the distribution of key markets for sand and gravel as well as the distribution of sources of supply and this approach has been successful in

maintaining supply. In determining which area a proposed site or reserve falls, regard will be had to its geographical location and the likely markets for the mineral.

- 5.19 Although there are some indications that there could be a small relative increase in future demand from markets to the South in response to future supply constraints and growth pressures, an allowance for this has been made in the overall forecast of demand for the Joint Plan area and there are a number of uncertainties about the actual scale of future demand for concreting sand and gravel in the various markets served by the Joint Plan area. It is therefore considered that provision should be made in accordance with the recent historic shares of total provision for each distribution area, with separate provision for building sand reflecting the different end uses for this product.

Sustainability Appraisal

There are a range of effects that arise from this preferred policy and all effects are tentative with significant uncertainty at this scale. For instance, the biodiversity, water, soils, historic environment and recreation objectives all show a negative relationship with this preferred policy, largely because the balance of development proposed favours areas that are richer in terms of the environmental assets associated with those SA objectives.

More positive contributions towards objectives are reported for the traffic, air quality and climate change objectives because, as the policy seeks to fit with the distribution of markets and demand, the length of minerals freight journeys will be slightly less on balance. This will also keep costs down and benefit the economy SA objective. Other objectives are either neutral or report more mixed effects. For instance, while journeys may be shorter, because the southern plan area is closer to centres of population, there may be a greater probability that traffic will affect communities.

Recommendations:
No further mitigation is proposed



Q04. Ref M03

Do you support the preferred policy approach? If not how should it be changed and why?

Landbanks for sand and gravel

- 5.20 Landbanks are an important aspect of government policy to help ensure continuity of supply of minerals to help support economic growth and provision of infrastructure. The NPPF requires mineral planning authorities to make provision for landbanks for sand and gravel of at least 7 years supply (i.e. sufficient reserves with planning permission to last a 7 year period at the anticipated annual rate of extraction identified in the Local Plan).

Policy M04: Landbanks for sand and gravel

A minimum 7 year landbank of concreting sand and gravel will be maintained throughout the plan period for each of the northwards and southwards distribution areas identified on the key diagram.

A separate minimum 7 year landbank will be maintained throughout the plan period for building sand.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry	
Key links to other relevant policies and objectives	
<i>M01, M02, M03, M07, M08, M10, M26, I01, S01, D01</i>	<i>Objective 5</i>
Monitoring: Monitoring indicator 4 (see Appendix 3)	

Policy Justification

- 5.21 The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released. For sand and gravel a minimum landbank sufficient for 7 years at the anticipated rate of supply (at the manual rate as set out in the Plan) is required. The spatial approach for sand and gravel is to make provision for supply of concreting sand and gravel from separate northwards and southwards distribution areas, along with a separate landbank for building sand, which serves different end uses. To assist with monitoring the effectiveness of this approach it will be necessary to monitor, and maintain, separate landbanks for the southwards and northwards distribution areas and for building sand.
- 5.22 As concreting sand and gravel resources are only present in potentially workable configurations in the NYCC area and City of York Council areas it follows that, subject to other policies in the Plan, the provision needed to maintain sand and gravel landbank requirements will be met within those parts of the Plan area outside the North York Moors National Park. National planning policy confirms that National Park Authorities are not required to maintain landbanks owing to other policy constraints.
- 5.23 Taking account of the distribution of sand and gravel resources within the Joint Plan area and the existence of a significant number of individual production sites and operator companies, it is not considered there is likely to be a case for setting a minimum sand and gravel landbank period of more than 7 years.

Sustainability Appraisal

Impacts in relation to this policy are largely neutral in the short term with minor negative impacts occurring in the medium to long term. This is because in the longer term separate northwards and southwards distribution area landbanks could mean that there is increased pressure to maintain the landbank in defined (and therefore finite) areas, which may put additional pressure to approve sites in areas where cumulative effects on are already starting to build. Major negative impacts have been recorded in relation to minimising resource use and prioritising management of waste as high up the waste hierarchy as practicable as maintaining a landbank is likely to reduce incentive to work towards these objectives. Positive impacts have been identified in relation to the economy and meeting the needs of a changing population as this policy would ensure that adequate resources are available to support growth.

Recommendations:
No further mitigation is proposed.



Q04. Ref M04

Do you support the preferred policy approach? If not how should it be changed and why?

Crushed Rock

Scale of provision of crushed rock over the plan period

- 5.24 The Joint Plan area is a major producer of crushed rock in the Yorkshire and Humber Region and a significant exporter to other areas, including West and South Yorkshire and the East Riding and to areas within the North East Region.
- 5.25 National planning policy requires planning authorities to consider and plan for a steady and adequate supply of aggregate for their area, taking account of any significant cross boundary movements, by preparing an annual Local Aggregate Assessment (LAA). A North Yorkshire sub-regional LAA has been produced in partnership with North Yorkshire County Council, City of York Council and the North York Moors and Yorkshire Dales National Park Authorities.

Policy M05: Provision of crushed rock

Total provision for crushed rock over the 16 year period 1st January 2015 to 31st December 2030 shall be 60 million tonnes, at an equivalent annual rate of 3.75 million tonnes, within which specific provision for a total of 22.2 million tonnes at an equivalent annual rate of 1.39 million tonnes per annum shall be for Magnesian Limestone.

Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary in order to maintain a 10 year landbank of crushed rock, including a separate 10 year landbank for Magnesian Limestone, 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, NYMNP and Minerals Industry

Key links to other relevant policies and objectives

M01, M06, M09, M10, M11, M26, IO, S01, D01	Objective 5
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Monitoring: Monitoring indicator 5 (see Appendix 3)

Policy Justification

- 5.26 Evidence indicates that demand for crushed rock worked in the Plan area is likely to continue, although the precise scale of future requirements is difficult to assess. Pressure for growth and development generates demand for aggregate minerals, including crushed rock. The Plan area has traditionally been an important supplier of crushed rock in the Yorkshire and Humber and Tees Valley areas, as well as within North Yorkshire, and growth and development in all these areas is expected to take place over the plan period. Information about relevant future supply and demand factors for crushed rock has been included in the Local Aggregates Assessment for the North Yorkshire Sub-region, which will be updated regularly.
- 5.27 Substantial permitted reserves of crushed rock already exist in the Plan area and there is no near term prospect of an overall shortfall in supply. However, evidence in the LAA suggests that in order to reflect supply imbalances across the range of crushed rock types present in the area, it would be beneficial to make available further resources of Magnesian Limestone. This would help ensure that an adequate supply of this particular rock type can be maintained, as well as helping to maintain local sources of aggregates supply in the southern part of the Plan area. It is therefore appropriate to identify specific provision for this type of rock separately from other crushed rock sources.

5.28 In order to ensure availability of an adequate supply (i.e. a 10 year landbank) at the end of 2030, it may also be necessary to identify some additional resources of crushed rock towards the end of the Plan period, depending on the actual scale of demand that occurs. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that changes to the demand forecast may occur over the plan period, it is not considered appropriate to specify, at this stage, the level of further provision that may be needed in order to maintain a 10 year landbank at 2030. This is a matter which can be addressed in monitoring of the plan and via a mid-term review, at which time the level of additional provision which may be needed can be subject of updated assessment, and additional provision made if necessary. A commitment to maintaining a 10 year landbank of crushed rock throughout the plan period is set out in the following policy.

Sustainability Appraisal

This preferred policy's effects are in the main uncertain as no indication of where provision would be obtained from is presented. However, clearly extracting a substantial volume of crushed rock will have at least some environmental effects, though the magnitude of these effects is dependent on location. There are a small number of exceptions to this. For instance, it requires energy to extract and to transport minerals which, assuming continued reliance on fossil energy, would generate significant CO₂ and other greenhouse gases, which strongly works against the climate change objective. Similarly, the 'minimising resource use' use objective displays strong negative effects, as this policy will allow for the consumption of up to 60 Mt of primary minerals. There are also some positive effects noted, for instance the recreation objective receives indirect positive support, as further extraction would ultimately lead to further restoration in line with other policies in the plan, while the economic development, flooding and changing population objectives would also be supported.

Recommendations:

While much is uncertain in relation to this objective, this is inevitable in a policy of this nature. No further mitigation is proposed.



Q04. Ref M05

Do you support the preferred policy approach? If not how should it be changed and why?

Landbanks for Crushed Rock

5.29 National planning policy for aggregate minerals requires the maintenance of landbanks (a stock of reserves with planning permission for extraction) to help ensure continuity in supply. The landbank is a key means of monitoring adequacy of supply, with a shortfall in the landbank indicating that more reserves need to be released.

Policy M06: Landbanks for crushed rock

A minimum overall landbank of 10 years will be maintained for crushed rock throughout the plan period. A separate 10 year landbank will be monitored and provided for Magnesian Limestone crushed rock.

Where new reserves of crushed rock are required in order to maintain the overall landbank above the 10 year minimum period these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals Industry	
Key links to other relevant policies and objectives	
<i>M01, M05, M09, M26, I01, S01, D01</i>	<i>Objective 5</i>
Monitoring: Monitoring indicator 6 (see Appendix 3)	

Policy Justification

- 5.30 National Planning Policy requires a minimum landbank of crushed rock sufficient for a minimum of 10 years at the anticipated rate of supply (at the annual rate as set out in the Plan) is required. The approach for crushed rock is to identify an overall landbank for crushed rock, along with a separate landbank for Magnesian Limestone, which mainly serves different end uses and which is currently more constrained in supply than Carboniferous Limestone (the other main source of crushed rock in the plan area). This will assist with monitoring availability of supply across the main rock types worked in the area.
- 5.31 Crushed rock resources occur within highly protected parts of the plan area, including the National Park and in both the Howardian Hills and Nidderdale AONBs. There are no current crushed rock workings in the National Park and release of crushed rock in the Park where necessary in order to maintain the landbank would not be justified by national policy. Both AONBs currently contribute to the supply of crushed rock and therefore the overall landbank of reserves. The minerals supply policies in the Plan support the limited working of additional resources at these sites. However, such support is provided in order to maintain the benefits that these established sites bring to the local employment and economy rather than the contribution they may make to the landbank. It therefore follows that the release of additional reserves in the AONBs specifically in order to maintain the landbank over the 10 year minimum period will not be supported under this policy.

Sustainability Appraisal

This policy could have negative effects on the environment, including biodiversity / geodiversity, air and water quality, landscape, resource use, minimising waste and the historic environment, and communities of the Plan area should these result in the need to release more land for extraction than is currently permitted. The policy would however, enable a level of minerals supply to meet demand for development and therefore would result in major positive impacts in relation to the economy and meeting the needs of a changing population. By requiring new reserves of crushed rock to be sourced from outside the National Park and AONBs, this policy would result in some positive effects for these designated areas particularly relating to landscape, recreation and tourism, cultural heritage and amenity. Some negative impacts may occur in these designated landscapes as there would be a decrease in local job opportunities.

Recommendations:

No further mitigation is proposed.



Q04. Ref M06

Do you support the preferred policy approach? If not how should it be changed and why?

Maintenance of primary aggregates supply

- 5.32 National planning guidance encourages future requirements for aggregate to be provided through the identification and allocation, where practicable, of specific sites for development. Such an approach has the benefit of providing greatest certainty to industry and other interested parties on locations where future development will be acceptable in principle, thus helping to encourage investment as well as providing more clarity to local communities.
- 5.33 The assessment of future requirements for aggregate, carried out during preparation of the Plan, has indicated that provision for further working needs to be made in order to help ensure continuity of supply of some types of aggregate, particularly concreting sand and gravel, building sand and Magnesian Limestone.

Policy M07: Meeting concreting sand and gravel requirements

Requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Part 1 Sand and gravel (northwards distribution) allocations:

- i. Allocations required in order to meet requirements during the plan period:

Land at Killerby (MJP21)
Land at Home Farm, Kirkby Fleetham (MJP33)

- ii. Allocations potentially required to contribute to maintenance of an adequate landbank at 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the northwards distribution area:

Land South of Catterick (MJP17)
Land West of Scruton (MJP43)

Part 2 Sand and gravel (southwards distribution) allocations:

- i. Allocations required in order to meet requirements during the plan period:

Land at Langwith Hall Farm (MJP06)
Land at Oaklands (MJP07)
Land at Pennycrofts and Thorneyfields and Manor Farm, Ripon (MJP14)
Land at Great Givendale, Ripon (MJP51)

- ii. Allocations potentially required to contribute to maintenance of an adequate landbank at 2030. Permission will not be granted for development of these allocations prior to 2025, unless there is a shortfall in the sand and gravel landbank in the southwards distribution area:

Land at Aram Grange, Asenby (MJP04)
Land at Ruddings Farm, Walshford (MJP35)

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and District and Borough Councils

Key links to other relevant policies and objectives

M02, M03, M04, S01

Objectives 5, 6

Monitoring: Monitoring indicator 7 (see Appendix 3)

Policy Justification

- 5.34 Evidence indicates that, taking into account the level of permitted reserves at the end of 2014, additional provision of the order of 12.7 million tonnes (mt) are required for the sand and gravel northwards distribution area over the period to 2030. The equivalent figure for the southwards distribution area is 6.7mt. Additional reserves would be needed in order to help maintain an adequate landbank beyond the end of the plan period.
- 5.35 A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for concreting sand and gravel can be met through the release of reserves on specific sites to be allocated in the Plan. Some sites proposed to be allocated are expected to be required in order to meet needs during the period to 2030. Proposed allocations to meet this requirement in the northern distribution area contain an indicative 15mt of reserves. Proposed allocations in the southwards distribution area contain an indicative 8mt. Other sites are identified in the Policy in order to help demonstrate how a contribution to longer term (post 2030) landbank requirements could be made, and to provide an element of flexibility in overall provision. These sites could provide an estimated further 5-6mt and 4mt for the northwards and southwards distribution areas respectively. In order to help ensure a planned approach to provision, it would not be appropriate to release reserves in sites intended to provide for longer term needs until the latter part of the plan period, unless a shortfall in the landbank indicates that additional reserves are required.
- 5.36 Additional provision, if required in order to meet longer term concreting sand and gravel landbank requirements, will be addressed through a mid-term review of the Plan in line with Policy M02.
- 5.37 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies.

Sustainability Appraisal

A wide range of impacts will result from extraction of sand and gravel at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations:

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.



Q04. Ref M07

Do you support the preferred policy approach? If not how should it be changed and why?

Building Sand

Policy M08: Meeting building sand requirements

Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Building sand allocations:

Land at Hensall Quarry (MJP22)
Land at West Heslerton Quarry (MJP30)
Land adjacent to Plasmor blockworks, Great Heck (MJP44)
Land at Mill Balk Quarry, Great Heck (MJP54)

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

Key links to other relevant policies and objectives

M02, M03, M04, S01 | Objectives 5, 6

Monitoring: Monitoring indicator 8 (see Appendix 3)

Policy Justification

- 5.38 Evidence suggests that the scale of additional provision for building sand needed to meet requirements over the plan period is relatively small (amounting to around 1.3 million tonnes (mt) over the period to 2030). Although there is only very limited evidence available on the distribution of potentially suitable building sand resources, a range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for building sand during the plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 1.8mt of reserves and therefore would also help contribute towards maintaining an adequate landbank of building sand beyond 2030.
- 5.39 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies.

Sustainability Appraisal

A wide range of impacts will result from extraction of sand at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations:

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.



Q04. Ref M08

Do you support the preferred policy approach? If not how should it be changed and why?

Crushed rock

Policy M09: Meeting crushed rock requirements

Requirements for Magnesian Limestone over the plan period will be met through existing permissions and the grant of permission on sites allocated in the Plan for working.

Magnesian Limestone allocations:

1) Allocations required in order to meet requirements during the plan period:

Land at Jackdaw Crag South, Stutton (MJP23)
Land at Barnsdale Bar Quarry (MJP28)
Land at Went Edge Quarry, Kirk Smeaton (MJP29)

2) Allocations potentially required to contribute to maintaining an adequate landbank at 2030:

Land at Gebdykes Quarry (MJP11)

Maintenance of supply of crushed rock is also supported through the identification of allocated sites at:

Land at Scarborough Field, Forcett (MJP03) (Carboniferous Limestone)
Land at Settrington Quarry (MJP08) (Jurassic Limestone)
Land at Whitewall Quarry (MJP12) (Jurassic Limestone)
Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road)

Key links to other relevant policies and objectives

M05, M06, S01

Objectives 5, 6

Monitoring: Monitoring indicator 9 (see Appendix 3)

Policy Justification

- 5.40 Evidence indicates that a further 5.2 million tonnes (mt) of reserves of Magnesian Limestone are needed in order to meet requirements over the period to 2030.
- 5.41 A range of specific locations have been put forward by industry for consideration during preparation of the Plan and these have been assessed. Requirements for Magnesian Limestone during the plan period can be met through the release of reserves on specific sites put forward for consideration, which contain an estimated 5.5mt and therefore would also help contribute towards maintaining an adequate landbank of Magnesian Limestone beyond 2030. Further resources (2mt) suitable for allocation are also identified at Gebdykes Quarry although these are not expected to play a role in contributing to supply until the latter part of the plan period at the earliest.
- 5.42 Supply of Magnesian Limestone in the Plan area and adjacent areas is also facilitated by the presence of existing processing plant and related infrastructure within the former Darrington Quarry site, near Cridling Stubbs. Although mineral extraction at Darrington Quarry in North Yorkshire ceased a number of years ago, permission has been granted to retain the processing plant to serve more recently permitted Magnesian Limestone extraction within Wakefield, to which the plant site is linked by a private haul road. An application to retain the plant site and haul road for a further period in order to serve the remaining expected quarry working life in

Wakefield is currently awaiting determination. Both permitted reserves an annual output at the site are substantial and make an important contribution to overall supply of Magnesian Limestone. A proposed site allocation for retention of the processing plant site and related infrastructure has been submitted and is considered suitable for allocation.

- 5.43 Although not specifically required in order to meet the identified shortfall in supply of Magnesian limestone, sites for working other crushed rock resources (Carboniferous Limestone and Jurassic Limestone) have been put forward for consideration during preparation of the Plan. Such resources could help contribute to the overall supply of crushed rock, help provide flexibility in supply and ensure continuity of production at existing sites, together with their associated economic and other benefits. Following site assessment, sites containing approximately 3mt of Carboniferous Limestone and 5.3mt of Jurassic Limestone are therefore also considered suitable for allocation in the Plan.
- 5.44 Planning permission will be granted for development of sites allocated in the Plan subject to compliance with other relevant policies.

Sustainability Appraisal

A wide range of impacts will result from extraction of crushed rock at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

Recommendations:

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.



Q04. Ref M09

Do you support the preferred policy approach? If not how should it be changed and why?

Extensions to existing quarries on unallocated sites

- 5.45 The policy approach in the North Yorkshire Minerals Local Plan (1997) has been to support the principle of small scale extensions to aggregate quarries on sites not allocated in the Plan, subject to a number of criteria being met, which generally seek to ensure that the scale and duration of extended working remain in context with the existing site. Any reserves coming forward in such sites have been treated as 'windfalls' adding to the overall landbank of the relevant mineral.
- 5.46 It is recognised that proposals for extensions to existing aggregate quarries are likely to continue to come forward as planning applications during the life of the new Joint Plan and that, in some cases, such applications may not be on land allocated specifically in the Plan as being suitable in principle for further working. It is possible that proposals will also come forward for extensions to other types of mineral workings. Such applications are most likely to come forward in order to maintain continuity of production at an established site where current permitted reserves are

near to exhaustion but further suitable resources have been identified on immediately adjacent land.

Policy M10: Unallocated extensions to existing quarries

Proposals for extensions to minerals extraction sites on land not allocated for working in the Plan will be supported subject to the following criteria;

- i) Where necessary in the National Park and AONBs, a satisfactory outcome in respect of the requirements for major development as set out in Policy D04;
- ii) Where the development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals, including encouragement of the use of alternatives to primary minerals;
- iii) Where the development would be consistent with the development management policies in the Plan.

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

Key links to other relevant policies and objectives

M02, M03, M05, M11, D01, D04 | Objective 5

Monitoring: Monitoring indicator 10 (see Appendix 3)

Policy Justification

- 5.47 The presumption in favour of sustainable development means that development should not be prevented solely because it is not identified and supported specifically in the Plan. Such an approach could unnecessarily prevent development which might otherwise be acceptable and could impact adversely on the local and wider economy and other social objectives. However, it will be particularly important to ensure that, where development proposals do come forward on land not identified specifically for working, that they do not compromise other important strategic objectives of the Plan and that environmental and amenity considerations are given careful consideration through application of relevant development management policies in the Plan. In all cases any reserves granted on unallocated sites would, where relevant, contribute towards the landbank of the mineral.
- 5.48 The NPPF does not preclude major development from taking place in protected areas however proposals need to be considered against the requirements for major development which say that exceptional circumstances need to be shown and it can be demonstrated that 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 be subject to the test.

Sustainability Appraisal

For most SA objectives this preferred policy results in mixed positive and negative effects when compared to the SA objective. This is because the option allows unallocated extensions to sites, which would ordinarily result in a range of negative environmental and social effects (largely because it will either extend or increase issues that affected areas surrounding quarries during the lifetime of the quarry). However, the preferred policy does include a number of safeguards against this that should lessen effects and make sites more sustainable, not least the major development test and the reference to consistency with development control policies. The policy would also offset the need for some new sites to be developed.

Some objectives vary from this pattern slightly. For instance, for climate change the extended negative traffic impacts at sites are seen as outweighing the benefits of making

use of existing infrastructure at site (though there is considerable uncertainty here), while the soils objective notes the loss of land / soils that is potentially allowed by this policy. Similarly, although this option might reduce the need for new sites elsewhere to some degree, there will be jobs and revenue / viability benefits from allowing site extensions, as well as benefits to tourism that will result from the protections afforded to protected landscapes in the policy. This leads to strongly positive effects on the economy objective. Other objectives where positives outweigh the negative, or are positive in their own right are the landscape and changing population needs objectives.

Recommendations:

This policy is largely already mitigated for by the development management Policies. No further mitigation is proposed.



Q04. Ref M10

Do you support the preferred policy approach? If not how should it be changed and why?

Secondary and Recycled Aggregates

- 5.49 National policy in the NPPF requires mineral planning authorities, so far as practicable, to take account of the contribution that secondary and recycled material and minerals waste would make to supply of aggregate, before considering extraction of primary materials. Secondary aggregates are by products of other processes which can be used to substitute for primary aggregate minerals such as sand and gravel and crushed rock. Typical examples which occur in the Joint Plan area include colliery spoil and power station ash, comprising furnace bottom ash (FBA) and pulverised fuel ash (PFA). Recycled aggregates, arising from construction, demolition and excavation activities, can also be used to substitute for primary minerals, often as low quality aggregate for construction uses such as bulk fill.
- 5.50 The southern part of the Joint Plan area contains two of the three major power stations within the Yorkshire and Humber region (Drax and Eggborough) with a third (Ferrybridge) located just outside the boundary of the area and utilising ash disposal facilities located within it¹². Colliery spoil is produced at Kellingley Colliery, which is also located in Selby District, although the Colliery is now expected to close at the end of 2015.
- 5.51 National planning policy requires planning authorities to consider and plan for a steady and adequate supply of aggregate for their area, taking account of any significant cross boundary movements, by preparing an annual Local Aggregate Assessment (LAA). A North Yorkshire sub-regional LAA has been published which concludes that, in terms of secondary and recycled aggregates, it would be reasonable to assume capability to maintain supply at levels similar to those prevailing over recent years, although there may be potential for a small increase in utilisation of some secondary and recycled materials.
- 5.52 There has been growing interest recently in the potential for an increased supply of sand and gravel from marine sources to replace an element of land won supply, particularly into markets in the major urban areas in West and South Yorkshire, and this is supported in principle in national policy. A study undertaken jointly on behalf of mineral planning authorities in Yorkshire and Humber was published in 2014 (see

¹² It was announced in May 2015 that Ferrybridge C Power Station is expected to close in March 2016.

paragraph 2.50). This indicates potential in the medium to longer term for a significant increase in supply into such market areas (with the potential therefore to offset an element of supply of land won sand and gravel from North Yorkshire). However, at this stage it is not considered appropriate to assume that such sources will have a substantial impact on supply during the timeframe of the current Plan. This is an issue which will need to be kept under review and addressed where necessary in future updates of the Local Aggregates Assessment and in review of the Plan where necessary, including as referred to in Policy M02.

Policy M11: Supply of alternatives to land won primary aggregates

Proposals which would facilitate the use of secondary and recycled aggregate as an alternative to primary aggregate will be supported including:

- 1) The development of appropriately scaled new ancillary infrastructure including ancillary manufacturing facilities, utilising secondary aggregate as the primary raw material, at sites where secondary aggregates are produced;
- 2) The supply of secondary aggregate from waste disposal sites provided it would not involve disturbance to restored ground or landscaped features;
- 3) The separation of materials with potential for use as aggregate during waste management activity and the maximum recovery of recycled aggregate during demolition activity;
- 4) The use of appropriately located aggregates mineral extraction sites as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals extraction at the site;
- 5) The use of appropriately located sites for the transport of minerals as locations for the ancillary reception, processing and onward sale of recycled aggregate during the associated period of minerals transport activity at the site.

Proposals will need to demonstrate consistency with relevant development management policies in the Plan.

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

Key links to other relevant policies and objectives

<i>M02, M05, M22, W05, W09, I02, S05, D03, D05, D07, D09</i>	<i>Objectives 4, 6</i>
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Monitoring: Monitoring indicator 11 (see Appendix 3)

Policy Justification

5.53 A range of measures, capable of being implemented or supported through planning processes, can help contribute to objectives to increase the use of secondary and recycled aggregates and are supported in the Plan. Support for facilities for the management of construction and demolition waste is also provided under the waste-specific policies and can also help with supply of materials which can substitute for primary aggregate.

5.54 Although use of secondary and recycled aggregate gives rise to benefits in terms of replacement of natural materials and in generating economic activity in its own right, it can also have impacts on the environment and amenity. Proposals for new facilities and infrastructure for the supply of secondary and recycled aggregate will therefore need to comply with other relevant policies in the Plan, particularly the development management policies in Chapter 9.

- 5.55 A particular consideration is the role that quarries and sites for the transport of minerals can play in providing locations for the reception, processing and supply of aggregate. Many aggregate quarries now supply a wide range of products, including a proportion of recycled materials, sometimes as a blend of primary and recycled materials. This can help minimise overall use of primary aggregate and help sustain economic activity at minerals extraction sites. However, aggregate quarries are generally located in open countryside locations and are sometimes subject to a range of environmental constraints in the vicinity. In some cases they are located in the Green Belt and may have been permitted because of the particular circumstances which allow flexibility for minerals extraction in the Green Belt, subject to particular tests. It is considered that small scale recycling activity at operational minerals extraction sites in the Green Belt can be supported in principle under this policy, provided that it would preserve the openness of the Green Belt. Construction of buildings for the purposes of recycling activity at quarries in the Green Belt would be unlikely to be supported under this policy.
- 5.56 In all cases quarries and sites for the transport of minerals proposed to be used for the reception and supply of recycled aggregate as part of an overall mix of supply should be well located in relation to transport networks including the major road network, in line with Policy D03 in order to help minimise any adverse impacts on environment or amenity.

Sustainability Appraisal

For most of the SA objectives positive effects arise because supporting the use of secondary and recycled aggregates would offset the need to extract primary aggregates (and the negative effects associated with this). Some SA objectives report neutral effects as impacts associated with extraction elsewhere are simply shifted to new locations. However, the health and wellbeing and community vitality objectives note some additional negative effects associated with the dusty nature of some secondary aggregates, while the water objective recognises the potential for water pollution from the storage and processing of some secondary aggregates (which would be dealt with via the environmental permitting regime). There are also uncertainties associated with the supply of secondary aggregates such as colliery spoil (particularly if sources of colliery spoil supply close down).

Recommendations:

This policy is largely mitigated by other policies in the plan (particularly D02 Local Amenity and Cumulative Impacts) as well as the environmental permitting / pollution control regime. However, monitoring of the supply of secondary and recycled aggregates is recommended due to uncertainties over supply.



Q04. Ref M11

Do you support the preferred policy approach? If not how should it be changed and why?

Silica Sand

- 5.57 Silica sand is a scarce industrial mineral which can, depending on its particular properties, serve a variety of end uses in manufacturing and industry. The overall geographical extent of potential resources of silica sand within the Plan area is very small, with occurrences in two separate locations: at Burythorpe, near Malton to the east and Blubberhouses, in Harrogate Borough to the west. There are no resources of silica sand in the City of York area or the North York Moors National Park.

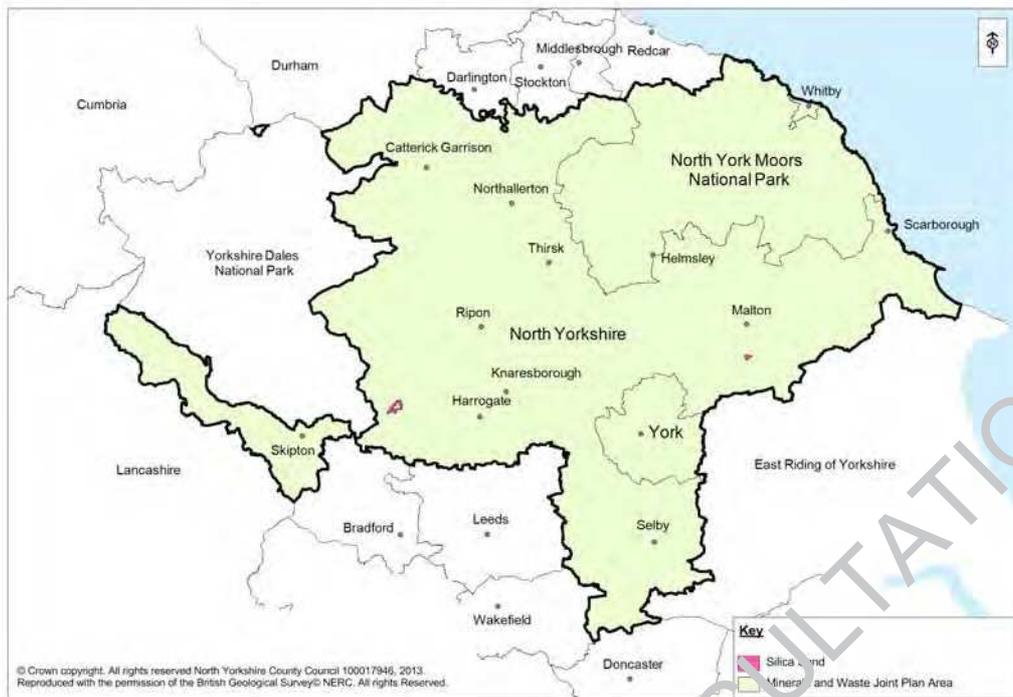


Figure 10: Silica sand resources in Joint Plan area

- 5.58 Due to its scarcity silica sand is a resource of national significance. MPAs are required to plan for a steady and adequate supply of industrial minerals by co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals, to ensure adequate provision is made to support their likely use in industrial and manufacturing processes, and encourage safeguarding or stockpiling so that important minerals remain available for use.

Policy M12: Continuity of supply of silica sand

1) Proposals for the continuing extraction of silica sand at Burythorpe Quarry, including proposals for lateral extensions or deepening, will be supported in principle where necessary in order to maintain reserves during the period to 2030 and a minimum 10 year landbank for the site.

Compliance with relevant development management policies in the Plan will need to be demonstrated.

2) Proposals for development of silica sand resources at Blubberhouses Quarry, including proposals for the extension of time to complete existing permitted development, lateral extensions or deepening, will only be supported subject to the satisfactory outcome of assessment in relation to the major development test set out in national policy, the satisfactory outcome of Appropriate Assessment under the Habitats Regulations and where it can be demonstrated that compliance with other relevant development management policies in the Plan can be achieved.

Main responsibility for implementation of policy: NYCC and Minerals Industry

Key links to other relevant policies and objectives

S01, D04, D06, D07, D08, D10

Objectives 5, 6

Monitoring: Monitoring indicator 12 (see Appendix 3)

Policy Justification

- 5.59 National policy supports the maintenance or permitted reserves of silica sand, in order to provide a minimum 10 year supply at individual sites, or a 15 year supply where significant new investment is required.
- 5.60 Within the Plan area active production takes place at a site at Burythorpe Quarry and the current permission is valid until 2042. Burythorpe Quarry provides a large proportion of the UK market share of resin coated sand, as well as supplying markets outside the UK.
- 5.61 There are no published national or local forward projections of likely demand for silica sand and specific data on production and reserves at Burythorpe Quarry is currently confidential, although it is understood that remaining reserves at the site are substantial in relation to typical output. Nevertheless it is possible that factors including variability in the quality of the resource may lead to a need for release of further reserves for Burythorpe Quarry during the plan period, although specific proposals to achieve this have not yet been identified by the operator.
- 5.62 A number of constraints to future development may exist at Burythorpe Quarry, including the presence of a Roman villa in proximity to the site. These would need to be addressed if any specific proposals for extension are brought forward.
- 5.63 The resource of silica sand located at Blubberhouses Quarry overlaps with internationally important nature conservation designations and falls within the Nidderdale AONB. The site has been dormant since 1991 and the original permission has now expired, although prior to expiry an application for an extension of time was submitted, which is currently undetermined. The location of the site within the Nidderdale AONB means that any proposals for further development involving minerals extraction will need to satisfy the major development test set out in the National Planning Policy Framework, as well as Policy D04 of the Joint Plan. The proximity of designated internationally important nature conservation sites also means that Appropriate Assessment under the Habitats Regulations will be needed. As a result of these major constraints, testing of the acceptability of future development in this location can only be properly resolved through the submission and determination of specific proposals in the form of a planning application.
- 5.64 The national policy requirement for availability of reserves at the Blubberhouses site would be met in the event that planning permission for the current application for an extension of time is granted.
- 5.65 It is understood that silica sand is imported from a site in Norfolk to a glass manufacturer located in Selby district. Due to the specific properties of the silica sand needed to produce the quality of glass required it is not considered that suitable resources are currently available within the Joint Plan area. Evidence indicates that emerging land use plans in Norfolk are seeking to make provision for continued extraction of silica sand in that area, which would enable this supply arrangement to continue should the market require.

Sustainability Appraisal

Supporting these two sites and the deepening or extension of them could lead to a range of negative effects. These are outlined in the site sustainability report. Major positive effects are also identified for the economy objective, as silica sand is a nationally significant mineral resource.

While the development management policies should help moderate many of the effects noted, particular issues that would need satisfactory resolution include the Blubberhouses site's potential impact on peat and possibly deep peat, as well as any issues that might be identified through appropriate assessment of the effects of the Blubberhouses site on the blanket bog habitats and species associated with the North Pennine Moors SAC / SPA.

Recommendations:

Appropriate mitigation should be incorporated at each allocation site in line with the Site Sustainability Appraisal findings (where relevant) and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.



Q04. Ref M12

Do you support the preferred policy approach? If not how should it be changed and why?

Clay

- 5.66 Potential resources of clay are widely distributed in the Joint Plan area, mainly in the lower lying central part of NYCC and within the City of York. The quality of clay resources is likely to be very variable and workable deposits may be much more limited in distribution. The principal clay resource in the Joint Plan area is brick clay, although small amounts of fireclay are also likely to be present, in association with shallow coal which has not itself been subject of any commercial interest, as well as clay suitable for engineering purposes. There are only a small number of active sites, all located in the NYCC area. The main uses of clay worked in the Joint Plan area are for brick manufacture (at Aine Brickworks) and for the manufacture of lightweight aggregate blocks (at the Plasmor site at Great Heck in Selby District, which is served by clay from the nearby Hemingbrough Clay Pit).
- 5.67 Deposits of brick clays also occur in the Heworth, Layerthorpe, Dringhouses and Acomb areas in City of York. Historically, brick clay has also been extracted in the City of York area, although there have been no workings or brick making industry in York for over 50 years.

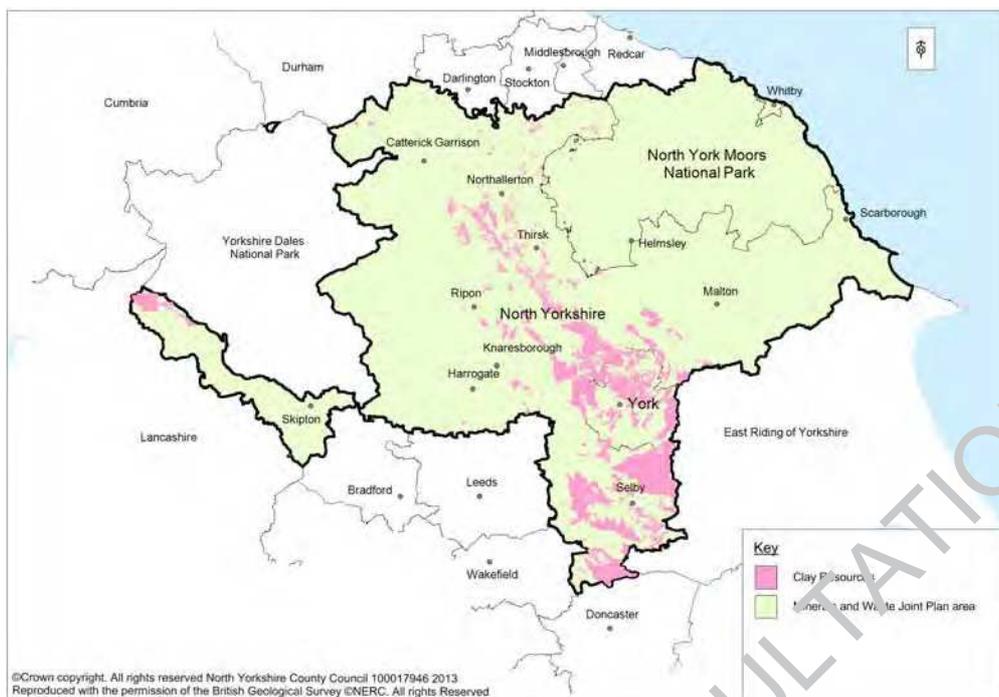


Figure 11: Clay resources in the Joint Plan area

Policy M13: Continuity of supply of clay

The provision of sufficient permitted reserves of clay in order to provide a 25 year supply for existing manufacturing operations, at Aine Brickworks and Plasmor Blockworks, Great Heck, is supported.

Additional reserves to help meet this requirement are provided through a site allocation for:

- 1) Allocations required in order to meet requirements during the plan period:

Land to north of Hemingbrough clay pit (MJP45)

Proposals for development of this site will be supported subject to compliance with the development management policies in the Plan.

- 2) Allocations potentially required to contribute to maintaining longer term supply for Plasmor Blockworks:

A Preferred Area on land adjacent to former Escrick Brickworks (MJP55)

Proposals for development within this site will be supported only where it can be demonstrated that additional reserves are required in order to maintain an adequate longer term supply of clay to the Plasmor Blockworks site and subject to compliance with the development management policies in the Plan.

Maintenance of supply of clay is also supported through the identification of an allocated site for engineering clay at:

Land north of Duttons Farm, Upper Poppleton (MJP52)

Working of unallocated brick clay resources will be supported where it can be demonstrated that the mineral is needed in order to maintain an adequate supply to existing manufacturing facilities in line with national policy, where sufficient mineral cannot be provided from sites allocated in the Plan and subject to compliance with relevant development management policies in the Plan.

Main responsibility for implementation of policy: NYCC , CYC and minerals industry	
Key links to other relevant policies and objectives	
<i>M14, S01, D01, D02, D06, D07, D09, D10</i>	<i>Objectives 5, 6</i>
Monitoring: Monitoring indicator 13 (see Appendix 3)	

Policy Justification

- 5.68 Clay is identified in national planning policy as a mineral of national and local importance. National policy requires that a stock of at least 25 years supply should be maintained for brick clay in order to provide adequate reserves to serve existing facilities manufacturing clay based products. Policy also requires account to be taken of the need for provision of clay from a number of sources to enable appropriate blends to be made. There are two active brick clay extraction sites in the area, supplying associated manufacturing facilities. At one of these sites, Alne Erickworks, planning permission was granted in 2015 for an extension to the mineral extraction area, providing sufficient reserves to meet the national policy requirement.
- 5.69 Following discussions with the operator, it has been identified that new reserves of clay would be needed at Hemingbrough Quarry in order to maintain continuity of supply to the associated manufacturing facility at Great Heck over the plan period. The operator has identified the potential for future extensions to Hemingbrough Quarry which have been put forward for consideration for allocation in the Plan. A site at Escrick, near York, adjacent to a former tileworks has also been put forward for consideration in order to provide a longer term source of clay for the facility at Great Heck.
- 5.70 A specific site allocation at Hemingbrough can be identified in the Plan in order to help meet the 25 year supply requirement for the Plasmor blockworks. Identification of this allocation provides a high level of certainty about delivery of the necessary resources. Whilst it is considered that future supply over the plan period for the Plasmor Blockworks would most appropriately be provided via further extension to existing workings at Hemingbrough, resources are also identified in a Preferred Area at Escrick if it is not practicable to provide sufficient reserves at the Hemingbrough site in order to meet the full 25 year national policy requirement. There are a number of significant constraints to development at the Escrick site and any proposals needed in the longer term to maintain supply to the Plasmor Blockworks would need to be carefully located and designed within the Preferred Area in order to ensure protection of the environment and local amenity. It is not expected that development of the whole of the Preferred Area would be acceptable under this policy.
- 5.71 An allocation for clay extraction is also identified at Duttons Farm, York in order to help provide a local supply of clay for engineering purposes in the City of York area.
- 5.72 It is recognised that further flexibility may also be appropriate in order to ensure that other resources can be developed if necessary in order to meet the national policy requirement for the supply of clay to existing manufacturing facilities. This could provide flexibility if it is not practicable to deliver the expected amount through the allocated areas, or to facilitate supply of clay of particular quality or technical specifications which may not be available in other permitted sources of supply.
- 5.73 In all cases any specific proposals will need to comply with relevant development management policies in order to protect the environment and local amenity. Where it is proposed to work unallocated resources at locations away from the manufacturing facility to be served, it will be particularly important to ensure that road haulage impacts are minimised.

Sustainability Appraisal

A wide range of impacts will result from extraction of sand and gravel at the sites specified in this policy. These are outlined in the Site Sustainability Appraisal Report. As many of the site allocations lie in close proximity to other existing or allocated sites, cumulative impacts will be of particular importance.

In terms of unallocated sites, a range of minor positive and negative effects are recorded for most SA objectives as such sites will need to comply with development management policies, which will either control effects or may leave some minor residual effects when they are applied to clay development (such as on soils / land, water and landscape) or may result in minor positive effects (e.g. through mitigation providing a net gain or a high level of protection – as is the case for biodiversity and the historic environment). Strong positive effects are observed in relation the economy, community vitality and population change as ultimately clay extraction supports the brick industry and the wider construction industry and the jobs associated with those industries.

Recommendations:

Appropriate mitigation should be incorporated at each allocation site in line with recommendations in the Site Sustainability Appraisal findings for each site and with other policies in the Plan. Cumulative impacts should be given particular regard through the planning application process.



Q04. Ref M13

Do you support the preferred policy approach? If not how should it be changed and why?

Policy M14: Incidental working of clay in association with other minerals

The incidental working of clay in association with production of other minerals will be supported, where the incidental extraction of clay would help secure the most sustainable use of resources and would not significantly increase any adverse environmental or amenity impacts associated with the primary working, or the subsequent reclamation and afteruse of the site.

Main responsibility for implementation of policy: NYCC , CYC, NYMNPA and minerals industry

Key links to other relevant policies and objectives

M13, D01, D02, D06, D07, D09, D10

Objective 5

Monitoring: Monitoring indicator 14 (see Appendix 3)

Policy Justification

5.74 In some mineral workings, particularly for sand and gravel and some crushed rock types, the primary mineral occurs in association with clay deposits which sometimes may need to be removed to access the primary target mineral. Such clay deposits can, in some cases, have commercial value and it may be justifiable for them to be extracted and used off site. However, in order for this to represent a sustainable form of mineral extraction, it will be important to ensure that removal off site of incidental clay would not lead to increased overall environmental impacts compared with extraction of the primary mineral or, particularly, that the quality of reclamation and afteruse of the site is not adversely affected. This latter consideration arises because clay materials are often retained on site and replaced in worked out areas to help provide a satisfactory final landform. Where it is proposed to remove such clay

from the site, applicants will need to demonstrate that a satisfactory standard of reclamation and afteruse can still be achieved.

Sustainability Appraisal

The impacts associated with this policy are predominantly neutral to uncertain. The policy would support incidental clay extraction where overall sustainability and environmental / amenity impacts would not be significantly increased. However, there is some uncertainty as to the scope of impacts that will be considered and also stringency in relation to environmental impacts resulting from the primary working is unknown (i.e. there is uncertainty as to what 'not significantly increase any adverse environmental or amenity impacts' might mean in practice).

Some positive impacts would result from this policy as it would increase productivity from mineral extraction, minimising the generation of clay waste, providing a valuable building material and providing positive benefits for the economy.

Recommendations:

No further mitigation is proposed.



Q04. Ref M14

Do you support the preferred policy approach? If not how should it be changed and why?

Building Stone

- 5.75 Building stone includes material used for roofing, walling, flagstones or ornamental purposes. There are currently 15 active building stone quarries in the Joint Plan area although historically there have been many more. Sandstones and limestones suitable for use as building stone can be found relatively widely within the Joint Plan area outside the Vale of York and the lower lying parts of Selby District. There are no known resources in the City of York. In many cases it is only certain parts of the resource which may be suitable for use as building stone, as a result of varying geotechnical and aesthetic properties.
- 5.76 Supply of building stone is important for the upkeep of traditional buildings and historic assets and for ensuring new development reflects the character of its surroundings. It is therefore important in maintaining and enhancing the overall quality of the environment in the Plan area. There are many historic buildings in the Joint Plan area, including within the City of York, which require high quality building stone for repair and renovation work. The colour and appearance of stone varies greatly depending on where it is found, which means that building stone must often be sourced locally if the character and appearance of local buildings is to be maintained.
- 5.77 The National Planning Policy Framework requires planning authorities to include policies for the extraction of building stone and to meet demand for small scale extraction of building stone needed for the repair of historic assets at, or close to, former quarries. It is unlikely that requirements for building stone for 'ad hoc' repairs will be sufficient for it to be viable to fully re-open quarries and therefore it is essential that policies support their limited operation on a temporary basis.
- 5.78 Building stone is a relatively high value and sometimes scarce product and in some instances stone worked in the Plan area is exported from the area in response to

market requirements. Although evidence on future requirements for building stone is very limited, consultation suggests that demand for stone from the Plan area is likely to remain and, potentially, increase during the plan period.

Policy M15: Continuity of supply of building stone

In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Plan, be supported for:-

- i) the extension of time for completion of extraction at permitted building stone extraction sites;
- ii) the lateral extension and/or deepening of workings at permitted building stone extraction sites;
- iii) the re-opening of former building stone quarries in appropriate locations;
- iv) the opening of new sites for building stone extraction in appropriate locations, including the small scale extraction of building stone at new sites adjacent to existing historic buildings or structures where the use is specifically for their repair;
- v) the incidental production of building stone in association with the working of crushed rock;
- vi) the grant of permission on sites allocated in the Plan for working of building stone.

Where development is proposed in the National Park and AONBs under criteria i to iv above and where the development comprises major development due to its scale and the nature, proposals will need to meet the requirements for major development set out in Policy D04.

Proposals for the supply of building stone should be supported by evidence to demonstrate the contribution that the stone proposed to be worked would make to the quality of the built and/or historic environment in the Plan area and/or to the meeting of important requirements for building stone outside the area and the scale of the proposal should be consistent with the identified needs for the stone.

For proposals for supply of building stone from locations within the National Park or AONBs, it will need to be demonstrated that the stone is required primarily to meet requirements arising from new build or repair work within the National Park and/or AONBs or is for the repair of important designated or undesignated buildings or structures which rely on the proposed source of stone as the original source of supply, or can provide a directly equivalent product which can no longer be provided from the original source quarry.

Additional reserves to help maintain supply of building stone are also provided through a site allocation for:

Land at Erows Quarry (MJP63).

Main responsibility for implementation of policy: NYCC, CYC and minerals industry

Key links to other relevant policies and objectives

M15, S01, D04, D08

Objectives 3, 6, 9

Monitoring: Monitoring indicator 15 (see Appendix 3)

Policy Justification

- 5.79 Building stone quarries are typically relatively small in scale but, as a result of the need to source stone of particular technical or aesthetic properties, may sometimes be proposed in relatively sensitive locations and can therefore give rise to impacts on the environment or local amenity. It is therefore particularly important that proposals can demonstrate compliance with other relevant policies in the Plan.

- 5.80 Stone with suitable technical and aesthetic properties to meet requirements for high quality new build and repair work is understood to be relatively scarce in the Plan area and is a finite resource. Substantial export of such stone out of the area, in order to meet a general market requirement for building stone, may over time reduce the availability of high quality indigenous sources of supply with the right technical and aesthetic properties to match the existing built or historic environment in the area.
- 5.81 It is nevertheless recognised that in some instances it may be appropriate for high quality building stone worked in the Plan area to serve wider markets, including in cases where stone from the Plan area has been used in important buildings and structures elsewhere or can provide a similar match to stones which are no longer available elsewhere. It is therefore important that applications for working of high quality stone such as ashlar are accompanied by supporting information or requirements for the stone, including for example reference to the Strategic Stone Study (a national study led by Historic England working with the British Geological Survey which identifies the most significant building stone resources as well as, in some cases, the original sources of stone for particular buildings or settlements).
- 5.82 It is also recognised that the extraction of local building stone can have a positive impact in terms of enhancing the built environment of National Parks and AONBs. However unrestricted extraction of stone for exportation to other areas may have harmful effects both in terms of the scale of extraction in these highly protected areas and potential exhaustion of existing resources. The building stones used in the Howardian Hills and the National Park are often sourced from the same geological structures and therefore it is considered appropriate to provide flexibility for building stone extracted from the Park to be used in the Howardian Hills and vice versa as this will help to retain the characteristics of both areas. In many cases, proposals for significant new working of building stone in the National Park and AONBs will also need to satisfy the requirements for major development set out in national planning policy and policy D04 of the Plan.
- 5.83 There may be occasions where suitable stone resources are available immediately adjacent to the site where they will be utilised and, as this can represent a sustainable option, in these cases limited extraction specifically to serve repair needs for adjacent existing historic structures or buildings will be supported in principle.
- 5.84 In some cases, building stone is worked as an ancillary product in association with extraction of crushed rock aggregate. Where suitable stone exists it is considered that this can be a sustainable form of development as it can help contribute to overall supply of building stone without substantial additional adverse impacts. Where proposals are brought forward for the ancillary supply of building stone at crushed rock quarries, proposals should contain information about any specific or additional impacts associated with the proposed working of building stone in order that appropriate mitigation can be considered if necessary.
- 5.85 Only two proposed allocations of land for building stone extraction have been put forward for consideration during preparation of the Plan. Of these only one site (land at Brows Quarry MJP63) is considered suitable for allocation at this stage for environmental reasons. This site has recently had the benefit of permission for working, although the permission has now expired. Proposals for working this site would need to demonstrate compliance with the development management policies in the Plan.

Sustainability Appraisal

It is considered that this policy would provide an adequate supply and range of building

stone to market and therefore positive impacts have been recorded in relation to the economy, community viability and vitality and meeting the needs of a changing population. The policy would enable building stone to be extracted in close proximity to historic assets or from former quarries where required in order that the correct type of stone can be sourced, conserving the historic environment of an area and the character of its heritage assets. This would result in minor to major positive impacts in relation to the historic environment and landscape objectives.

Although building stone extraction tends to be a relatively small scale operation, negative impacts have been identified in relation to a number of the environmental objectives as this policy is likely to result in an increase in active building stone sites with associated biodiversity, water, air quality, recreation, landscape and amenity impacts.

Recommendations:
No further mitigation is proposed.



Q04. Ref M15

Do you support the preferred policy approach? If not how should it be changed and why?

Hydrocarbons

Introduction

- 5.86 National planning guidance states that both conventional and unconventional hydrocarbons (oil and gas) are minerals of national and local importance and that minerals plans should include policies for their extraction. Conventional hydrocarbons are oil or gas which has accumulated in a 'reservoir' of porous rock such as sandstone or limestone and which can be extracted by conventional drilling techniques. There is no known oil resource in the Joint Plan area but resources of gas are present and have been exploited over a substantial period of time. Conventional gas reserves are present in the eastern part of the Joint Plan area and licences for their exploration, appraisal and development have been granted in blocks around the western fringe of York, to the east in the Vale of Pickering and within the North York Moors. More recently, there has been interest in unconventional hydrocarbons as a form of energy supply. These are hydrocarbons which cannot be extracted by conventional techniques and include sources of hydrocarbons such as coal bed methane, methane capture from coal mines, underground coal gasification, as well as shale gas.
- 5.87 To date there has been no history of coalbed methane, coal gasification or shale gas production in the area, although methane has been extracted from coal mines in Selby District over a number of years.
- 5.88 Coalbed methane is produced during the process of coal formation. The gas is either adsorbed onto the coal or dispersed into pore spaces around the coal seam. Coalbed methane can be extracted from coal seams which have not been mined and the exploitation typically involves drilling a network of wells, with the gas typically being extracted via the well through natural pressure release or through the pumping of water from the seam in order to reduce pressure. Exploration has taken place to the north of York in recent years, however there is no current expectation that production will be brought forward in the foreseeable future.

- 5.89 Like coal-bed methane extraction, underground coal gasification can be carried out on seams of coal which have not been mined. It is achieved by drilling boreholes into the coal seam, injecting water/oxygen mixtures down one pipe, igniting and partially combusting the coal and extracting the gasification products through another pipe. It produces a mixture of gases including carbon monoxide, carbon dioxide, hydrogen and methane that can be processed to provide fuel for power generation, vehicle fuels and chemical feedstocks. There is no known current commercial interest in this source of gas in the Plan area.
- 5.90 Shale gas is found within organic-rich shale beds or other fine grained rocks with low porosity, rather than in a conventional 'reservoir', although the gas itself is the same as other forms of natural gas and could provide both industrial and domestic power. Resources of shale gas in the UK are likely to occur at depths of between 1500m and 4200m. By contrast, typical ground water levels go down to depths of around 400m¹³.
- 5.91 A recent British Geological Survey report 'The Carboniferous Bowland Shale Gas Study: Geology and Resource Estimation' (July 2013) identifies a prospective area for shale gas in both the Upper and Lower Bowland Hodder Unit, which extends at depth right across northern England and in particular identifies possible resources in Ryedale, Scarborough, Hambleton and Selby Districts, as well as the North York Moors and York. However, it remains unclear as to whether the resource is commercially viable. The exploitation of shale gas in the UK involves relatively unfamiliar technologies, such as hydraulic fracturing ('fracking'), however it has the potential to be an important new source of energy for the UK and the Government is currently encouraging exploration for this form of gas. New Government licensing areas for oil and gas exploration and development, known as PEDLs, are expected to be announced shortly (see Fig. 12). Specific proposals for exploration and appraisal of shale gas in the Vale of Pickering were submitted in July 2015.
- 5.92 In an Autumn 2012 Statement the Chancellor set out the Government's overall strategy for gas to ensure that the best use is made of gas power, including new sources of gas under the land. In October 2014 the Government published planning practice guidance for onshore oil and gas including unconventional sources, to give more certainty to the industry and local authorities taking planning decisions on onshore oil and gas about the sorts of considerations they should take into account. Amongst other matters, the guidance indicates that hydrocarbons remain an important part of the UK's energy mix whilst the country transitions to low carbon energy supplies. More recently, in August 2015, the Government announced plans to ensure that proposals for hydrocarbon development are determined within the 16 week statutory timeframe. In addition, changes to the Town and Country Planning (General Permitted Development) (England) Order 2015 now mean that much of the early exploration work for new hydrocarbon developments in locations outside designated areas can take place without the requirement for planning permission.
- 5.93 The recent Infrastructure Act 2015 states that consents will not be granted for hydraulic fracturing where it takes place within "other protected areas". The descriptions of areas which are "other protected areas" are set out in the draft Statutory Instrument and include land at a depth of less than 1,200 metres beneath National Parks, AONBs and World Heritage Sites¹⁴. The draft legislation also provides protection to groundwater source areas at a depth of less than 1200 metres below the surface used for domestic or food production purposes.

¹³The Draft Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015 provides protection to certain groundwater source areas at a depth of less than 1200 metres beneath the surface

¹⁴Draft Statutory Instrument: The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015

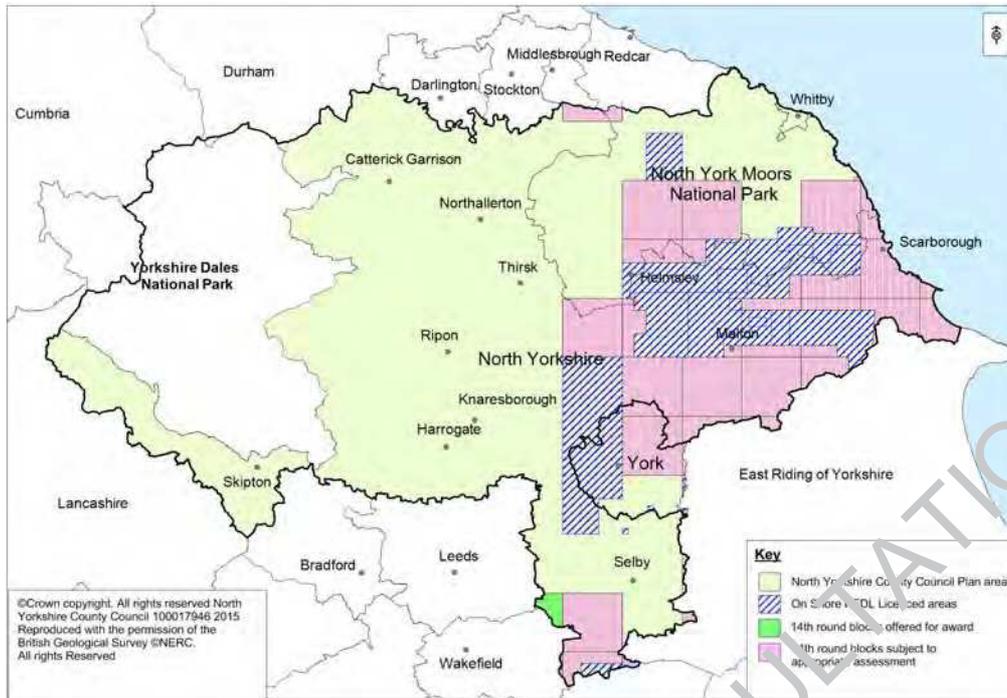


Figure 12: PEDL licence blocks and blocks offered in 14th round licencing.

Summary of the process

5.94 There are three main phases of onshore hydrocarbon extraction:

- **Exploration** - seeks to acquire geological data to establish whether hydrocarbons are present. It may involve seismic surveys, exploratory drilling and, in the case of shale gas, hydraulic fracturing. For conventional hydrocarbons, exploration drilling onshore is a short-term, but intensive, activity. Typically site construction, drilling and site clearance will take between 12 to 25 weeks. For unconventional hydrocarbons exploratory drilling may take considerably longer, especially if there is going to be hydraulic fracturing and, in the case of coalbed methane, removing water from the coal seam.
- **Appraisal** - takes place following exploration when the existence of oil or gas has been proved, but the operator needs further information about the extent of the deposit or its production characteristics to establish whether it can be economically exploited. The appraisal phase can take several forms including additional seismic work, longer-term flow tests, or the drilling of further wells. This may involve additional drilling at another site away from the exploration site or additional wells at the original exploration site. For unconventional hydrocarbons it may involve further hydraulic fracturing followed by flow testing to establish the strength of the resource and its potential productive life. Much will depend on the size and complexity of the hydrocarbon reservoir involved.
- **Production** - normally involves the drilling of a number of wells. These may be at sites used at the exploratory and/or appraisal phases of hydrocarbon development, or from a new site/s. Associated equipment such as pipelines, processing facilities and temporary storage tanks are also likely to be required. Production can be up to 20 years or more.

- 5.95 Planning permission is required for each phase of hydrocarbon extraction, although some initial seismic survey work may have deemed consent under Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. In order to explore, test and produce oil and gas in the UK operators must first obtain a Petroleum Exploration Development Licence. In 2014 the government commenced a new round of on shore licensing (see also Paragraph 2.69).
- 5.96 The following diagram illustrates the process for applications, taken from Annex B of Planning Practice Guidance for Onshore Oil and Gas, 2013, Department for Communities and Local Government. Further details of the regulatory regimes are discussed later.

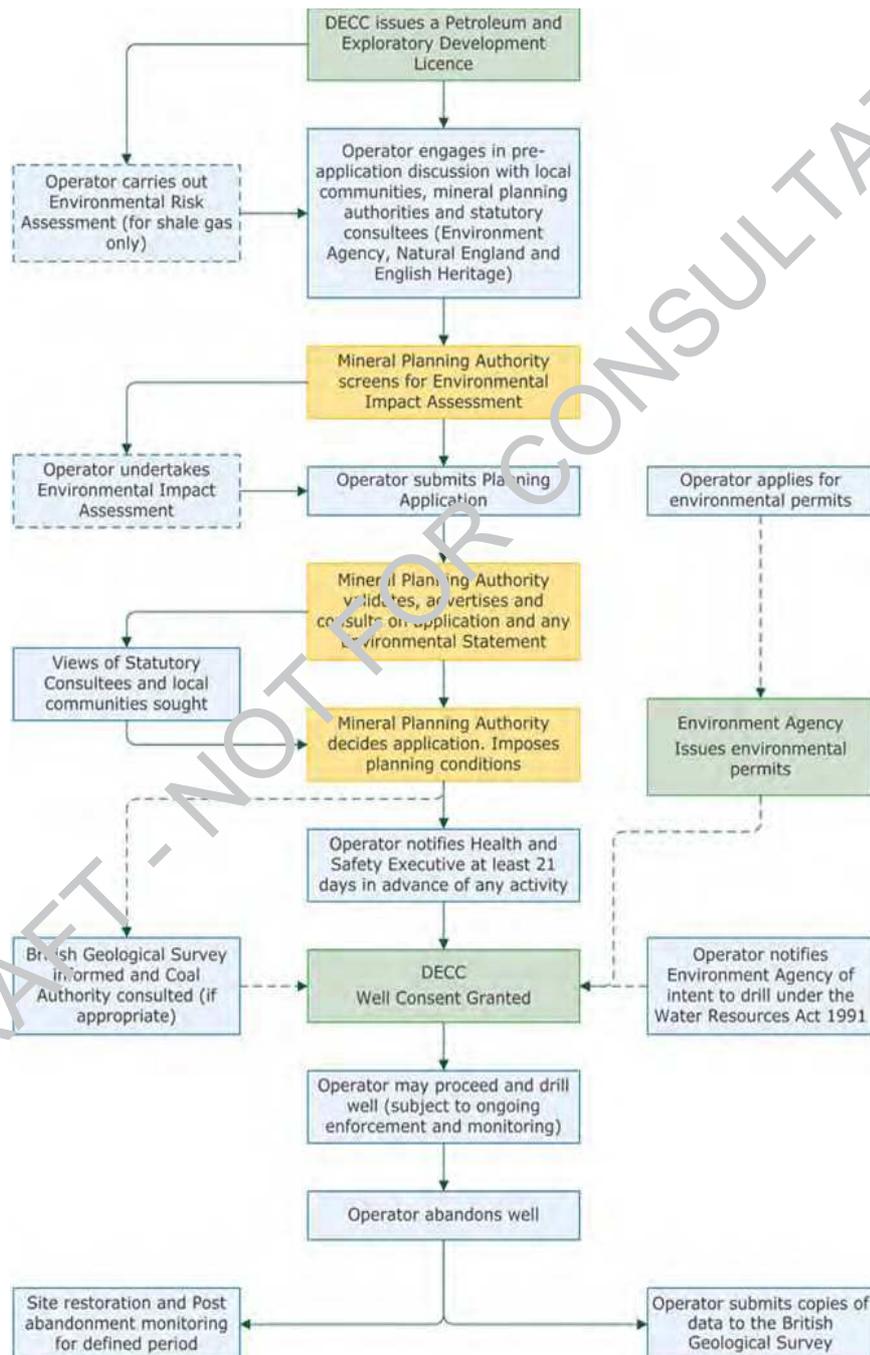


Figure 13: Summary applications process

5.97 With all hydrocarbon appraisal or production, whether conventional or unconventional, a well is drilled and several stages of metal pipes are set in concrete to seal and help prevent any contamination with ground water. In some cases, particularly for shale gas wells, horizontal drilling at depth may take place to enable maximum exposure to the gas resource. Gas held within shale beds or other rocks of low porosity is accessed through a technique called “hydraulic fracturing” (fracking) which involves injecting the fracture with liquid at high pressure. Small particles (usually sand) are also pumped into the fractures to keep them open when the pressure is released so that the gas can flow into the well. 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. Once the rock has been fractured some fluid returns to the surface (known as flow-back) and this will require disposal or recycling in accordance with the required environmental permits.

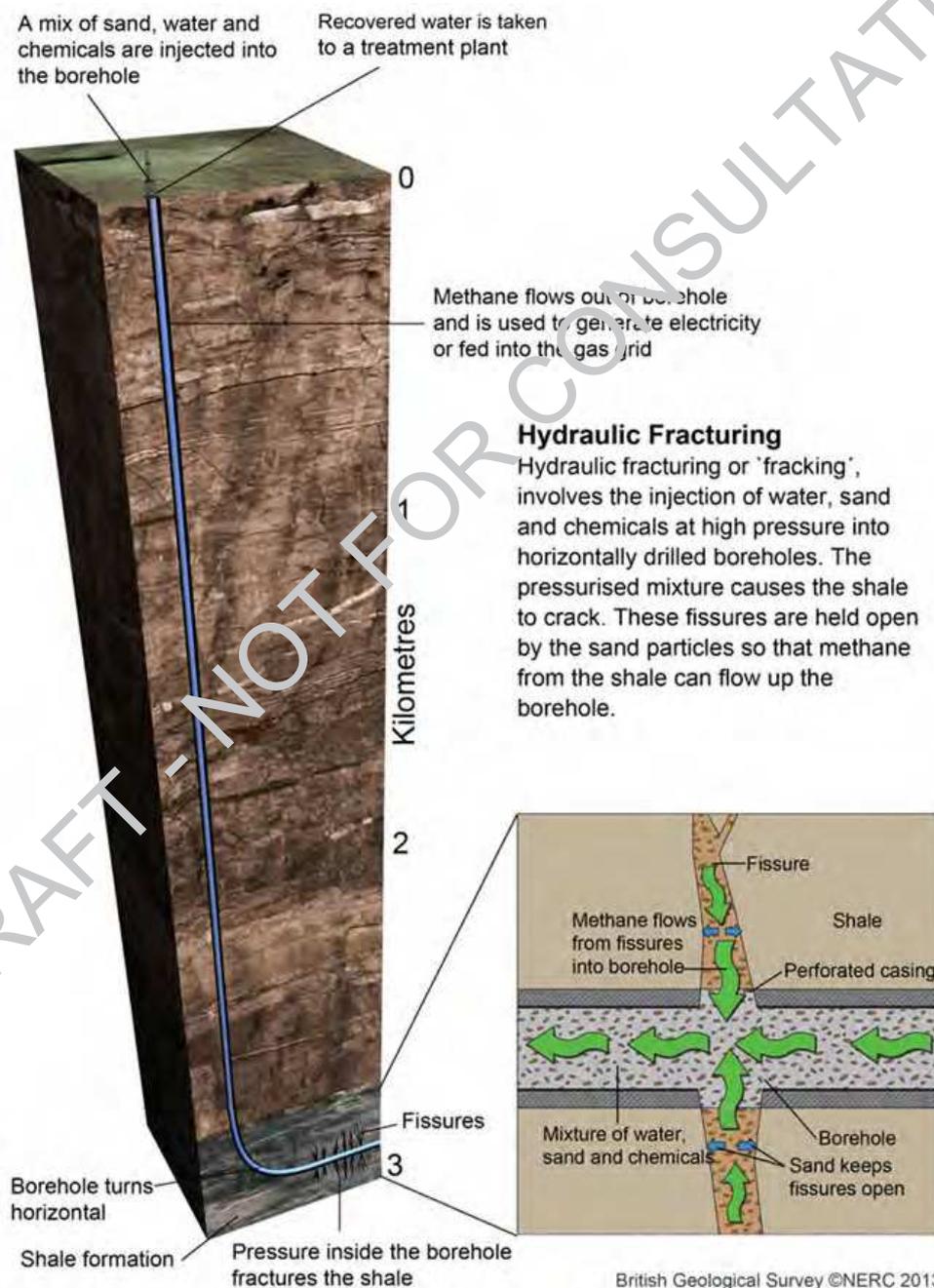


Figure 14: Hydraulic fracturing process¹

- 5.98 If significant environmental impacts are likely the minerals planning authority will require the applicant to undertake an Environmental Impact Assessment (EIA). It is a principle of the EIA regulations that 'projects' cannot be 'salami sliced' 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.
- 5.99 The United Kingdom Onshore Operators Group (UKOOG) has established a charter for community engagement on new onshore oil and gas proposals. The charter sets out a number of commitments for operators which includes engagement with local communities at each of the 3 stages of operations.
- 5.100 Concerns have been expressed about the potential impacts of the hydraulic fracturing (fracking) techniques used in extraction of shale gas, in particular in relation to matters such as pollution of ground and surface water, use of water resources, air pollution and the potential for ground movements (i.e. earth tremors) to be triggered. The planning system controls the development and use of land in the public interest and needs to ensure that development is appropriate for its location taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution. The focus of the planning system is on whether the development itself is an acceptable use of the land. Outside of the planning legislation applicants will need to satisfy a number of other regulatory regimes. In accordance with Government advice, the Minerals Planning Authorities will assume that these non-planning regimes will operate effectively.

Other regulatory regimes

- 5.101 The Department of Energy and Climate Change (DECC) is responsible for issuing licences which grant exclusivity to operators in the licencing area to explore and produce hydrocarbons. Responsibility for final consent for drilling also lies with DECC who will check with the Environment Agency and Health and Safety Executive (HSE) that they have no objections and review the operator's plans to minimise the risk of seismic activity before giving consent.
- 5.102 Each proposal site is assessed by the Environment Agency, who regulate discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left 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.
- 5.103 All drilling operations are subject to notification to the Health and Safety Executive, who will check operators' plans, assess engineering designs and reports and will be responsible for checking sites to ensure they are meeting the requirements of the relevant legislation. Before drilling begins the Health and Safety Executive regulations require that an independent and competent person examines the well's design and construction. Operators must also notify the Environment Agency of their intention to drill.
- 5.104 A key public concern in relation to hydraulic fracturing is the risk of earth tremors. The 2014 DECC publication 'Fracking UK Shale: Understanding Earthquake Risk' refers to the small tremors which took place following fracking activity at Preese Hall near Blackpool in 2011. It says "the tremors measured magnitude 2.3 and 1.5 on the Richter scale. Earthquakes of this size are not normally felt at the

surface...[they]...were probably caused when frack fluids flowed into a geological fault, a crack running through one or more layers of the underground rocks". In 2012 DECC introduced measures to control seismic risks from fracking. Operators are now required to assess the location of any relevant faults before fracking operations can take place. Operators must submit to DECC a plan of operations starting with small test fractures before main operations and install real-time monitoring systems. Operators must stop and investigate if they detect tremors above the normal range. Where hydraulic fracturing operations are planned the EIA should also include a brief description of the proposed traffic light system for monitoring induced seismicity. Further guidance on the regulation for hydrocarbon proposals is set out in the 'Onshore Oil and Gas Exploration in the UK: regulation and best practice. A diagram illustrating the DECC 'traffic light' system is provided below.



Figure 15: DECC traffic light system for regulation of hydrocarbons

- 5.105 Planning guidance and case law makes it clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies and that they can determine applications on the advice of those bodies without waiting for the related approval processes to be concluded. Although these issues will need to be determined through other regulatory frameworks their views will need to form part of the decision making process of the Minerals Planning Authority, to the extent that they relate to the use and development of land.
- 5.106 A range of other issues and impacts may be associated with exploration, appraisal and development of oil and gas resources, including visual impact and impacts on the landscape as a result of the presence of drilling rigs and other equipment, noise, vibration and air pollution and impacts from traffic. Traffic may be a particular consideration for shale gas development due to the need, in some cases, to bring in substantial quantities of water and other materials and to dispose of waste water. The availability of suitable water resources may also need to be considered. The potential for impact on health may be a key concern to local communities. The wider public health implications of development proposals can be a relevant planning consideration depending on the nature of the proposed development and other factors such as the location of the site.
- 5.107 As the distribution of possible gas resources in the Joint Plan area overlaps with a wide range of potentially sensitive locations and assets there is potential for conflict between development, and the benefits that could arise from this, and impacts on the environment and local amenity, including within particularly sensitive parts of the Plan area such as the North York Moors National Park and the Howardian Hills AONB. This suggests that it will be important to ensure that appropriate policy protection is in place.

Policy M16: Overall spatial policy for hydrocarbon development

Proposals for development of unconventional hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are located within the National Park, AONBs, Protected Groundwater Source Areas and World Heritage Sites.

For conventional hydrocarbons development within and lateral hydraulic fracturing underneath designated areas identified above, applicants will need to demonstrate that all options for undertaking the development in other, non-designated, areas licenced to the applicant by DECC have been fully considered before bringing forward proposals in designated areas. Where such proposals located in the National Park or AONBs are considered to comprise major development they will be refused except in exceptional circumstances in accordance with Policy D04.

Where proposals are within or in close proximity to the National Park and AONBs special care must be taken to avoid harming the setting and/or special qualities of these designated areas.

Proposals for conventional and unconventional hydrocarbons development across the rest of the Plan area will be supported where it can be demonstrated that there would be no unacceptable impacts, taking into account proposed mitigation measures, on the environment or on local amenity or on the setting of heritage assets including the historic City of York and where they are consistent with other relevant policies in the Plan. Particular regard will be had to protecting designated Green Belt from harm resulting from hydrocarbons development.

In determining proposals, consideration will be given to any cumulative impacts

arising from other hydrocarbon development activity in proximity to the proposed development, including any impacts arising from successive hydrocarbons development taking place over substantial periods of time. Proposals will be supported where there would be no unacceptable cumulative impacts.	
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, M19, I02, S01, S05, D02, D04, D05, D06, D07, D08, D09, D10</i>	<i>Objectives 5, 6, 9, 10, 12</i>
Monitoring: Monitoring indicator 16 (see Appendix 3)	

Policy Justification

- 5.108 Natural gas was first discovered in the geology of the North York Moors in the 1940's. In the 1970's gas was extracted from a wellhead in the National Park and processed at a site in Pickering, however the operation ceased after a short period of time as a result of the wells producing water. In 1994 the Knapton gas and power generation plant was commissioned by Scottish Power with its gas supplies sourced from outside the National park within the Vale of Pickering at Kirby Misperton, Marishes, Cloughton and Pickering and production still continues. The operator of the Knapton plant has carried out some exploratory drilling within the North York Moors National Park with a view to extracting the gas and sending it through a pipeline to the processing plant. In the past the exploration and appraisal of gas resources has been carried out without harming the special qualities of the North York Moors, however each proposal will need to be assessed on its own merit.
- 5.109 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 Government has set out through draft secondary legislation to the Infrastructure Act that fracking will not be supported at sites within National Parks, protected groundwater source areas and world heritage sites. However the draft Regulations¹⁵ only refer to fracking at a depth of less than 1,200m below the surface within these areas and it is therefore considered that the starting point in all applications for unconventional and conventional hydrocarbon proposals should be to steer development away from these areas unless it can be fully demonstrated that this is not feasible. Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.
- 5.110 The National Park Authority's key statutory duties are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of its special qualities by the public. These purposes were originally stated in the 1949 Act and have more recently been restated in the Environment Act of 1995. Section 62 of the 1995 Act also inserted section 11A into the 1949 Act. That obliges all public authorities to have regard to the statutory purposes of the National Park when exercising their relevant functions. Major development close or adjacent to the boundary of these areas can have a significant impact on the qualities for which they were designated and therefore the impact of proposals on these areas should be carefully considered.
- 5.111 Although areas such as National Parks and AONBs are particularly significant constraints to future development of this nature, it is important that the whole of the Joint Plan area is provided with appropriate protection from potential harm to local communities and the environment as a result of hydrocarbons development, whether

¹⁵ The draft Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015

for conventional or unconventional resources. It will therefore be necessary for all proposals to demonstrate compliance with other relevant policies in the Plan, including Policies M17 and M18 and the development management policies in Chapter 9.

- 5.112 The relatively flat and low lying landscape of York allows for long distance views of the Minister and other landmark buildings, which are integral to the setting of the Historic City. For this reason applicants will need to carefully consider the setting of the City when designing and siting proposals and ensure there are appropriate mitigation measures to prevent any harm. Where proposed development would be located in the Green Belt consideration will also need to be given to the effect of proposals on the purpose of the Green Belt designation. Further details on the Green Belt can be found in Policy D05.
- 5.113 The nature of hydrocarbons development, 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 may arise as a result of the need to drill progressively more wells, or re-fracture existing wells, in order to extend production or stimulate the flow of gas in a given location and in order to ensure an appropriate return on investment on items such as processing infrastructure. This has the potential to lead to cumulative impacts as more development is proposed in a given area, and to the potential for incremental increase in impacts on the environment or local communities. It will be important to ensure that any such impacts are assessed and taken into account in considering proposals for hydrocarbons development. In this respect it is unlikely that hydrocarbons development on a substantial scale and/or over substantial periods of time, particularly where multiple surface sites are likely to be required, will be considered acceptable within the Green Belt or in other sensitive locations.

Sustainability Appraisal

This preferred option exhibits a range of mostly minor effects, some positive and some negative. Most positive effects occur because the preferred policy steers development away from protected areas such as National Parks and Green Belt, either by not supporting it in such areas or requiring proposals for conventional hydrocarbons in National Parks / AONBs to meet the requirements for major development set out in Policy D04. Negative effects tend to occur because development may concentrate in other areas. Uncertainty is noted as the policy could be made clearer on its links with development management policies.

Recommendations:

To avoid any uncertainty either the policy or supporting text should make a link between this policy and the development management policies.



Q04. Ref M16

Do you support the preferred policy approach? If not how should it be changed and why?

Exploration, Appraisal and Production

- 5.114 National policy requires mineral planning authorities to distinguish, in their local policies, between the three main phases of oil and gas development (exploration, appraisal and production).

Policy M17: Exploration and appraisal for hydrocarbon resources

Proposals for the exploration and appraisal of hydrocarbon resources will be supported where they are considered to be in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:

- i) any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and**
- ii) a robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and**
- iii) development would be consistent with other relevant policies in the Plan.**

Main responsibility for implementation of policy: NYCC , CYC, NYMNP and Minerals industry

Key links to other relevant policies and objectives

<i>M16, M18, M19, I02, S05, D02, D04, D05, D06, D07, D09, D11</i>	<i>Objectives 5, 6, 9, 10, 12</i>
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Monitoring: Monitoring indicator 17 (see Appendix 3)

Policy Justification

- 5.115 Exploration may initially begin with seismic investigations to identify prospective structures and may not require planning permission, but applicants must notify the Minerals Planning Authority. Exploration for hydrocarbons can only take place where the gas is expected to be located (i.e. the geological 'target') and typically takes the form of drilling a well, which will normally consist of a vertical well and potentially a small number of lateral extensions. These wells are designed to log and take samples of rock ('core') in order to acquire the geological data from the potential hydrocarbon layers of interest. However in the case of shale gas exploration and appraisal hydraulic fracturing may be required. This exploration stage usually takes place over a relatively short period of time (typically around 12 to 25 weeks, after which the well is capped and the site vacated). Therefore, as long as the activity would not cause significant harm to the environment or local amenity, as a result of the proposed location or specific nature of the development, proposals should be supported. This approach follows the advice set out in National Planning Guidance, which states that planning authorities should not, at the exploration stage, take account of potential future activities, which would need to be considered on their own merits. There is therefore no presumption that sites considered suitable for exploration or appraisal activity will necessarily be considered suitable for subsequent production activities.
- 5.116 National planning guidance indicates that it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. However, when considering the need for an assessment it is important to consider factors such as the nature, size and location of the proposed development before a definitive view can be taken and applicants should seek advice on this matter as necessary, particularly in sensitive areas where thresholds don't apply e.g. National Parks and AONBs.
- 5.117 Where the exploratory stage has proven the existence of hydrocarbons, the operator may wish to test the resource to establish whether it can be economically exploited. The appraisal of hydrocarbons can take a number of forms and may involve

additional seismic work, longer term flow tests or the drilling of further wells. The appraisal of shale gas resources is likely to involve hydraulic fracturing followed by flow testing in order to establish the economic viability of the resource and its potential productive life.

- 5.118 Proposals for the exploration and appraisal stage must address the implications, where relevant, of a wide range of matters including traffic, noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; surface and ground water resource and pollution issues; and the need for site restoration and aftercare. When determining applications for the testing of unconventional hydrocarbon resources additional details will also be required on the geological structure, including faulting information and the potential for seismic events.
- 5.119 Whilst there are a wide range of matters which need to be taken into account in considering proposals, there are a number of specific considerations which may give rise to significant concern to local communities, particularly in relation to development of unconventional hydrocarbons. These include the potential for pollution to water supplies, for example as a result of contamination from tracking fluids, the potential for earth tremors to be triggered and protection of public health and safety. As noted earlier in this Section, other regulatory frameworks exist in relation to control of these matters. However, it is recognised that wider public interest considerations may exist and that relevant land use planning considerations may arise in relation to them. The Mineral Planning Authorities will therefore expect applicants for these forms of development to provide a robust assessment of any potential impacts and to include comprehensive proposals for mitigation and control where necessary.
- 5.120 All drilling operations are subject to notification to the Health and Safety Executive. Each proposal site is assessed by the Environment Agency who regulates discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left 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.

Sustainability Appraisal

The preferred policy mostly acts as a positive safeguard against the main impacts of hydrocarbon exploration and appraisal, particularly as it combines with preferred policy M16 and other policies such as the development control policies, though uncertainty is noted as these other policies are as yet unadopted.

There are, however, some minor negative effects. These stem largely from the fact that despite the strong protection in the policy combined with other plan policies, residual effects which are difficult to avoid or mitigate for will remain. For instance, historic environment character, landscape character, biodiversity, community vitality and health and wellbeing were all objectives which reported this residual risk.

The climate change objective reported outright minor negative effects as the policy ultimately supports hydrocarbon exploration and appraisal development which could cause release of fugitive methane or cause emissions of CO₂ from traffic, soils and through the

embodied energy of structures on site. A major conflict with the minimising resource use objective was also recorded as proposals brought forward under this policy could eventually lead to non-renewable resource extraction.

Recommendations:

A potential approach to reducing resource intensity, waste and climate change impacts could be through better links to policy D11 'Sustainable Design, Construction and Operation of Development (which requires 'minimisation of waste generated by new minerals and waste development' and 'reduction or minimisation of greenhouse gases') by listing it in the 'key links to other relevant policies and objectives'.



Q04. Ref M17

Do you support the preferred policy approach? If not how should it be changed and why?

Policy M18: Production and processing of hydrocarbon resources

Proposals for the production and processing of hydrocarbon resources will be supported where they are in accordance with the overall spatial policy as set out in Policy M16 for onshore hydrocarbon development and the following requirements are met:

- i) Any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and
- ii) Transportation of gas from locations of production, including to any remote processing facilities, will be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact; and
- iii) Proposals are in accordance with other relevant policies in the plan.

Where practical, a co-ordinated approach should be adopted through the preferential use and/or adaptation of any available and suitable processing and transport infrastructure for the processing and transport of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure, preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development sites away from best and most versatile quality agricultural land. The Minerals Planning Authority will support co-ordination between licence operators and encourage the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity.

At the end of production facilities should be dismantled and the site restored to its former use or other agreed use in accordance with Policy D10 Reclamation and after-use of minerals and waste sites.

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

Key links to other relevant policies and objectives

M16, M17, M19, W07, I02, S05, D02, D04, D05, D06, D07, D08, D09, D10, D11	Objectives 5, 6, 9, 10, 12
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Monitoring: Monitoring indicator 18 (see Appendix 3)

Policy Justification

- 5.121 The production phase of hydrocarbons development, particularly for unconventional resources, usually involves the drilling of a number of wells, which may be at the sites drilled at exploration or testing stages. In addition to the wellhead equipment, development is likely to comprise pipelines for gas transport where processing is to take place away from the well sites and processing equipment, including potentially plant for generation of power using the gas produced. Proposals must address the implications where relevant of a wide range of matters including traffic, noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; geological structure, including faulting information; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; surface and groundwater resource and pollution issues; site restoration and aftercare. When determining applications for the production of unconventional hydrocarbon resources, additional details will also be required on the geological structure, including faulting information and the potential for seismic events.
- 5.122 Whilst there are a wide range of matters which need to be taken into account in considering proposals, there are a number of specific considerations which may give rise to significant concern to local communities, particularly in relation to development related to unconventional hydrocarbons. These include the potential for pollution to water supplies, for example as a result of contamination from fracking fluids, the potential for earth tremors to be triggered and protection of public health and safety. As noted earlier in this Section, other regulatory frameworks exist in relation to control of these matters. However, it is recognised that wider public interest considerations may exist and that relevant land use planning considerations may arise in relation to them. The Mineral Planning Authorities will therefore expect applicants for these forms of development to provide a robust assessment of any potential impacts and to include comprehensive proposals for mitigation and control where necessary. Applicants should also have regard to the requirements of Policy D11 relating to the sustainable design, construction and operation of development, in order to help ensure that overall impacts from any proposed development are minimised.
- 5.123 Once hydrocarbons are extracted they will need to be taken away by pipeline or processed. Where offsite transport of gas is required, pipelines are the most appropriate method in order to minimise the need for vehicle movements and the associated impacts that may arise. As construction of pipelines can itself give rise to adverse impacts, it is important that the need for new infrastructure is minimised, and that routes for pipelines are selected which take full account of the need to minimise any impacts on the environment or local amenity.
- 5.124 Due the scale and nature of processing facilities and the sensitive locations in which they may sometimes be proposed, it is considered appropriate to share or co-locate facilities where this is feasible and viable, in order to minimise overall impacts. Where co-location is not proven to be practicable the priority should be for new facilities to be located on brownfield sites, industrial or employment land or, where necessary on land of lower agricultural quality.
- 5.125 The production of an oil or gas field can last up to 20 years, however it is important to ensure that applicants provide appropriate details, at the outset, indicating how the

site will be restored to an appropriate after use when operations cease in accordance with the requirements of Policy D10 Reclamation and afteruse.

Sustainability Appraisal

There are a range of mixed effects from this option, though it is more positive than negative. The preferred policy mostly acts as a positive safeguard against the main impacts of hydrocarbon extraction, particularly as it combines with preferred policy M16 and other policies such as the development control policies, though uncertainty is noted as these other policies are as yet unadopted.

There are, however, some negative effects. These stem largely from the fact that despite the strong protection in the policy combined with other plan policies, residual effects which are difficult to avoid or mitigate for will remain. For instance, historic environment, landscape character, biodiversity, community vitality, recreation and health and wellbeing were all objectives which reported this residual risk.

The climate change objective reported a mixture of positive and up to major negative effects. This is because the policy supports combined heat and power generation and prefers brownfield land at the same time as supporting hydrocarbon production and processing development. This development could cause release of fugitive methane, result in flaring, emissions of CO₂ from traffic, or CO₂ loss through the loss of soils and through the embodied energy of structures on site. A major conflict with the minimising resource use objective was also recorded as this policy will allow non-renewable resource extraction and may also have a considerable 'materials footprint'. However that same objective also recorded some positive effects as it seeks to make good use of land and existing infrastructure where available which would reduce the overall resource use.

Recommendations:

A potential approach to reducing resource intensity, waste and climate change impacts could be through better links to policy D11 'Sustainable Design, Construction and Operation of Development' (which requires 'minimisation of waste generated by new minerals and waste development' and 'reduction or minimisation of greenhouse gases') by listing it in the 'key links to other relevant policies and objectives'.



Q04. Ref M16

Do you support the preferred policy approach? If not how should it be changed and why?

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:

- i) The local geological circumstances are suitable; and
- ii) There will be no harm to the quality and availability of ground and surface water resources, land stability and public health and safety;
- iii) There would be no unacceptable impact on the environment or local amenity;
- iv) The proposals are consistent with other relevant policies in the plan.

Transport of carbon or gas is expected to 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>M16, M17, M18, D06, D07, D09</i>	<i>Objectives 9, 10, 11, 12</i>
Monitoring: Monitoring indicator 19 (see Appendix 3)	

Policy Justification

5.126 Carbon capture and storage is a technique which can be used for reducing 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, 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 are under consideration (via the National Strategic Infrastructure Planning procedures) for the capture and storage of carbon from Drax power station, in North Yorkshire although the cancellation of the project has recently been announced. Whilst the proposals would involve construction of a carbon transport pipeline across part of the Plan area, carbon storage would take place within depleted gas fields under the North Sea. It is not expected that proposals for storage within the Plan area are likely within the Plan period. However, national policy requires Minerals Planning Authorities to encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility.

Sustainability Appraisal

This preferred policy has strong positive effects for the economy (in terms of energy security of gas storage and the business opportunities associated with CCS technology) as well as for climate change mitigation. Other effects tend to be location specific though could be negative due to factors such as the land footprint of buildings and pipelines and the risk that leaks could occur.

Recommendations:
No further mitigation proposed.



Q04. Ref M19

Do you support the preferred policy approach? If not how should it be changed and why?

Coal

5.127 Until 2004 substantial tonnages of coal were worked within the Selby Coalfield in North Yorkshire. However, with the closure of the coalfield in 2004, current workings are confined to seams accessible from Kellingley Colliery, one of the few remaining operational deep mines in the country, although it is now expected to close at the end of 2015. Whilst national energy policy seeks to encourage greater use of lower carbon sources of energy it indicates that coal is likely to play some role in supply for the time being and the mine is also a major employer and important contributor to the economy.

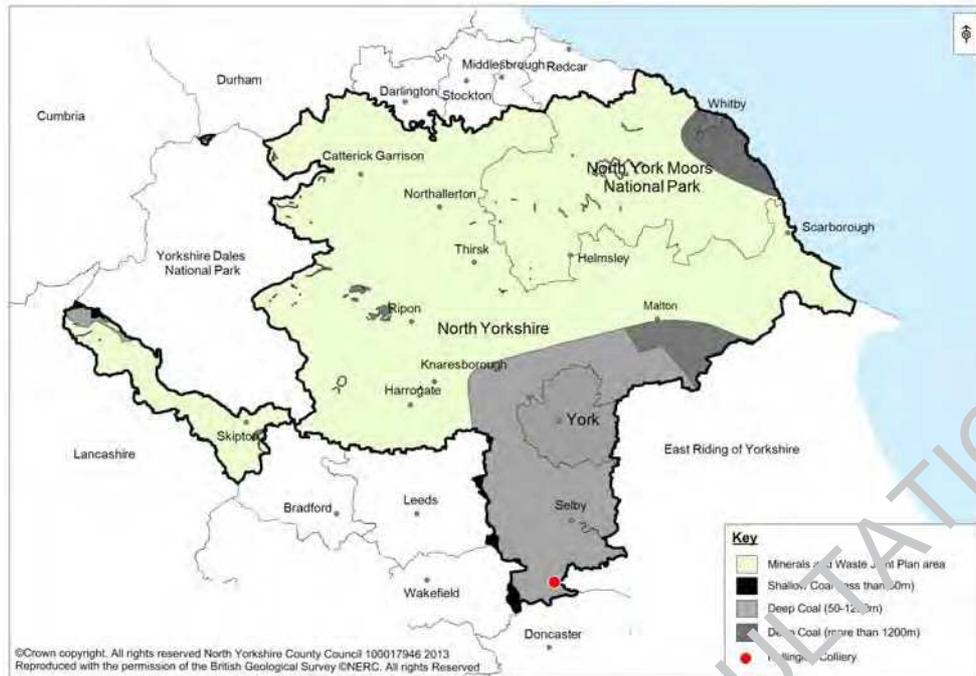


Figure 16: Coal resources in the Joint Plan area

- 5.128 The majority of the coal produced at Kellingley is sold to nearby power stations to which it is transported by rail from a rail head located at the colliery. Whilst it is understood that there are substantial reserves remaining, the mine operator has previously indicated that further resources to the north and north east may be accessible in the longer term subject to further permissions being granted. Development of these resources would be likely to require development of a new surface access site, which is not considered likely in the foreseeable future. Technical and operational reasons, for example localised geological conditions, may also lead to a need for the operator to seek the development of additional reserves, in the form of limited extensions to the existing permitted area, in the nearer term.
- 5.129 The intended closure of the Colliery means that it is now unlikely that proposals will come forward for additional working at the Colliery although it is considered important to continue to address this matter in the Plan to ensure flexibility should operations continue for longer than expected or the mine subsequently re-open.
- 5.130 Mine also resource information also suggests that limited and relatively fragmented resources of shallow coal are present in some parts of the Joint Plan area, but there has been no recent history, or any current known commercial interest, in the working of these by opencast mining methods.

Policy M20: Continuity of supply of deep coal

Proposals for lateral extensions to the permitted underground working area for Kellingley Colliery, in locations accessible from the current colliery site, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- i) the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, will be monitored and controlled so as to prevent unacceptable impacts;
- ii) that opportunities have been explored, and will be delivered where practicable, to maximise the potential for reuse of any colliery spoil generated

<p>by the development and that proposed arrangements for any necessary disposal of mining waste materials arising from the development are acceptable;</p> <p>iii) the proposals would be consistent with the development management policies in the Plan.</p>	
<p>Main responsibility for implementation of policy: NYCC, CYC and NYMNP, Minerals Industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>M21, M22, I01, I02, S01, D13</i></p>	<p><i>Objective 5</i></p>
<p>Monitoring: Monitoring indicator 20 (see Appendix 3)</p>	

Policy Justification

- 5.131 The intended closure of Kellingley Colliery at the end of 2015 suggests that it is unlikely that proposals for further working of coal resources from Kellingley Colliery will come forward. However, the potential for reactivation of working cannot be ruled out at this stage and it is therefore considered appropriate to support the principle of appropriate lateral extensions in the Plan. This approach could enable extraction of more viable areas of coal and therefore help provide support for the economy and other benefits that have been provided through former and current mining activity.
- 5.132 Underground mining of coal is often associated with surface subsidence which can have adverse impacts on certain structures and other infrastructure and assets. Whilst separate legislation exists to compensate landowners or undertake remediation for any damage caused, there may also be wider public interest considerations in ensuring a degree of protection. Features at risk can include large structures or those containing sensitive uses, assets and infrastructure such as roads and railway lines and flood defence works, as well as sensitive environmental and cultural designations such as nature conservation sites and listed buildings. Any proposals will need to ensure that unacceptable adverse impacts from subsidence will not arise.
- 5.133 Underground mining often generates large amounts of spoil which requires disposal. Spoil from Kellingley Colliery has been disposed of at offsite locations, principally the Womersley spoil disposal facility which is now nearly full. Transport and disposal of spoil can have significant environmental impacts. Any extended mine working would be likely to require new arrangements for disposal of spoil which would need to be acceptable in order for permission to be granted. Specific consideration of spoil disposal is contained in Policy M22: Disposal of colliery spoil. Spoil may also be capable of being used beneficially as a secondary aggregate and it will be important to maximise the potential for this, in line with Policy M11 relating to the supply of secondary and recycled aggregate.

Sustainability Appraisal

This preferred policy exhibits a mixture of mainly minor positive and negative effects. Most minor negative effects occur because, while the preferred policy combines with the development control policies in the plan, because of the nature of deep coal development, residual effects may remain. This is the case for flooding, health and wellbeing, landscape, historic environment, soils, traffic and water objectives. More significant minor effects occurred in relation to the resource use (as coal mining is the extraction of a non-renewable resource) and climate change (due to longer term greenhouse gas emissions from mines) objectives.

Positive contributions were also recorded, particularly in terms of the economy. However, all options recorded a high level of uncertainty as Kellingley Colliery is expected to close in

late 2015.

Recommendations:

To extend the capacity for colliery spoil to be put to productive use as secondary aggregate the policy could be strengthened by rewording the disposal arrangements sentence to *'the proposed arrangements for disposal of mining waste materials arising from the development are acceptable and opportunities for use as a secondary aggregate (or other productive use) have been explored'*.



Q04. Ref M20

Do you support the preferred policy approach? If not how should it be changed and why?

Policy M21: Shallow coal

Proposals for the extraction of shallow coal will be supported where extraction would take place as part of an agreed programme of development to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development management policies in the Plan.

Other proposals for the working of shallow coal will be permitted where all the following criteria are met:

- i) The site is located outside the National Park and AONBs and, where located outside these designated areas, would not cause significant adverse impact within them;
- ii) The site is located outside internationally and nationally important nature conservation designations and, where located outside these designated areas, would not cause significant adverse impact within them;
- iii) Where located in the Green Belt, the working, reclamation and afteruse of the site would be compatible with Green Belt objectives in line with national policy on Green Belt;
- iv) The site is well located in relation to the highway network and intended markets;
- v) The development would be consistent with the development management policies in the Plan.

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

Key links to other relevant policies and objectives

M20, M22, S01, S06, D02, D03, D04, D05, D06, D07, D10	Objectives 5, 9
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Monitoring: Monitoring indicator 21 (see Appendix 3)

Policy Justification

5.134 Shallow coal resources are relatively scarce across the Plan area and the resource is highly fragmented. There has been no recent history of working shallow coal and no known current commercial interest. Where the resource does occur, in some cases it is located in sensitive areas such as those designated as National Park, AONB or Green Belt. In a number of instances the resource is also found in locations relatively remote from major transport routes.

- 5.135 The nature of shallow coal extraction through opencast working can give rise to significant environmental impacts. It is therefore considered that specific criteria are necessary to ensure adequate protection of the environment and amenity should any proposals come forward, in addition to those requirements set out in the general development management policies elsewhere in the Plan.
- 5.136 In some instances it may be practicable to carry out prior extraction of shallow coal to avoid its sterilisation by other forms of surface development. This can be a particular opportunity for shallow coal as it is a relatively high value product and its working in relatively small quantities can be viable. Such prior extraction can be beneficial to avoid sterilisation of a valuable resource and can be in the overall interests of sustainable development, provided it can be carried out without unacceptable impact on environment and amenity. Where such prior extraction is proposed compliance with relevant environmental and amenity policies in the Plan will therefore be required.

Sustainability Appraisal

This preferred option mainly reports minor negative effects against the SA objectives that result from the potential for shallow coal to create large scale holes in the ground or generate impacts such as traffic, dust and water pollution. While development management policies elsewhere in the plan will help mitigate these impacts (though uncertainty is noted until these are finalised), the possibility that one or more large scale sites could result from the policy may leave some minor residual impacts.

Some objectives fare slightly worse with minor to major / moderate negative effects being reported under the landscape objective and climate change objective, and temporary major negative effects expected in terms of the land and soils and waste objectives.

Recommendations:

This policy is generally mitigated by other policies in the Plan (particularly relation to the water environment, local amenity and cumulative impacts, transport, agricultural land and soils, reclamation and after use and historic environment). However, the assessment has concluded that better links could be made to policy D10 'Reclamation and Afteruse' to ensure that all shallow coal development, inside and outside of the Green Belt is suitably restored (or suitable restoration / preparation for the development which would have otherwise sterilised the resource is enabled) Further mitigation might be achieved through restoration which helps to offset greenhouse gases – for instance restoration of habitats that sequester carbon or restoration to renewable energy production.



Q04. Ref M21

Do you support the preferred policy approach? If not how should it be changed and why?

Colliery Spoil

- 5.137 A major by-product of deep coal mining is colliery spoil. Colliery spoil can be re-used as secondary aggregate subject to market and other factors, and so be diverted from disposal, moving the management of colliery spoil up the waste hierarchy (see also Policy M11 relating to supply of secondary aggregate). Notwithstanding this, spoil from Kellingley Colliery is likely to require disposal for the remaining operational life of the colliery. The mine is now due to close at the end of 2015 and it is understood that spoil generated over its remaining life can be accommodated at the existing Womersley spoil disposal site. Previous proposals for additional capacity at that site

have now been withdrawn. It is expected that Policy M22 below will need to be revised prior to finalisation of the Plan.

Policy M22: Disposal of colliery spoil

Disposal of spoil from Kellingley Colliery at the Womersley spoil disposal site, including proposals for increased capacity required to provide for the expected remaining life of the Colliery to the end of 2015, will be supported subject to compliance with development management policies in the Plan.

Any additional spoil disposal capacity requiring development of new disposal facilities in the Joint Plan area will be considered in relation to the following order of preference:

- i) **Infilling of quarry voids where this can deliver an enhanced overall standard of quarry reclamation;**
- ii) **Use of derelict or degraded land;**
- iii) **Where use of agricultural land is necessary, use of lower quality agricultural land (ALC Grade 3b or below) in preference to higher quality agricultural land (ALC Grade 3a or higher).**

Preference will also be given to proposals which are located;

- iv) **Outside the Green Belt unless it can be demonstrated that the development at the particular location proposed would not represent inappropriate development, in line with national policy;**
- v) **Where spoil can be delivered to the site via sustainable (non-road) means of transport or, where road transport is necessary, transport of spoil can take place without unacceptable impacts on the environment or residential amenity.**

Proposals should also demonstrate compliance with other relevant development management policies in the Plan.

Main responsibility for implementation of policy: NYCC and Minerals industry

Key links to other relevant policies and objectives

*M11, M20, M21, W01, W05, W10, I01, D02, Objectives 2, 4, 6, 8
D03, D05, D07, D09, D10, D11*

Monitoring: Monitoring Indicator 22 (see Appendix 3)

Policy Justification

5.138 The expected closure of Kellingley Colliery at the end of 2015 means that it is no longer expected that substantial volumes of spoil requiring disposal will arise in the Plan area and it is expected that any remaining spoil up to that date can be accommodated at the existing Womersley spoil disposal site.

5.139 If additional disposal capacity is required to accommodate spoil over the remaining life of the Colliery, or to serve any reactivated mining activity, then it is considered that use of spoil to facilitate the reclamation of existing quarry voids is the most sustainable option in principle as this can help deliver additional benefits. Where this is not practicable, disposal on derelict or degraded land will be preferable to use of agricultural land, and where it is necessary to use agricultural land, preference should be given to land of lower quality. Such an approach is generally in line with national planning policy.

5.140 In order to ensure consistency with recent national policy for waste, it is also important to ensure that preference is given to locations outside the Green Belt, unless it can be demonstrated that the development would not be inappropriate in the specific location proposed.

- 5.141 Colliery spoil is a bulky material which can arise in large volumes. Transportation of spoil can therefore give rise to significant impacts on communities and on the environment, particularly when road haulage is involved. It is therefore important to give preference to proposals which utilise sustainable transport modes, such as rail, water or pipeline. Where road haulage is the only option it will need to be demonstrated that a suitable haulage route/s are available between the location of arisings and the point of disposal.
- 5.142 A range of other impacts may arise in the disposal of spoil and compliance with other relevant development management policies in the Plan will need to be demonstrated.

Sustainability Appraisal

Minor negative effects were observed for almost all sustainability objectives as most of the potentially major effects of colliery spoil disposal would be mitigated to a large degree by the development management policies. Effects may temporarily rise to major negative for the biodiversity and landscape objectives largely due to the potential loss of a SiNC site at Womersley. For any new site there is, however, significant uncertainty on the magnitude of effects as this will depend on the location of the site in relation to population and other environmental receptors.

Objectives for minimising resource use and minimising waste observed mixed positive and negative effects as the policy is a disposal option for spoil and says little about re-use as secondary aggregate, though this is promoted by policy M11 which is linked. The climate change objective noted the potential for unknown greenhouse gas emissions at a new site, which depending largely on the distance from the source of colliery spoil. Some minor benefits for the recreation and wellbeing objectives may come through restoration in the long term.

Recommendations:

The policy could be strengthened by making a stronger link to policy D11 (which isn't listed in the policy's 'key links to other relevant policies and objectives') so that a carbon assessment for new sites would be required.



Q04. Ref M22

Do you support the preferred policy approach? If not how should it be changed and why?

Potash, Polyhalite and Salt

- 5.143 There are various forms of potassium bearing minerals which can be mined for potash including sylvinitite, 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.

Policy M23: Potash, polyhalite and salt supply

Proposals for the extraction of potash, salt or polyhalite from new sites within the North York Moors National Park or the provision of new surface development and infrastructure will be assessed against the criteria for major development set out in Policy D04.

Proposals for sub-surface lateral extensions to the permitted working area for Boulby Potash Mine and the Doves Nest Farm site (when permitted) in locations accessible from the existing site, proposals for extensions to the permitted operating period at permitted sites as well as proposals for new sites outside of the National Park, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- i) The proposals will reduce the impact on the special qualities of the National Park or where this is not possible include substantial mitigation measures to improve the special qualities of the Park;**
- ii) The effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, can be monitored and controlled so as to prevent unacceptable impacts;**
- iii) The proposed arrangements for disposal of mining waste materials arising from the development are acceptable; and**
- iv) The requirements of Policy I01 for transport and infrastructure have been fully considered; and**
- v) The proposals would be consistent with other relevant development management policies in the Plan.**

Main responsibility for implementation of policy: NYCC, NYMNP and Minerals industry

Key links to other relevant policies and objectives

I01, S01, S04, D01, D04, D07, D13

Objectives 3, 5, 6, 8, 10

Monitoring: Monitoring indicator 23 (see Appendix 3)

Policy Justification

- 5.144 Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for its extraction. There is however no requirement within national policy to maintain a certain level of potash reserves. Potentially viable resources of potash are understood to lie mainly beneath the North York Moors National Park. Where proposals for new potash (including polyhalite) mining activities are located within the National Park they will need to be considered in accordance with the requirements of the major development test. For these reasons it is not considered appropriate to allocate proposed sites in the Minerals and Waste Joint Plan but to consider any new proposals against the policy requirements set out above.
- 5.145 The UK's only working potash mine is located at Boulby which is in the north eastern area of the North York Moors National Park. The mine has been producing potash since 1973, with mining currently occurring at depths of 800-1350m below ground with operations extending to 14km off-shore. In 2014 a planning application was submitted for a new mine in the National Park at Doves Nest Farm for the extraction of polyhalite. The proposal also includes a 37km tunnel which will be used to convey the material to a handling facility at Wilton on Teesside. The National Park Authority resolved in June 2015 to grant permission for the development, subject to completion of a legal agreement.
- 5.146 Rock salt is mined as a by-product of potash extraction at Boulby mine. The rock salt is transported by rail to Teesside from where it is either exported or transported to locations within the UK, with a small amount transported by road to local authorities for use on roads.

Sustainability Appraisal

Most SA objectives have negative effects resulting from application of the major development test, which significantly moderates effects, but may still allow some development in the National Parks and AONBs. Support for new development outside of designated landscapes (albeit subject to specific criteria and the development management policies) could lead to negative effects (with significant uncertainty) for most SA objectives. In addition, lateral extensions could lead to subsidence or could extend the time period in which Boulby and Dove Farm operate, with corresponding minor negative / uncertain sustainability effects.

The economic and community vitality SA objectives report a mixture of uncertain, strongly positive and minor negative effects. This is because significant jobs could be provided, but tourism may suffer, depending on location.

The climate change and resource use objectives show up to major negative effects, the former due to the factors such as possible transport of materials, loss of soils and habitat and the embodied carbon in infrastructure such as road connections, pipelines (if used) and buildings (with uncertainty noted about the configuration of future sites, and effects moderated to a degree by the sustainable design policy), the latter objective recognising a large scale extraction of a non-renewable resource (albeit a resource which has limited potential for substitution).

Minor to major negative effects are reported for the water quality SA objective, as the potash resource outside of the National Park includes a concentration of Source Protection Zones.

Recommendations:
No further mitigation is proposed.



Q04. Ref M23

Do you support the preferred policy approach? If not how should it be changed and why?

Gypsum

- 5.147 Gypsum is a product of the evaporation of seawater and is used mainly in the manufacturing of plaster, plasterboard and cement. It is possible that demand for gypsum will increase in line with future development and economic growth.
- 5.148 Gypsum is found close to the surface and may be present across significant parts of the Joint Plan area although it is not currently mined, with a former mine at Sherburn in Elmet closing in 1988 although the permission remains extant. The mine workings are now understood to be flooded.
- 5.149 Synthetic gypsum is produced at Drax and Eggborough power stations as a by-product of the process of flue gas desulphurisation. Moves towards greater use of lower carbon fuel for power generation may lead to reduction in output of synthetic gypsum in the longer term.
- 5.150 Gypsum is identified as a mineral of local and national importance in the National Planning Policy Framework, which requires policies to be included for its extraction.

Policy M24: Supply of gypsum

The extraction of natural gypsum and the supply of desulphogypsum will be supported where the proposal complies with the development management policies in the Plan.

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

Key links to other relevant policies and objectives

S01

Objective 5

Monitoring: Monitoring indicator 24 (see Appendix 3)

Policy Justification

- 5.151 The potential for gypsum deposits to dissolve in water means that their distribution is unpredictable and no specific information is available for the Plan area. No mining of natural gypsum has taken place in the Plan area since 1988, with the cessation of working at the former mine at Sherburn in Elmet. Permission for working at Sherburn in Elmet Mine remains extant, although the workings are now flooded. There has been no indication of any commercial interest in reactivating workings or the opening of new gypsum mines in the Plan area. BGS have indicated that gypsum and anhydrite bearing units occur at depth under the NYMNPA area and as a result gypsum is unlikely to have formed and anhydrite is not considered to be an economic resource. Whilst it is considered unlikely that proposals for further working will come forward during the plan period, provision of policy support for the principle of development of gypsum resources, subject to compliance with other relevant policies in the Plan, would be consistent with national policy objectives, including the presumption in favour of sustainable development.
- 5.152 Supply of synthetic gypsum (known as desulphogypsum) is consistent with objectives to preserve scarce natural resources and for the minimisation of waste. Where development associated with the supply of synthetic gypsum falls within the scope of the Plan then it is considered that support should be provided, subject to compliance with other relevant policies.

Sustainability Appraisal

The consideration of future gypsum and DSG proposals against the development control policies should have broadly minor positive effects as future development will need to take account of a range of environment and amenity criteria. It will also have more major positive effects on the economic growth and changing population needs objectives as gypsum supply will be more secure going forward as both gypsum and DSG are supported. This will underpin future development due to gypsum's importance as a construction material.

Two objectives reported mixed positive and negative effects. The 'minimising resource use' objective identified that support for gypsum would consume a primary natural resource on the one hand, but support for DSG would do the opposite in that it would save / offset consumption of primary gypsum. A similar effect was observed for the 'minimising waste objective' in that the policy might, though supporting gypsum, allow gypsum to be extracted at the expense of utilising waste DSG as a resource. However, The policy also supported DSG, so the market may play a role in optimising the balance between these two materials.

Recommendations:

No further mitigation is proposed.

**Q04. Ref M24**

Do you support the preferred policy approach? If not how should it be changed and why?

Vein Minerals

- 5.153 Vein minerals in the form of fluorspar, barytes and lead mineralisation occur in association with other minerals within parts of Craven District, Richmondshire District and Harrogate Borough, as part of the North Pennine Orefield.
- 5.154 Historic working has comprised a combination of both surface and underground mining and planning permissions still remain in the vicinity of Greenhow Hill and Cononley for fluorspar extraction, although these would have to be subject to a mineral review and a new set of planning conditions determined before working could take place, as these sites are currently classified as dormant.

Policy M25: Supply of vein minerals	
Proposals for the extraction of vein minerals, including proposals for the reactivation of dormant permissions, will be determined in accordance with the development management policies in the Plan, having particular regard where relevant to any impacts on:	
<ul style="list-style-type: none"> i) important habitats and species; ii) protected landscapes; iii) heritage assets; iv) tourism assets 	
Main responsibility for implementation of policy: NYCC, NYMNP, CYC and Minerals industry	
Key links to other relevant policies and objectives	
<i>S01, D01, D02, D04, D05, D06, D07, D08, D09, D11, D13</i>	<i>Objectives 5, 9</i>
Monitoring: Monitoring indicator 25 (see Appendix 3)	

Policy Justification

- 5.155 National policy requires that mineral plans include policies for the extraction of mineral resources of local and national importance although, with the exception of fluorspar, vein minerals are not mentioned specifically.
- 5.156 A small amount of fluorspar, barytes and lead mineralisation occurs in association with other minerals, mainly Carboniferous limestone, within Harrogate Borough (to the west of Pateley Bridge) and Craven District (near Cononley, west of Skipton), as part of the North Pennine Orefield. The occurrences in the former area are located within the Nidderdale AONB and also lie within or in close proximity to areas designated as SPA and SAC.
- 5.157 There has been no known activity in terms of development of vein minerals for at least 15 years, although old dormant planning permissions still remain in the vicinity of both Greenhow Hill and Cononley for fluorspar extraction.
- 5.158 There is no evidence of any commercial interest in reactivation of workings or opening new workings in the Plan area, or any indication of any future requirements.
- 5.159 The significant environmental constraints that exist in the western part of Harrogate Borough, together with the absence of any apparent commercial interest in these deposits in the Plan area means that it would not be appropriate to support the principle of further working in the Plan. If any proposals do come forward then they would need to be assessed against the relevant development management policies. Proposals for working within the AONB may need to meet the major development test and there may also be need for Appropriate Assessment under the Habitats Regulations.

Sustainability Appraisal

This policy does not provide support for the extraction of vein minerals in the plan area however should development come forward and gain consent, a number of negative impacts could result particularly in relation to the environmental SA objectives. This is largely because vein minerals occur close to sensitive receptors (such as wildlife sites and designated landscapes) and extraction techniques can utilise a significant area of land and can be energy intensive. There may be positive economic benefits associated with this policy should new vein minerals development come forward and gain consent. An element of uncertainty is noted throughout the assessment as any proposal would be considered in line with the development control policies in the Plan which are not yet finalised.

Recommendations:
No further mitigation proposed.



Q04. Ref M25

Do you support the preferred policy approach? If not how should it be changed and why?

Borrow Pits

- 5.160 Borrow pits are mineral workings used to supply material solely in connection with a specific construction or engineering project. They are typically located on the site of, or immediately adjacent to, the project to avoid or substantially reduce traffic associated with importation of minerals on public roads. Sometimes the voids created are backfilled with surplus or unusable material from the project and the land restored under a much shorter timescale than for a conventional quarry. Often, they can be restored within the timescale of the associated construction works. In some circumstances, borrow pits can represent a sustainable form of development in that they help reduce transportation impacts compared with supply from other sources. They can also help prevent sterilisation of the resource, help ensure higher quality materials are not used for a lower grade use and also help reduce the need for new or expanded conventional quarries.

Policy M26: Borrow pits

Proposals for borrow pits where permission is required will be supported where the required mineral cannot practicably be supplied by secondary or recycled material of appropriate specification and from a source in close proximity to the construction project, and; where all the following criteria can be met:

- i) The site lies on, or immediately adjoins, the proposed construction scheme so that mineral can be transported from the borrow pit to the point of use without significant use of the public highway system;
- ii) The site can be landscaped and appropriately restored within an agreed timescale and to an agreed end-use without the use of imported material other than that generated on the adjoining construction scheme;
- iii) The proposal meets all the relevant criteria set out in other relevant development management policies in the Plan.

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

Key links to other relevant policies and objectives

M01, M03, M04, M05, M06, M08, M09, M10, M11, M13, S01, S02, D01, D02, D03, D06, D07, D09, D10, D11, D12	Objectives 5, 7
Monitoring: Monitoring indicator 26 (see Appendix 3)	

Policy Justification

- 5.161 Principles for the sustainable management of resources suggest that, where practicable, secondary or recycled materials should be used in preference to primary minerals. The possibility of sourcing secondary or recycled material should therefore be considered before proposals are brought forward for a borrow pit. Use of such materials (provided they can meet the necessary specification for the works) would only be likely to present a significant overall benefit compared with supply from a borrow pit if the secondary or recycled sources are located in relatively close proximity to the project, in order to avoid the need for road haulage over long distances. Where borrow pits are proposed information should be provided to demonstrate the relationship between the proposal and the specific project to be served. Borrow pits should not be used to serve the wider market for minerals and it is likely that any permissions granted will be limited on that basis.
- 5.162 The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out where development is permitted without the requirement for a successful planning application. This includes the winning and working on land held or occupied with land used for the purposes of agriculture or any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part unless the site is within 25 metres from a metalled part of a trunk road or classified road. However this permitted development right does not include minerals that are moved to outside the land from which it was extracted and therefore, in these circumstances, proposals will be considered against the criteria set out in policy M26.

Sustainability Appraisal

This policy would have some positive impacts in terms of reducing transport miles, reducing climate change impacts and shortening supply chains resulting in positive economic effects and a positive contribution towards meeting the needs of a changing population. However, borrow pits would also have some negative effects, such as possible local effects on water quality, temporary generation of dust, loss of primary resources, and impacts on the historic environment, landscape or recreation. However, these effects are generally very short term and uncertain due to being dependent on location.

Recommendations:

The existing development management criteria are considered sufficient to mitigate negative effects to acceptable levels.



Q04. Ref M26

Do you support the preferred policy approach? If not how should it be changed and why?

Chapter 6: Provision of Waste Management Capacity and Infrastructure

Introduction

- 6.1 This chapter focusses on planning for the management of waste generated in the Joint Plan area. Waste is produced by a wide range of domestic, commercial and industrial activities, sometimes in large quantities. Commercial and Industrial waste, waste from the agricultural sector and waste from construction and demolition activity are the most common types of waste arising in the area. Substantial amounts known as Local Authority Collected Waste (LACW) is also collected (mainly from households), or delivered to Household Waste Recycling Centres and managed by local authorities in the Plan area.¹⁶
- 6.2 LACW arises widely across the Joint Plan area but, as household and some commercial waste is an important part of this waste stream, there is a strong association with the distribution of population, with the more urbanised parts of the Joint Plan area being key sources of arisings. It can comprise a wide range of items including inert waste and biodegradable materials such as food waste, as well as waste which needs specialist management, such as waste electrical equipment.
- 6.3 Commercial and Industrial (C&I) waste is generated by business and industrial activity and therefore will occur relatively widely within the area, with a particular concentration in the more urbanised parts. C&I waste can include a very wide range of materials, due to the range of sources from which it is generated. Certain elements of the C&I waste stream, such as mixed ordinary C&I waste, can be very similar to household waste and can often be dealt with through similar processes. However, an important exception to this is the Power and Utilities sector, which comprises a large proportion of total C&I waste in the Plan area. The majority of this arises in the form of power station ash in association with electricity generation in Selby District.
- 6.4 Whilst there is limited data on where Construction, Demolition and Excavation (CD&E) waste arises, it is logical to assume that most arises in the more urban areas, or at other locations where large scale construction projects take place. It includes inert materials such as bricks and rubble, as well as non-inert material such as wood and plastic. A large amount of CD&E waste is disposed of or beneficially reused on the site where it arises and therefore does not enter the wider waste market and is not recorded. This position is expected to continue. In particular, overburden and waste stone generated during quarrying activity is generally disposed of as part of landscaping and quarry reclamation activity at the site where it is produced and does not enter the wider waste market.
- 6.5 The large majority of agricultural waste comprises organic materials, although other items such as plastic packaging may arise. Agricultural waste is generated widely

¹⁶ The District and Borough Councils in North Yorkshire have responsibility to collect LACW arising within NYCC. North Yorkshire County Council has responsibility to ensure arrangements are in place to manage the waste which is collected. As a Unitary Council, the City of York Council fulfils both these responsibilities within its area. Redcar and Cleveland Borough Council are responsible for collecting and managing LACW in the part of the North York Moors National Park in that Borough.

across the area outside urban locations but is particularly associated with more intensively farmed areas outside the upland parts of the Plan area.

- 6.6 Hazardous waste is waste which requires specialised management because of the potential it has to cause harm to health or the environment. It can occur in association with a range of commercial, industrial and domestic activities and may include some common household items which are discarded. Low-Level Radioactive Waste (LLRW) from the non-nuclear industry arises in very small quantities, often in association with medical and research activities as well as some industrial processes. Waste water and sewage sludge is generated in association with domestic, commercial and industrial activity and therefore its overall distribution is likely to be similar to that of LACW and C&I waste.
- 6.7 The following Table presents estimates of arisings of the main waste streams in the North Yorkshire Sub-region for 2013 unless otherwise stated¹⁷.

North Yorkshire Sub-region - Estimated Main Waste Arisings (tonnes)	
Commercial and industrial waste	758,000 ¹⁸
Power and utilities waste	Approximately 998,623 tonnes of power station ash deposited at Barlow and Gale Common ash disposal facilities
Construction, Demolition and Excavation Waste	384,064 ¹⁹
Local Authority Collected Waste	415,214*
Agricultural Waste	4,581,443 ²⁰
Hazardous Waste	29,515 ²¹
Low-Level Radioactive Waste	Estimated at less than 100m ³
Waste water	No data available

Table 1: Estimated waste arisings in the North Yorkshire Sub-region²²

*LACW data relates to 2013 and does not include waste arising in the Redcar and Cleveland area of the NYMNP

- 6.8 Alongside these estimates of waste arisings, information published by the Environment Agency (EA) suggests that a total of around 3 million tonnes (mt)²³ of waste was deposited at EA permitted waste management facilities²⁴ in the NY sub-region in 2013. There are also a range of import and export movements across the sub-regional boundary, mainly to and from West Yorkshire, the North East Region and the Hull and Humber area. Known exports of waste exceed known imports,

¹⁷ For definition of Sub-Region for each waste type, reference should be made to North Yorkshire Sub-Region Waste Arisings and Capacity Requirements – Interim Report and North Yorkshire Sub-Region Waste Arisings and Capacity Requirements – Final Report (Urban Vision and 4Resources, October 2013)

¹⁸ Estimates for C&I waste in this Table are based on extrapolation from the North West C&I survey 2009 and are for 2011.

¹⁹ Estimate for 2013 and comprises 101,000 tonnes C&D waste and 291,600 tonnes Excavation waste. These figures should be regarded as minimum estimates as other CD&E wastes only recorded as originating within Y&H are likely to have arisen within NY sub-region.

²⁰ 2011 estimate. A very large majority (estimated at 4,549,257t) of this is expected to be organic material dealt with on site through composting/land recovery/treatment with only 32,188 tonnes likely to require management off site

²¹ 2013 arisings figure

²² Urban Vision and 4Resources, Waste Arisings and Capacity Requirements Addendum Report (2015) and EA data

²³ 2013 WDI data. This figure excludes any waste deposited at sites exempt from permitting but includes approximately 1mt of waste deposited at restricted user landfill facilities. The large majority of this is expected to be waste ash from power stations.

²⁴ There are a substantial number of permit exempt sites in the area but information on waste deposited at these is not available.

although the actual volumes of known imports and exports are relatively small in comparison to total deposits and estimated arisings²⁵. This suggests that the Plan area is already largely self-sufficient in managing its overall waste arisings, although it is known that there is variability in volumes of cross-boundary movements depending on commercial and other factors.

- 6.9 National Government policy aims to ensure that waste can be managed in more sustainable ways and this means moving away from traditional waste disposal practices like landfill, towards alternative means of managing waste as a resource, for example through recycling or recovery of other value, such as energy, from it. The Plan area has traditionally been heavily reliant on landfill to deal with waste, although in recent years significant progress has been made towards increasing the amount of waste dealt with by other means such as reuse, recycling or composting. The recycling and composting rate for household waste is now at around 43%²⁶, with local and national targets to achieve a level of 50% by 2020.
- 6.10 There is a need for the Plan to contribute to diversion of LACW away from landfill in accordance with national objectives and agreed targets in the York and North Yorkshire Municipal Waste Management Strategy²⁷. The current rate of landfill for this waste stream is around 53% in the North Yorkshire area, with an agreed target of diverting a minimum of 75% from landfill. A new contract for the management of residual LACW has now been procured by NYCC and CYC, which will enable the landfill diversion target and the 50% recycling target to be met. Key to achieving this shift is the construction of a new facility in North Yorkshire (known as Allerton Waste Recovery Park) on which work has now commenced, with the facility expected to be commissioned in 2017.
- 6.11 There are also a range of other national targets supporting the more sustainable management of waste. These include achieving a target rate for recycling or recovery of 70% of Construction and Demolition waste by 2020 and reducing the amount of biodegradable LACW sent to landfill to 35% of 1995 levels by the same date. More recently, Government has indicated an intention to move towards a 'zero waste economy' in which waste is viewed as a resource, with disposal only taking place where waste cannot be dealt with further up the waste hierarchy.
- 6.12 The Landfill Tax is a key factor in the need to divert waste from landfill. It aims to encourage waste producers to generate less waste and recover more value from it. Inert or inactive waste is subject to a lower rate of tax, currently £2.50 per tonne. The standard rate is currently (2015/16) £82.60 per tonne. This means that landfill is an expensive means of dealing with waste, as well as an option which is generally less preferable in environmental terms.
- 6.13 The Plan area already has a substantial range of waste management facilities including recycling facilities, landfill sites, treatment facilities and transfer stations and more facilities are either under construction or have received planning permission. Most of these are located within the NYCC and City of York areas and are generally located close to centres of population and areas of expected future growth. There are relatively few facilities in the North York Moors National Park and much of the

²⁵ E.g. Urban Vision and 4Resources, Waste Arisings and Capacity Requirements Addendum Report (2015)

²⁶ This figure relates to the recycling rate for the York and North Yorkshire Waste Partnership area and therefore does not include those parts of the North York Moors National Park and Yorkshire Dales National Park areas falling within Redcar and Cleveland Borough and Cumbria County Council respectively. The recycling rate for the Plan area itself is expected to be very similar

²⁷ The Joint Municipal Waste Management Strategy was produced by the York and North Yorkshire Waste Management Partnership in 2007 and sets out a range of local targets and objectives for managing this waste stream

waste generated in the Park (and also in the adjacent Yorkshire Dales National Park) is managed in the NYCC area or elsewhere.

- 6.14 To help with planning for waste in North Yorkshire the three planning authorities involved in preparation of the Joint Plan, together with the adjacent Yorkshire Dales National Park Authority, commissioned consultants to look in more detail at future waste management capacity needs over the period up to 2030. The findings of this sub-regional study²⁸ are available at www.northyorks.gov.uk/mwevidence. A key objective of this work was to examine potential future needs in the light of information about the current situation, in order to identify any important capacity 'gaps' for which provision should be made in the Plan. The findings of the project have informed the content of this Preferred Options consultation.
- 6.15 The main role that the three Waste Planning Authorities can play in promoting the more sustainable management of waste is to support the provision of any additional capacity that is likely to be required in the area in order to meet future waste management needs in a sustainable way. This can be achieved by establishing a supportive local planning policy framework which encourages development of any new waste facilities which may be needed, in appropriate locations, whilst ensuring a high level of protection for our environment and communities.
- 6.16 Supporting the provision of facilities needed to manage waste more sustainably will also help support delivery of agreed targets for waste management, such as those adopted by NYCC and the CYC in their roles as Waste Collection and/or Disposal Authorities. However, the wide range of parties involved in the management of waste, the rapidly evolving policy and regulatory climate, as well as continuing advances in technologies, suggest that there will also need to be a degree of flexibility in any local planning policy. This will help ensure that the waste management industry can come forward with proposals which help deliver one of the Government's overall objectives for waste planning of providing the right facilities, in the right place, at the right time.

Moving waste up the waste hierarchy

- 6.17 The 'waste hierarchy' is a well-established policy tool supporting the more sustainable management of waste. Moving waste management practice up the waste hierarchy is a key objective of Government policy²⁹ and needs to be reflected in the approach taken in local plans for waste. Minimisation of waste, re-use and then recycling represent the three highest levels of the hierarchy (see Figure 3 in Chapter 2).
- 6.18 Achieving the management of waste further up the hierarchy will involve the actions of a wide range of organisations and individuals, including the public, businesses, the waste management industry and waste management and planning authorities. The Plan is limited in its ability to influence generation of waste (although this is addressed where practicable in Policy D11 in Chapter 9 relating to sustainable design). It can play a role in moving waste up the hierarchy by encouraging and supporting development proposals which enable waste to be dealt with at higher levels of the hierarchy than is currently the case and by imposing a degree of restraint on other forms of development, such as landfill and incineration without energy recovery (which, as disposal options, represent the lowest level of the hierarchy), unless there is appropriate justification. Locational policies for waste can

²⁸ North Yorkshire Sub-Region Waste Arisings and Capacity Requirements – Final Report and Addendum Report (Urban Vision and 4Resources, October 2013 and 2015)

²⁹ E.g. National Planning Policy for Waste (DCLG 2014)

also play a role in helping move waste up the hierarchy through encouraging the co-location of complimentary waste activities. This is addressed later in policy W11 dealing with waste site identification principles.

Policy W01 - Moving waste up the waste hierarchy

Proposals which help move management of waste up the waste hierarchy will be supported, with priority given to the delivery of development which would contribute to the minimisation of waste, the increased re-use and/or recycling of waste and to the delivery of waste treatment capacity which would contribute to the diversion of waste from landfill.

Further capacity for the large scale recovery of energy from waste will only be supported in line with Policy W04 and where any heat generated can be utilised as a source of low carbon energy or, where use of heat is not practicable, the efficient use of electrical energy can be achieved.

The provision of new capacity for the landfill of biodegradable residual waste will only be supported where it can be demonstrated that it is the only practicable option and sufficient permitted capacity within or in close proximity to the Plan area is not available. Proposals for the extension of time, where necessary at existing permitted biodegradable landfill sites with remaining void space, will be supported in principle in order to facilitate provision of adequate capacity for disposal of residual waste in line with identified needs, or in order to achieve the satisfactory restoration of the site.

Landfill of inert waste will only be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land where it can be demonstrated that the import of the waste is essential to bring the land back into beneficial use and the scale of the importation would not undermine the potential to manage waste further up the hierarchy.

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

Key links to other relevant policies and objectives

W03, W04, W05, W06, W07, W08, W09, W11, S03, D01, D05, L10	Objective 1
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Monitoring: Monitoring Indicator 27 (see Appendix 3)

Policy Justification

- 6.19 Waste minimisation, reuse and recycling represent the top levels of the hierarchy and are the preferred means of dealing with waste. These are generally the most efficient means of extracting value from waste as a resource. For some types of waste, reuse or recycling is not practicable. For these, other forms of treatment are likely to be required in order to minimise the amount of waste disposed of via landfill, which is at the bottom of the waste hierarchy. Treatment can include a wide range of processes and technologies which, in various ways, can extract additional value from waste, thus helping to turn it into a resource.
- 6.20 Waste which it is not practicable to deal with further up the hierarchy may also be capable of being used as a resource via the recovery of energy through various forms of thermal treatment processes, including incineration. Where recovery of energy is proposed, national policy encourages utilisation of heat generated, potentially in association with other power, in order to help ensure the most efficient use of the waste as a resource. The investment required to deliver utilisation of heat

in association with recovery of energy from waste suggests that it is most likely to take place in association with relatively large schemes where economies of scale are likely to arise. There is significant permitted (but not yet operational) capacity for energy recovery in the Plan area. Any further proposals, consistent with other waste policies in the Joint Plan and with a capacity in excess of 75,000tpa, should be accompanied by information to demonstrate that the potential for heat utilisation has been considered and will be delivered where practicable. The Environment Agency has indicated that EfW schemes within 15km of large users of heat are more likely to have potential for heat utilisation. Where use of heat is not practicable, it is appropriate to support the maximum use of any electrical energy that can be generated, in order to help ensure the efficient use of waste as a resource.

- 6.21 Landfill represents the bottom of the hierarchy, although it is likely to still be required for waste which cannot be dealt with by other means, and may be able to play an important role in the reclamation of mineral workings in the Plan area. Achievement of a high standard of reclamation, potentially including importation of suitable materials, is addressed in Policy D10 Reclamation and afteruse. Evidence suggests that, subject where necessary to the extension of time for completion of landfilling at existing biodegradable landfill sites with time limited permissions in the area, and depending on progress with implementation of permitted energy recovery capacity, there should be adequate capacity for biodegradable landfill. It therefore follows that, in line with the waste hierarchy, it would not be appropriate to support the development of new biodegradable landfill capacity in the Plan area unless there is clear justification in terms of any unmet needs and it is not practicable to utilise other suitable capacity outside the area.
- 6.22 Whilst diversion of inert waste from landfill can facilitate its beneficial use as a resource, inert landfill is less harmful to the environment as it does not decompose to generate greenhouse gasses to the same extent as biodegradable waste. It can also play an important role in improving the standard of reclamation of quarries in the Plan area as well as, in some cases, the improvement of derelict or degraded land. It is therefore appropriate in some circumstances to provide policy support in principle for this method of waste management.

Sustainability Appraisal

This policy would encourage sustainable resource management by prioritising the management of waste as high up the waste hierarchy as possible. This results in particularly positive effects in relation to resource consumption, soils, climate change, minimising waste generation and managing waste as high up the waste hierarchy as practicable, the economy and meeting the needs of a changing population. Uncertain effects or effects which have both positive and negative aspects have been recorded against several of the other environmental and social objectives as the scale of impacts would be determined by the nature and location of the particular waste management facility. One area where minor negative effects could occur on balance is in relation to water demand, as some recycling operations can be water intensive.

Recommendations:

No mitigation is proposed as locational/development management issues will be dealt with under other policies in the Plan.



Q04. Ref W01

Do you support the preferred policy approach? If not how should it be changed and why?

Strategic role of the Plan area in the management of waste

- 6.23 A particular consideration is the role the Plan area plays in the management of waste over the wider North Yorkshire sub-region (i.e. the Plan area together with the adjacent Yorkshire Dales National Park (YDNP) which is a separate waste planning authority area).
- 6.24 There are currently no significant waste management facilities in the YDNP and national policy constraints suggest that this position is unlikely to change. NYCC, as Waste Disposal Authority, has a responsibility for the management of LACW collected from the majority of the YDNP³⁰ and this waste is currently dealt with mainly within the NYCC area. It is likely that this arrangement will need to continue over the plan period and to be reflected in any waste management capacity required in the Plan area. This approach has been acknowledged in the waste arisings and capacity evidence project undertaken by the four Authorities. Waste generated in the Redcar and Cleveland part of the North York Moors National Park has been allowed for in the Tees Valley Minerals and Waste Core Strategy (adopted in 2011). Draft memoranda of understanding with the YDNPA and Redcar and Cleveland Borough Council have been agreed to reflect these principles.
- 6.25 A view also needs to be taken on the extent to which the Plan area can or should seek to be self-sufficient in capacity to manage waste arising in the area, or whether greater reliance on exports to facilities elsewhere should be planned for. Evidence suggests that, in terms of overall waste volumes, the area exhibits a relatively high degree of self-sufficiency in capacity. However, information also indicates that there are a number of particular aspects in which the area is more reliant on capacity elsewhere. This includes treatment and landfill of hazardous waste, management of some LLRW, and; final reprocessing capacity for C&I and LACW³¹.
- 6.26 Evidence, for example through Environment Agency permitting information and information supplied by the Waste Disposal Authorities in the area, also indicates that exports of some Household, Industrial and Commercial waste for treatment and landfill occurs but this only represents a relatively small proportion of total arisings.
- 6.27 Environment Agency data indicates that in 2013 the North Yorkshire Sub-region imported a minimum of 193,000 tonnes of waste. However, the actual figure is likely to be higher due to the lack of detail on the origin of some waste arisings. The majority of the waste known to be imported in recent years arose within West Yorkshire, with approximately 66,000 tonnes being received from Leeds. In the same year the Sub-region exported 334,000 tonnes of waste, over half of which was managed at sites within the Yorkshire & Humber region, i.e. in West Yorkshire, Hull and Humber area and South Yorkshire, with the Leeds and East Riding WPA areas being the largest individual export destinations. Areas to the north, particularly Redcar & Cleveland, Stockton on Tees and Hartlepool also received waste. However, data suggests that there are significant annual variations in the scale of movements between areas.
- 6.28 More recent information indicates that a range of LACW waste types are managed solely or partly outside of the Joint Plan area. Examples include materials or items such as: asbestos, automotive and household batteries, glass, paper, wood, chemicals, ferrous and non-ferrous metal, textiles, engine and cooking oil and cooling

³⁰ i.e. the area excluding that part of the YDNP located within Cumbria

³¹ Initial separation and sorting of materials for recycling takes place within the Plan area, for example, in association with the operation of waste transfer activities, and at HWRCs. However, it is likely that a substantial amount of final reprocessing of materials to be recycled takes place outside the Plan area.

appliances. These are transported to a range of adjoining authorities for management including the Council areas of Leeds, Bradford, County Durham, Darlington, Middlesbrough and Hartlepool, the East Riding and Doncaster, as well as some more distant locations including Sunderland, Preston, Bury, Salford, Sheffield, West Midlands, Lincolnshire, Cambridgeshire and Norfolk.

- 6.29 The range of other WPA areas that LACW from the Plan area is currently transported to demonstrates the complexity of the waste management market that exists. Such complexity is likely to continue to exist over the Plan period.
- 6.30 Approximately 88% of hazardous waste arising within the Joint Plan area in 2013 was ultimately managed outside the Joint Plan area, with around 11% of the total arisings exported to Stockton on Tees to be managed, with Wakefield also taking a significant proportion. In the same year relatively small amounts of hazardous waste were imported into the Plan area from a range of other WPAs, including Leeds, and Wakefield.
- 6.31 Government policy³² encourages communities to take responsibility for their waste arisings and to deal with waste in proximity to where it arises, as this is often the most sustainable arrangement, for example in terms of reducing traffic movements. However, there is no specific requirement in national policy for an area to be self-sufficient in capacity to manage its own waste and policy acknowledges that management of waste outside the administrative boundary of the area may be the most appropriate solution, for example where it would minimise the overall transport of waste or help use existing infrastructure effectively³³.
- 6.32 In some cases self-sufficiency is unlikely to be practicable, particularly for waste requiring specialist facilities and/or for waste which only arises in very small quantities. This is very likely to be the case within the Plan area for facilities for the treatment and landfill of hazardous waste and LLRW for example. Markets for final reprocessing of recyclate are geographically varied and extensive and may include overseas destinations and this position is unlikely to change significantly as a result of market and economy of scale factors. The Joint Plan is unlikely to be able to influence this position significantly.

Policy W02 - Strategic role of the Plan area in the management of waste

Support will be given to proposals for additional waste management capacity needed to achieve an increase in net self-sufficiency in the management of waste to a level equivalent to expected arisings in the Plan area by the end of the plan period.

Where it is not practicable to provide specific capacity in the Plan area, including capacity for the landfilling of hazardous waste and the management of low level (non-nuclear) radioactive waste, as well as for other specialist provision which can only be met on a wider geographical basis, including reprocessing capacity for LACW and C&I waste, capacity requirements will be met principally through exports from the Plan area.

Provision of capacity within the Plan area shall include provision for waste arising in the Yorkshire Dales National Park, with the exception of mining and quarrying waste and small scale waste arisings which can be appropriately managed at facilities

³² E.g. National Planning Policy for Waste (DCLG 2014)

³³ A further consideration is the requirement, contained in the EU Waste Framework Directive, for waste to be disposed of and, in the case of recovery of mixed municipal waste, recovered in the nearest appropriate installation

within the National Park.	
Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry	
Key links to other relevant policies and objectives	
<i>W01, W03, W04, W05, W06, W07, W08, W09, W10, W11, I01, S03, D01, D04, D05</i>	<i>Objectives 2, 4, 6, 7</i>
Monitoring: Monitoring indicator 28 (see Appendix 3)	

Policy Justification

- 6.33 National policy supports the principle of managing waste in proximity to where it arises and encourages community responsibility in the management of waste. At the same time it needs to be acknowledged that commercial considerations and operation of the market play a fundamental role in determining the actual pattern of movement of waste for management, and in most cases administrative boundaries have little influence on this. Evidence gathered during preparation of the Plan indicates that cross-boundary movements, both imports and exports, have taken place in recent years and it is expected that such movements will continue in response to market and other factors outside the control of the planning authorities.
- 6.34 Planning for a 'net self-sufficiency' approach can help balance these factors through, where practicable, the making of provision for waste management capacity at a level equivalent to expected future arisings in the area. This can help ensure that additional capacity can be delivered within the Plan area over the period to 2030 to achieve the local management of waste, whilst acknowledging that a degree of import and export movements are likely to continue, with exports from the Plan area in effect being balanced by flexibility for the area to receive an element of imports from elsewhere. Such an approach also reflects the fact that, for certain specialist waste streams, such as hazardous waste for landfill and LLRW requiring management at specialist facilities, both of which only arise in very small quantities in the Plan area, it is unlikely to be practicable to deliver specific capacity in the area. Similar considerations apply to re-processing capacity for many types of recyclate, which are often exported to nationally or regionally significant facilities receiving waste from a wide range of sources and for which specific provision in the Plan area may not be realistic.
- 6.35 As part of the evidence base for the Plan, a review of the current or emerging approach to self-sufficiency in waste management capacity within waste planning authority areas adjoining the Plan area, as well as for those which have recently exported significant amounts of waste to the area, has been undertaken. This suggests that all these areas are, or are intending to, plan on the basis of net self-sufficiency (or equivalent) for their area. This in turn indicates that it is unlikely that a significantly increased level of imports into the Plan area will occur in the future, as other areas plan for more capacity to meet their own equivalent arisings. Further evidence work indicates that areas currently receiving exports from the Plan area do not envisage significant problems in such movements continuing to occur over the foreseeable future, suggesting that an approach of net self-sufficiency for the Plan area is likely to be adequate and appropriate in meeting future waste management needs.
- 6.36 A specific consideration for the Joint Plan authorities is the relationship between the Plan area and the adjacent Yorkshire Dales National Park. Local Authority Collected Waste arising in the YDNP (with the exception of the part of the Park falling within Cumbria) is collected by North Yorkshire Waste Collection Authorities and managed by NYCC as the Waste Disposal Authority and a distinction is not drawn by the WCAs or WDA between waste arising inside or outside the YDNP area. It is

therefore managed alongside waste arising in the Joint Plan area and this position is expected to continue over the plan period. The waste capacity needs study undertaken as part of the evidence base for the Joint Plan was prepared in partnership with the YDNP and reflected capacity requirements for waste arising in the YDNP within the study. These are in turn reflected in the approach to future capacity requirements in the Joint Plan. Nevertheless, it is likely to be practicable for some waste arising in the YDNP to be managed in the Park and it is expected that where appropriate this will be addressed in the new Local Plan for the YDNP. A memorandum of understanding between the Joint Plan authorities and the YDNP has been drafted to reflect this agreed position.

Sustainability Appraisal

This policy would have positive effects in the Plan Area in terms of reducing transport miles and associated emissions and in supporting the economy and jobs, however it is likely to have negative effects on most of the environment and community SA objectives. This is because it may require additional facilities to ensure that waste capacity is equivalent to total arisings with the additional impacts that these would bring. In terms of providing capacity within the plan area to deal with waste arising in the Yorkshire Dales National Park this would largely maintain the status quo in terms of how waste is managed from the National Park, and this would have mainly neutral effects on the Plan Area and modest benefits for the Yorkshire Dales as it will allow the special qualities of the National Park to be maintained.

Recommendations:
No further mitigation is proposed.



Q04. Ref W02

Do you support the preferred policy approach? If not how should it be changed and why?

Meeting future waste management needs

- 6.37 To help with planning for waste it is necessary to make some assumptions about the scale of future arisings that may need to be dealt with and the waste management capacity expected to be available over the Plan period. As mentioned earlier, work on this has been commissioned to support preparation of the Plan. This work provides a useful benchmark but the position with regard to future capacity needs is complicated by a number of factors including:
- The scale of future arisings may be influenced by a wide range of matters such as the economy, technological changes and changes in behaviour of waste producers and these cannot be predicted with any certainty
 - Waste management policy and practice has been going through a period of rapid change in recent years and this may continue
 - There are significant limitations in availability of data relating to current arisings and management of some waste streams (the main exceptions being LACW and hazardous waste)
 - Data on waste management capacity is not comprehensive and is subject to change over short time periods, for example as new permissions are granted or expire.
- 6.38 Together, these and other factors mean that it is not practicable to plan for future waste management capacity with a high degree of precision, suggesting that it will be necessary to include a degree of flexibility in the Plan.

- 6.39 The work commissioned by the Authorities uses two sets of scenarios, one about possible changes in amounts of waste arising over the Plan period and the other about how waste management practice may change over the same time, and compares these against available information on waste management capacity in the area. This can be used to give an indication of the potential scale of any 'capacity gap' between potential requirements and current capacity.
- 6.40 The main focus of the work has been on waste streams other than LACW, particularly C&I and CD&E wastes. The York and North Yorkshire Waste Partnership have utilised available data to provide a forecast projection of Local Authority Municipal Solid Waste³⁴ for the Joint Plan area up to and beyond the plan period. The current projections predict an increase of over 99,000 tonnes in arisings over the period from 2015/16 to 2039/40. Over the period to 2029/30 (i.e. around the end date for the Plan) the projected increase is about 70,000 tonnes³⁵. Provision has largely been made to manage this projected increase in LACW arisings over the plan period.
- 6.41 A new contract for managing residual LACW in the NY sub-region has recently been procured and work has commenced on construction of a new waste recovery facility, known as the Allerton Waste Recovery Park, (AWRP) which would enable delivery of targets agreed under the current Municipal Waste Management Strategy for York and North Yorkshire³⁶. It is therefore not proposed to review the approach to dealing with residual LACW as part of preparation of the Minerals and Waste Joint Plan. The proposed AWRP facility has been designed to accommodate expected growth in arisings of residual LACW over the period to 2040.
- 6.42 Since work on arisings and capacity evidence was first commissioned by the Authorities, potential scenarios have been updated in an Addendum Report (2015). This is to help ensure that the modelling work takes into account more up to date information and to reflect responses received on the original scenarios during consultation at Issues and Options stage. The updated scenarios³⁷ are;

Scenarios relating to growth:

Waste Stream	Growth	Minimised Growth	Comment
LACW	Varies between +0.8% and +2.9% per annum	As for Growth scenario	Reflects modelling work already undertaken by the York and North Yorkshire Waste Partnership
Commercial	0% per annum	-1% per annum 2015 to 2021 then 0% per annum to 2030	Growth scenario assumes that growth from increasing business activity would be offset by waste reduction initiatives. Minimised Growth scenario assumes that impact of reduction initiatives reduces over time as there is little scope for further change

³⁴ Municipal Solid Waste is a key element of LACW

³⁵ York and North Yorkshire Waste Partnership_Data, further information provided in the NYCC Waste Evidence Paper (2015)

³⁶ The AWRP facility will include a range of processes including mechanical treatment, anaerobic digestion, energy from waste recovery and incinerator bottom ash recycling

³⁷ The scenarios summarised here are taken from the North Yorkshire Sub-region Waste Arisings and Capacity Addendum Report (Urban Vision, 2015)

Industrial	0% per annum	-1% per annum	Growth scenario assumptions as per commercial waste. Minimised Growth assumes impact of continued rebalancing of the sub-regional economy away from manufacturing etc. towards service sector
CD&E	+1% per annum 2015-2021 then +0.5% per annum to 2030	0% per annum	Growth scenario assumes higher rate of growth as sub-regional economy recovers from recession but that rate of growth will not be sustained in the longer term Minimised Growth scenario assumes any growth pressures are balanced by minimisation initiatives

Table 2: Growth scenarios

Scenarios relating to waste management practice:

- 6.43 These involve making broad assumptions about how waste could be managed in future, such as through increased recycling and recovery of energy, to help move waste management further up the waste hierarchy. Under all scenarios it is assumed that management of residual LACW will be through the AWRP facility (which would enable achievement of an overall rate of diversion from landfill of over 95%, including a household waste recycling rate in excess of 50%) and it is therefore not shown in the Table below.

Waste Stream	Maximised Recycling	Median Recycling	Comment
C&I	10% non-recyclable waste to landfill by 2020 75% recycling of the remainder by 2020 with 85% recycled by 2030; balance to energy recovery	10% non-recyclable waste to landfill by 2020 65% recycling of the remainder by 2020 with no further improvement thereafter; 35% to energy recovery by 2030;	Current estimate for C&I recycling rate for NY sub-region is between 55% and 58%
CD&E	75% recycling by 2020 with no further improvement thereafter	60% recycling by 2020 with no further improvement thereafter	Current estimate for CD&E recycling rate for NY sub-region is 39% although likely to be substantially greater than this for the construction and demolition element of the CD&E stream

Table 3: Waste management practice scenarios

- 6.44 The evidence-based scenarios referred to above can, when considered in relation to current estimated waste management capacity, be used to generate higher and lower estimates of the scale of any potential waste management 'capacity gaps' that may occur over the period to 2030. This in turn can help with making assumptions about the scale of any new provision we need to plan for.

6.45 The following table summarises the potential capacity gaps identified for the key waste management capacity types. Taking into account the scenarios presented in Tables 2 and 3 above, the capacity gaps presented below are based on the following assumptions:

1) Local Authority Collected Waste is managed in accordance with growth assumptions developed by the York and North Yorkshire Municipal Waste Partnership and measures already implemented or being implemented, including the Allerton Waste Recovery Park facility (currently under construction).

2) Waste growth reflects the 'Growth' scenario assumptions identified in Table 2 above. This is to help ensure that a worst case assumption in terms of future waste volumes is planned for and to reduce the risk of any under-provision in the Plan.

3) Recycling capacity requirements are based on the 'Maximised Recycling' scenarios, with landfill capacity requirements based on the 'Medium Recycling' scenarios. This is to help ensure that improved recycling performance is not restricted through lack of provision in the Plan, whilst adequate provision for landfill capacity is made in the event that recycling rates do not reach the levels envisaged under the maximised recycling scenarios during the plan period. It also helps provide more flexibility in the overall provision that is made.

4) Energy recovery capacity at recently permitted but not yet operational sites in the Plan area comes on stream to meet additional requirements for energy recovery for C&I waste.

5) Extensions of time are sought and permitted for a continuation of landfilling at existing landfill sites in the Plan area for non-inert non-hazardous waste but which are currently subject of time limited permissions expiring during the plan period.

6.46 It should also be noted that the capacity gap figures presented in Table 4 below are based on an assumption that all waste is managed in the Plan area, in accordance with the principle of net self-sufficiency in capacity for the management of waste. In practice it is likely that some waste will continue to be exported in accordance with current or future market circumstances. As a result of this approach and the assumptions used about recycling and landfill rates (as summarised in paragraph 6.45 above) the figures presented in Table 4 are considered to represent a 'worst case' scenario in terms of the scale of additional provision that may be required.

Waste capacity type and stream	Estimated maximum annual capacity gap 2020 (tonnes)	Estimated maximum annual capacity gap 2025 (tonnes)	Estimated maximum annual capacity gap 2030 (tonnes)
Recycling (C&I and LACW)	nil	nil	26,423
Recycling (CD&E)	249,119	277,177	287,680
Landfill (CD&E)	nil	100,327	117,717
Landfill (hazardous)	8,683	8,946	9,217

Table 4: Main capacity gaps

6.47 Based on available information and the assumptions set out in paragraphs 6.45 and 6.46, no overall capacity gaps are identified for landfill of C&I waste and LACW, energy recovery, composting or transfer, although as indicated later in this chapter,

provision of further capacity for these forms of waste management may be justified in certain circumstances, including in order to provide an appropriate overall geographical network of facilities.

- 6.48 The information above has been used to help develop policies to ensure that adequate provision is made for management of the various waste streams arising in the Joint Plan area. These are presented in the following sections. With regard to LACW the information below is also supplemented by information provided by the North Yorkshire and York Waste Disposal Authorities.



Q06) Do you agree with the assumptions made about expected future waste growth, practice and capacity gaps presented above? If not what alternative approach would you suggest?

Local Authority Collected Waste (LACW)

- 6.49 Local Authority Collected Waste (LACW) includes waste collected from households and a range of other waste from municipal sources, as well as commercial and industrial waste of similar composition collected by or on behalf of local authorities.
- 6.50 Substantial progress has been made in recent years in achieving the more sustainable management of LACW. When the new AWRP facility is commissioned (expected in 2017) this will help deliver a step change in diversion of residual LACW from landfill, as well as a further increase in the rate of recycling of this waste stream.
- 6.51 Notwithstanding this, other new or improved infrastructure is expected to be required during the plan period to help move management of LACW up the waste hierarchy and deliver more local solutions for its management.

Policy W03 - Meeting waste management capacity requirements - Local Authority Collected Waste

Net self-sufficiency in capacity for management of Local Authority Collected Waste will be maximised through:

- 1) **Identification of the Allerton Park (WJP08) and Harewood Whin (WJP11) sites as strategic allocations over the plan period for the management of LACW. Where necessary, proposals to extend the time period for continued waste management operations at these sites over the plan period and the development of other appropriate waste management infrastructure will be supported in principle subject, in the case of the Harewood Whin site, to consistency with relevant national and local Green Belt policy.**
- 2) **Delivery of additional transfer station capacity for LACW to serve the needs of Selby District through the allocation of a site at Common Lane, Burn (WJP16). Proposals for development of transfer capacity for LACW at this site or at an alternative location consistent with Policies W10 and W11 will be supported in principle.**
- 3) **Subject to compliance with Policies W10 and W11 and the development management policies in the Plan, supporting in principle proposals for:**
 - a. **increased capacity for the recycling, reprocessing and composting of**

LACW where this would reduce reliance on export of waste from the Plan area for recycling or reprocessing;	
b. Improvements to the Household Waste Recycling Centre network.	
LACW will be exported for management where sufficient capacity cannot be provided within the area.	
Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry	
Key links to other relevant policies and objectives	
<i>W01, W02, W10, W11, S03, D01, D05</i>	<i>Objectives 1, 2, 6, 7</i>
Monitoring: Monitoring indicator 29 (see Appendix 3)	

Policy Justification

- 6.52 Substantial progress has been made in recent years in reducing the amount of Local Authority Collected Waste that is landfilled, with a corresponding increase in recycling, composting and other forms of treatment.
- 6.53 Local Authority Collected Waste is dealt with at a range of existing facilities in the Plan area and substantial capacity for its management is already in place. Following commissioning of the AWRP facility in 2017 capacity will be sufficient for management of residual LACW in order to secure diversion from landfill of over 95% for this waste stream, and a recycling rate for household waste of over 50%. This would enable national and local targets for recycling and landfill diversion to be met. As well as providing a strategically important location for recycling and recovery, the wider Allerton park site (adjacent to the AWRP facility) contains a significant proportion of the remaining permitted capacity for biodegradable landfill in the Plan area, capable of receiving LACW and other waste which cannot be diverted from landfill. Therefore the overall Allerton Park complex is likely to remain a strategically important location for the management of LACW and other similar waste during the plan period and it is appropriate to identify and protect it in the Plan as a strategic location. The landfill operation is subject of a permission which is due to expire in 2018 and support in principle for an extension of time for this permission is provided in Policy W03.
- 6.54 Similarly the Harewood Whin site, near York, plays an important strategic role in management of LACW via a range of processes and contains the majority of remaining operational biodegradable landfill capacity in the Plan area alongside the Allerton Park site. It is also subject of temporary permissions which are likely to need renewing during the plan period and it is considered appropriate to identify and protect it in the Plan as a strategic location, with support in principle for continued operations. As this site is located in the Green Belt, any further development would need to be consistent with relevant Green Belt policy.
- 6.55 Whilst extensive new infrastructure requirements for management of LACW during the Plan period are not expected (subject to commissioning of the AWRP facility), it is expected that further transfer station capacity will be needed to serve Selby District. A site for this at Burn Airfield has been submitted in response to earlier consultation and is allocated in the Plan. It is also considered appropriate to support the principle of development of other capacity and/or improvements to the network of facilities for management of LACW where this could help increase the extent to which the area is self-sufficient in capacity and move waste up the hierarchy, in line with the strategic approach, or in other respects result in a more efficient overall network. In all cases where further development is involved, it will be necessary for proposals to be

consistent with other relevant policies in the Plan, including Policies W10 and W11 establishing locational principles and site identification criteria for new waste facilities.

- 6.56 A number of potential allocations have been put forward for sites which would be expected to manage a combination of LACW and C&I waste, due to the similarity between these streams and the ways in which they need to be managed. It is proposed to allocate a number of these in the Plan and they have been identified in the following Policy W04 dealing with C&I waste, although their expected dual role should be noted in the context of Policy W03³⁸.

Sustainability Appraisal

For this policy Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) have been assessed separately as part of the site assessment process as they each have quite different sustainability impacts.

Supporting additional proposals for recycling, reprocessing and composting may also generate new facilities with potential environmental and community effects (though these effects will be reduced by policies W10 and W11 as well as the development management policies). Similarly, supporting improvements to the Household Waste Recycling network may result in new development. Again, the effects of this development are considered to potentially involve minor effects on the environment and community objectives that will be reduced by development management policies. The effects on the environmental and community objectives are considered to range from insignificant to minor negative.

This policy is likely to have strong benefits on the economy SA objective. It will generate jobs and promote low carbon resources from what previously would have been considered waste. It will also reduce the costs associated with alternative disposal in landfill. There are also strong benefits for the minimising resources and waste hierarchy SA objectives as this development is essential for reducing waste.

Recommendations:

Mitigation has been proposed in relation to Allerton Park (WJP08), Harewood Whin (WJP11) and Common Lane Burn (WJP16) in the Site Assessment Report.



Q04. Ref W03

Do you support the preferred policy approach? If not how should it be changed and why?

Commercial and Industrial (C&I) Waste

- 6.57 There is no predicted overall gap in transfer capacity for C&I waste over the Plan period although, as for LACW, provision of further transfer stations may be appropriate in order to provide an adequate overall geographical distribution of capacity, particularly taking into account the highly dispersed pattern of development in the area.
- 6.58 A small gap in recycling capacity for C&I waste (and LACW) may arise towards the end of the plan period. The 2013 report on waste capacity requirements notes that, as is the case for LACW, increased provision for bulk recyclate materials such as paper, card, glass, plastic and metals is likely to be met by capacity at regionally and nationally significant reprocessing facilities through economies of scale. It is

³⁸ Sites which are expected to play a role in management of both C&I and LACW include WJP08, WJP11, WJP13, WJP15, WJP16, WJP17, WJP18 and WJP19.

therefore expected that provision for final management of increased levels of recyclate generated within the area will in part be provided for by export to facilities outside the Plan area. There is no predicted gap in capacity for aerobic composting of C&I waste over the Plan period.

- 6.59 There is adequate predicted capacity for specialist recycling provision (Metal Recycling Sites, End of Life Vehicles and Waste Electronic and Electrical Equipment) although as with transfer capacity, further provision may be justified in order to provide an adequate geographic network.
- 6.60 Treatment includes a wide range of processes that may be required to deal with materials prior to recycling, energy recovery or final disposal. C&I waste includes an element of hazardous waste and information suggests that around 26,000 tonnes were exported from the area in 2013, mainly for recovery³⁹. Evidence suggests that a surplus or gap in treatment provision can be strongly influenced by the local provision or absence of specialised treatment facilities which may only be viable at a regional or national scale. Anaerobic digestion capacity is an important element of treatment for dealing with organic waste which might otherwise be landfilled. Permission for a substantial anaerobic digestion facility at the former North Selby Mine site in the City of York was granted in 2014 but has not yet been implemented. The progress of this scheme will be important in determining the extent to which any further treatment capacity (in the form of anaerobic digestion) may be required.
- 6.61 The scale of any potential future requirements for energy recovery capacity for C&I waste is dependent mainly on implementation of the AWRP proposal (see above) which would provide some capacity for energy recovery from C&I waste over the Plan period, and implementation of other recent permissions for major energy recovery facilities in Selby District⁴⁰. Subject to capacity at one or more of these recently permitted facilities coming on stream it is not expected that a capacity gap will arise in the area for recovery of energy from C&I waste.
- 6.62 For hazardous waste (including hazardous C&I waste) requiring landfill, there is a potential capacity requirement of around 9,000 tonnes per annum⁴¹ and this would not justify specific provision in the Plan area, with reliance instead needed on export to facilities elsewhere. Hazardous landfill capacity exists outside but relatively near to the Plan area in the Tees Valley and on the south bank of the Humber.

Policy W04 - Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste)

- 1) Capacity requirements for management of C&I waste will be provided through:**
- i) Supporting proposals which would deliver increased capacity for the recycling and/or reprocessing and the treatment of C&I waste, particularly where this would reduce reliance on export of waste from the Plan area;**
 - ii) Supporting the delivery of additional transfer station capacity for C&I waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises;**
 - iii) Providing strategic scale capacity for recovery of energy from C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and, if developed, the Southmoor Energy Centre and former Arbre Power Station site and supporting in principle the delivery of additional**

³⁹ Waste Arisings and Capacity Requirements Addendum Report (Urban Vision, 2015)

⁴⁰ i.e. the Southmoor Energy Centre and former Arbre Power Station sites

⁴¹ Waste Arisings and Capacity Requirements Addendum Report (Urban Vision, 2015)

energy recovery capacity for suitable C&I waste, where the planning authority can be satisfied that the facility would be appropriately scaled to meet unmet needs for management of residual C&I waste arising in the area. Subject to construction of the permitted large scale treatment capacity at Southmoor Energy Recovery Centre and/or the former Arbre Power Station site, support will not be given to proposals for large scale energy recovery for C&I waste where the waste to be recovered would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be recovered.

- 2) Additional provision to help increase self-sufficiency in capacity for management of C&I waste is made through site allocations for:

Allocations for recycling, transfer and treatment of C&I waste:

Land at Hillcrest, Harmby (WJP01)
 Land at Halton East, near Skipton (WJP13)
 Land at Skibeden, near Skipton (WJP17)
 Land at Allerton Park, near Knaresborough (WJP08)
 Land at Seamer Carr, near Scarborough (WJP15)
 Land at Common Lane, Burn (WJP16)
 Land at Pollington (WJP22)
 Land at Fairfield Road, Whitby (WJP19)
 Land at Harewood Whin, Rufforth (WJP11)

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

- 3) No site specific provision for additional landfill capacity for non-hazardous C&I waste is identified although provision of additional capacity for landfill of non-hazardous non-inert C&I waste, as well as for an extension of the time period for the utilisation of remaining void space at existing landfill sites subject of time limited permissions, will be supported in principle where it can be demonstrated that the waste to be landfilled cannot practicably be dealt with further up the waste hierarchy and that there is insufficient permitted capacity within the Plan area. Any further unmet requirements for landfill capacity which cannot be met within the Plan area will be met through export.

Capacity for hazardous C&I waste requiring landfill will be met through provision outside the Plan area.

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

Key links to other relevant policies and objectives

W01, W02, W10, S03, D01 | Objectives 1, 2, 6, 7

Monitoring: Monitoring indicator 30 (see Appendix 3)

Policy Justification

- 6.63 Substantial capacity for management of C&I waste arising in the area already exists and significant further capacity has the benefit of planning permission but has not yet been implemented. Nevertheless, evidence produced during preparation of the Plan suggests that a small gap in annual capacity for recycling of C&I waste (and LACW) of around 26,000 tonnes could arise towards the end of the plan period⁴² and that the area is likely to be reliant on export of waste for final reprocessing capacity and for the treatment of hazardous waste in particular. Provision of support for additional capacity could help meet any potential capacity gap as identified in Table 4, reduce

⁴² Waste Arisings and Capacity Requirements Addendum Report (Urban Vision, 2015)

reliance on exports and help contribute to the area being net self-sufficient in capacity for this waste stream, although it is likely that the specialised nature of some C&I waste will mean that continued reliance on exports for some waste will be required. Discussions with waste planning authorities receiving exports from the Plan area suggest that the potential exists for such exports to continue if necessary. Although there is adequate transfer capacity already in place in the Plan area, the provision of additional capacity could assist with managing waste in proximity to where it arises, as well as helping to minimise overall transport impacts associated with waste movements, including for those wastes which need to be exported for management outside the Plan area.

- 6.64 A number of proposed allocations for management of C&I waste have been put forward for consideration during preparation of the Plan. In some cases these are considered suitable for allocation and are identified and supported in the Policy. Applications for development of these sites for the proposed use will need to be considered against other relevant policies, including the development management policies in Chapter 9. Due to the similarity between some elements of the LACW and C&I waste streams, some sites currently play a role in managing both and this position is expected to continue. Sites proposed for allocation for C&I waste may therefore also provide capacity for an element of the LACW waste stream and vice versa. Whilst this helps provide a degree of flexibility in provision it also means that it is not possible to quantify the precise scale of capacity that could be provided for one stream in particular. However, it is considered that in combination the proposed allocations will provide adequate capacity to meet forecast requirements for management of C&I waste.
- 6.65 New anaerobic digestion capacity has recently been permitted at the North Selby Mine site. If developed, this facility would provide adequate capacity to meet expected requirements for relevant C&I wastes.
- 6.66 Subject to implementation of the additional energy recovery capacity in the Southmoor Energy Centre and/or former Arbre Power Station sites, it is not expected that there will be any shortfall in energy recovery capacity to meet any likely future needs over the plan period. These sites and the site at North Selby Mine are identified in the Plan as committed sites⁴³ and are proposed to be safeguarded under Policy S03. In these circumstances it is not considered appropriate to support the principle of further large scale energy recovery capacity for the area in order to meet needs arising within it. For the purposes of this policy it is considered appropriate to use a threshold of 75,000tpa as an indicator of large scale, in line with the threshold used to identify strategically significant facilities in the Waste Position Paper for Yorkshire and Humber⁴⁴. However, it may be appropriate to support the principle of further large scale capacity where it can be demonstrated that the facility would represent the nearest appropriate installation for recovery of the waste, in line with relevant legislation, and the proposal is otherwise compliant with relevant policies in the Plan. Any such proposals will also be expected to provide for utilisation of heat in accordance with Policy W01.
- 6.67 It is unlikely that there will be a requirement for new capacity for landfill of C&I waste over the plan period, taking into account current capacity and expected increases in diversion from landfill over the plan period. However, this assumption is partly dependent on extensions of time being granted for continued landfilling at existing sites with time limited permissions, where necessary. It is appropriate to support this in principle in the Plan to meet the needs for disposal of waste which cannot be managed in other ways, as well as for new landfill capacity where there is

⁴³ i.e. they already have planning permission for the development for which they have been put forward.

⁴⁴ Yorkshire and Humber Waste Planning Authorities July 2014.

appropriate justification and subject to compliance with other relevant criteria in the Plan.

- 6.68 Notwithstanding this approach, there is some uncertainty about the potential for new landfill sites for biodegradable waste to be developed, if necessary, within the Joint Plan area as a result of the impact of pollution control constraints. A number of existing sites in the area, with planning permission for biodegradable landfill, have not received environmental permits from the Environment Agency as a result of pollution control concerns, particularly where landfill would take place within existing or former quarries where there is a risk that important groundwater resources could be affected. There is potential for such constraints to affect a substantial number of quarry voids in the Plan area, thus significantly limiting the scope for new biodegradable landfill capacity in the area should it be required. It is however considered that any unforeseen requirements for landfill of C&I waste can be met, where necessary, by export from the area, taking into account the extent of existing permitted capacity for landfill elsewhere within Yorkshire and Humber and the adjacent Tees Valley area.
- 6.69 Landfill of hazardous C&I waste requires specialist facilities which are limited in occurrence nationally and which do not exist in the Plan area. The very small scale of arisings, in the area, of hazardous waste requiring landfill means that it will not be practicable for specific provision to be made in the area. Hazardous waste for landfill is currently exported to a range of destinations and contact with relevant waste planning authorities suggests that there is potential for such exports to continue where necessary.
- 6.70 Proposals for new capacity for management of C&I waste will also need to demonstrate compliance with other relevant policies in the Plan, including the development management policies in Chapter 9.

Sustainability Appraisal

This policy has both positive and negative effects in relation to many of the objectives. This is because it supports the management of waste higher up the waste hierarchy and away from landfill, which has benefits in terms of reducing the land take and amenity impacts of simply landfilling waste, though the facilities for waste management higher up the waste hierarchy will themselves have a land footprint or amenity impacts.

Some effects are outright positive, for instance strong positive effects were noted for the minimising resource use and minimising waste objectives. Other impacts were related to the transport of waste, for which there are benefits through reducing reliance on exporting waste for recycling and/or reprocessing (resulting in shorter journeys), while there are lesser negative effects associated with exporting hazardous waste. This results in mixed effects for the transport, air quality and climate change objectives.

Positive effects were noted for the economy objective (due to the greater local focus being more cost effective for industry and supporting local jobs) and the changing population objective (as there may be benefits such as increased energy security). Elsewhere in the assessment uncertainty was noted as effects were seen as highly dependent on location.

A potential effect was noted in relation to community vitality and health and wellbeing. This is because hazardous waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered insignificant.

Recommendations:

Most negative effects are moderated by the development management policies. No further mitigation is proposed.

**Q04. Ref W04**

Do you support the preferred policy approach? If not how should it be changed and why?

Construction, Demolition and Excavation (CD&E) Waste

- 6.71 There is no overall gap in transfer capacity for CD&E waste. As with other waste streams additional provision may be justified in order to provide a suitable geographic network.
- 6.72 Evidence suggests that current recycling rates for C&D waste are already relatively high although there is a predicted shortfall in capacity for recycling (mainly of the construction and demolition element of CD&E waste) based on the high recycling and waste growth scenarios, with an estimated maximum gap of around 288,000 tonnes per annum by 2030⁴⁵.
- 6.73 Hazardous construction and demolition waste, such as asbestos and asbestos contaminated waste, is currently exported for landfill and this remains the only waste management option for this waste, with an estimated annual capacity requirement of around 6,000 tonnes per annum over the Plan period. As with other hazardous waste requiring landfill, it is not likely to be practical to provide this within the Plan area and information suggests that existing management routes are likely to remain available for such waste.
- 6.74 There is a potential capacity gap for landfill of non-hazardous C&D waste, from 2021 onwards, with a maximum annual gap of around 18,000 tonnes per annum by 2030 under the median recycling and waste growth scenarios. However, if rates of recycling nearer to that envisaged in the maximised recycling scenario are achieved then the requirement for capacity for landfill of non-hazardous C&D waste could reduce to around 16,000 tonnes per annum by 2030⁴⁶. There may be more potential to use C&D waste as a resource to help further reduce the need for landfill (for example by using it as a resource in engineering projects) and this management route should also be supported for this waste stream.

Policy W05 - Meeting waste management capacity requirements - Construction, Demolition and Excavation waste (including hazardous CD&E waste)

- i) Capacity requirements for management of CD&E waste will be provided through:**
- i) Supporting proposals which would deliver increased capacity for the recycling of CD&E waste;**
 - ii) Supporting the delivery of additional transfer station capacity for CD&E waste where it can be demonstrated that additional provision would contribute to the objective of dealing with waste in proximity to where it arises;**
 - iii) Supporting provision of additional landfill capacity for non-hazardous non-inert CD&E waste where it can be demonstrated that the waste to be landfilled**

⁴⁵ Waste Arisings and Capacity Requirements Addendum Report (Urban Vision 2015)

⁴⁶ Waste Arisings and Capacity Requirements Addendum Report (Urban Vision, 2015). Figure quoted represents the position under the 'Growth' and 'Maximised recycling' scenarios

cannot practicably be dealt with further up the waste hierarchy and that there is insufficient capacity in permitted or allocated sites in the Plan area. Landfill of inert CD&E waste, including such waste arising outside the Plan area, will be supported where it would facilitate a high standard of quarry reclamation in accordance with agreed reclamation objectives, or the substantial improvement of derelict or degraded land to a condition where it can be returned to a beneficial use;

- iv) Supporting the principle of an extension of the time period for the utilisation of remaining void space at existing CD&E landfill sites subject of time limited permissions;
- v) Capacity for hazardous CD&E waste requiring landfill will be met through provision outside the Plan area.

- 2) Additional provision to help meet requirements and increase self-sufficiency in capacity for management of CD&E waste is made through site allocations for:

Allocations for recycling of CD&E waste:

Land at Potgate Quarry, North Stainley (WJP23)
 Land at Allerton Park, near Knaresborough (WJP08)
 Land at Darrington Quarry, Darrington (MJP27)
 Land at Barnsdale Bar, Kirk Smeaton (MJP26)
 Land at Went Edge Quarry, Kirk Smeaton (WJP10)
 Land at Whitewall Quarry, Norton (MJP13)
 Land at Duttons Farm, Upper Poppleton (WJP05)

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

Allocations for landfill of inert CD&E waste:

Land at Brotherton Quarry, Burton Salmon (WJP21)
 Land at Tancred Quarry, Scorton (WJP18)

Proposals for development of these sites will be supported subject to compliance with the development management policies in the Plan.

Allocations for landfill of inert CD&E waste:

Land at Duttons Farm, Upper Poppleton (WJP05)
 Land adjacent to former Escrick Brickworks, Escrick (WJP06)

Proposals for landfill at these sites will only be supported as a means of enabling reclamation of any mineral workings developed in connection with allocations MJP52 and MJP55 and subject to compliance with development management policies in the Plan.

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

Key links to other relevant policies and objectives

M22, W01, W02, W10, S03, D01, D07, D09, D10	Objectives 1, 2, 4, 6, 7
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Monitoring: Monitoring indicator 31 (see Appendix 3)

Policy Justification

- 6.75 CD&E waste arises in significant quantities in the Plan area and future growth and development activity, particularly within the more urbanised parts, is likely to lead to substantial quantities continuing to arise over the plan period. There is high potential for some elements of this waste stream to be reused or recycled, sometimes at the point of arising, for example in association with demolition and re-development activity. Evidence suggests that reuse or recycling of suitable CD&E waste already takes place at a relatively high rate (estimated at c.64% for the Construction and Demolition element managed in the area⁴⁷). In many cases such material does not enter the wider waste market. Management of CD&E waste in this way at the point of arising is usually the most sustainable option and often may take place without a specific need for grant of planning permission.
- 6.76 A need for additional capacity for management of CD&E waste has been identified in evidence work for the Plan. This includes a requirement for both additional recycling capacity and some additional landfill capacity (see Table 4). Sustainability principles suggest that such waste should only be landfilled where it is not practicable to manage it further up the waste hierarchy. Where landfill is required, there are a number of existing sites in the Plan area with permission for this activity. Consultation with the minerals industry suggests that there have been increasing difficulties in sourcing suitable wastes for quarry reclamation purposes, whilst ensuring a high standard of quarry reclamation remains an important objective of national planning policy and an objective of the Joint Plan. Should additional landfill capacity be required it is appropriate to direct this towards the reclamation of minerals workings, of which there are a substantial number in the Plan area. In some cases it may also be appropriate to use suitable inert waste to improve the quality of derelict or degraded land, to enable it to be brought back into beneficial use and such an approach is also in line with the proposed policy W01 relating to the waste hierarchy.
- 6.77 Hazardous CD&E waste requiring landfill as the only realistic management option arises only in small quantities in the Plan area. There is no hazardous landfill capacity in the area and the small volumes of such waste arising suggest that provision of capacity in the area is unlikely to be practicable. Such waste is currently exported and consultation with other relevant WPAs suggests that there is likely to be potential for such exports to continue over the plan period.
- 6.78 A number of proposed allocations for management of CD&E waste have been put forward for consideration during preparation of the Plan. Some of these are considered suitable for allocation and are identified and supported in the Policy. Applications for development of these sites for the proposed use will need to be considered against other relevant policies, including the development management policies in Chapter 9. The allocations identified should, if implemented, enable forecast requirements for recycling of CD&E waste to be met during the Plan period, although development of other (unallocated) capacity for management of CD&E waste, including landfill where necessary, is also supported in the Policy to help provide flexibility and support delivery of the objectives of the Plan.

Sustainability Appraisal

This policy has a range of mixed effects. Many SA objectives report both minor positive and negative effects because while new facilities may be built to support the policy (impacting on biodiversity and generating dust, noise, local traffic and carbon), utilising CD&E waste to

⁴⁷ Waste Arisings and Capacity requirements Addendum Report (Urban Vision 2015)

regenerate land or for quarry restoration will often restore degraded land, which, depending on the restoration proposed, could bring a range of sustainability benefits. The 'restoration' aspect of this policy is the key reason why a strong positive effect is noted for the soils and land SA objective.

In a similar way some objectives noted both a neutral effect and a positive effect, largely because policies elsewhere in the Plan would mitigate for any negative effects, but the positive effects of quarry restoration would still occur. This occurs with the historic environment and landscape objectives.

Other strong positives are noted for the minimising resources and minimising waste SA objectives, which identified that more recycling of CD&E waste would reduce demand for new materials to be extracted and also reduce demand for disposal of materials. This can add value to what was once a waste, bringing economic benefits.

A potential effect was noted in relation to community vitality and health and wellbeing. This is because hazardous CD&E waste will be managed outside of the Plan Area, which will in effect mean that some small scale noise and traffic effects may be exported and also negative perceptions of any properties close to hazardous waste sites may endure. However, such disposal sites are often remote from community receptors so the effect is considered insignificant.

Recommendations:

No further mitigation is proposed.



Q04. Ref W05

Do you support the preferred policy approach? If not how should it be changed and why?

Agricultural Waste

- 6.79 The Joint Plan area has extensive areas of agricultural land and the agricultural sector is an important part of the local economy. Evidence suggests that substantial amounts of agricultural waste arise and that much of this is dealt with at the site where it arises, typically by spreading on land. Whilst evidence suggests that overall capacity for management of agricultural waste is sufficient, there may be potential for some agricultural waste to be managed further up the waste hierarchy than is currently the case, including through processes such as anaerobic digestion, which is encouraged through the national Waste Management Plan.

Policy W06 - Managing agricultural waste

Proposals for the on-farm management of agricultural waste at the point of arising, including proposals for individual farm-scale anaerobic digestion, will be supported where the proposed development would help move waste up the waste hierarchy, is appropriately scaled in relation to the arisings requiring management and compliance with relevant development management policies in the Plan can be demonstrated.

Proposals scaled to provide capacity for the management of agricultural waste from more than one agricultural holding, including facilities for the anaerobic digestion of agricultural waste, will be supported where they would be consistent with the overall locational principles and site identification principles for waste development in Policies W10 and W11; would help move waste up the waste hierarchy, and; compliance with relevant development management policies in the Plan can be demonstrated.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry	
Key links to other relevant policies and objectives	
<i>W01, W02, W04, W10, W11, S03, D01, D11</i>	<i>Objectives 1, 2, 7</i>
Monitoring: Monitoring indicator 32 (see Appendix 3)	

Policy Justification

- 6.80 The Potential requirements for off-farm disposal of agricultural waste (estimated at around 32,000 tonnes per annum⁴⁸) have been allowed for within provision for C&I waste in the figures presented earlier in this Chapter. The volumes are such that they are expected to be of low significance in the overall waste arisings for the area. The large majority of agricultural waste is expected to be dealt with on-site through direct disposal to land or via composting. There is however a range of specialist provision in the area, including specialist storage, processing and incineration plants for animal by-products. One method of disposing of farm wastes is through anaerobic digestion whereby organic waste can be used to create energy. The Government is encouraging, through its Anaerobic Digestion Strategy, further development of anaerobic digestion facilities. Whilst any proposals brought forward under this policy should be directed principally at the management of waste from the agricultural sector, it may be appropriate for limited amounts of suitable organic wastes from other sources to be managed provided this would be consistent with the overall objectives and requirements of the Policy.
- 6.81 It may be practicable for management of agricultural waste to take place at the scale of an individual farm holding, dependant on the scale and nature of the holding. In other cases it may be more practicable for some agricultural wastes to be dealt with at facilities which provide capacity for multiple holdings. Both approaches may be appropriate within the area and in order to provide flexibility both are supported in the policy subject to compliance with other relevant policies in the Plan, including Policy D11 relating to the sustainable design of development.
- 6.82 Some waste arising through agricultural activity is managed alongside other similar wastes arising within the wider commercial and industrial sector and requirements for off-farm disposal have been included within provision for commercial and industrial waste in line with the waste capacity gap analysis undertaken to support the Plan.

Sustainability Appraisal

For most objectives this option displays either positive effects or neutral effects. In particular the preferred policy performs very positively against the resource use and waste minimisation objectives, in part because it encourages lower resource use and moves waste up the waste hierarchy by supporting anaerobic digestion. It also performs well for the soils and land objective because of the benefits of utilising organic farm wastes in composts (which are routinely made on farms), or as biodigestate for improving the productivity of land. However, this same objective records some uncertainty that crops may be grown as a feedstock for an AD facility, which if this were to happen could negatively impact on land as it may displace food crops.

Other areas of uncertainty were recorded for several objectives as the policy relies on other policies in the plan being adopted in their current form. A negligible to minor negative effect was noted in relation to biodiversity due to the possible combined effect of land take and leachate from off and on farm facilities as well as localised nutrient loading of soils from on

⁴⁸ Waste Arisings and Capacity Requirements Final Report (Urban Vision and 4Resources October 2013)

farm facilities still being significant even after other policies mitigating policies are applied.

Recommendations:

It may be advantageous to slightly alter the policy to add wording akin to 'additional organic waste streams may be acceptable at agricultural anaerobic digestion facilities provided that they serve a local need and comply with the overall policy'. This would further enhance benefits, particularly to the land / soils objective.

Clear links in the supporting text to policy D11 on sustainable design would further lessen effects on biodiversity.



Q04. Ref W06

Do you support the preferred policy approach? If not how should it be changed and why?

Low-Level (Non-Nuclear) Radioactive Waste (LLRW)

- 6.83 There is relatively limited evidence on arisings of LLRW in the Plan area and the means by which it is managed. Available evidence suggests current arisings are very low and are expected to remain so. Nevertheless, national policy indicates that local plans for waste should address needs for management of this waste stream.

Policy W07 – Managing low level (non-nuclear) radioactive waste

Capacity requirements for management of Low Level Radioactive Waste arising in the Plan area will be met through a combination of export to facilities outside the area and, where practicable, the provision of capacity within the Plan area to meet needs for LLRW arising within it. Particular support will be given to proposals which would assist in moving management of LLRW up the waste hierarchy, with preference being given to the onsite management of waste at the point of arising where practicable. Proposals for management of LLRW within the Plan area will need to demonstrate compliance with relevant Development Management policies in the Plan.

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

Key links to other relevant policies and objectives

M18, W01, W02, W10, W11, S03, D01, D07 | Objective 2

Monitoring: Monitoring indicator 33 (see Appendix 3)

Policy Justification

- 6.84 The amount of low level radioactive waste arising from non-nuclear sources (such as industry, research and medical services) in the area is very small (estimated at less than 100m³), although specific data is not available. Management of LLRW is understood to take place through a combination of onsite disposal through incineration (e.g. within the Health Care sector), export for management elsewhere (particularly the Knostrop facility in Leeds) and co-disposal alongside other waste.
- 6.85 There is no specific capacity in the area for the landfill of LLRW, with the nearest landfill at Clifton Marsh in Lancashire, although it is not known if any waste from the area is deposited at that facility. A nationally significant repository for radioactive waste is located near Drigg in Cumbria, although there is no evidence to suggest that any waste from the Plan area is managed at that site. Given the very small volume

- of LLRW which is thought to arise in the Plan area, specific provision within the area is unlikely to be viable and reliance on exports will be needed.
- 6.86 There is no specific information available on expected future trends in arisings of LLRW, although it is possible that growth in the scientific employment sector in York could lead to some increase in future. However, overall volumes are expected to remain very small. There is also potential for generation of Naturally Occurring Radioactive Materials if exploration, appraisal or development of shale gas takes place in the Plan area. Flowback fluids from hydraulic fracturing can constitute a significant source of NORM, depending on the local geology. There may be potential for such waste to be dealt with via onsite treatment of the water prior to reuse for further hydraulic fracturing or prior to reinjection.
- 6.87 National policy and strategy applies the principles of the waste hierarchy to LLRW (including NORM) and it is appropriate to support the principle of providing local capacity for management of this waste stream where practicable, whilst acknowledging that it may not be practicable to provide local facilities to deal with the very low volumes of current arisings. Ongoing reliance on export of some LLRW for management is therefore likely to be required. Evidence suggests that there is capacity available at the Knostrop facility in Leeds, which is also likely to represent the nearest appropriate installation for the disposal of some LLRW.
- 6.88 Proposals for development of capacity for LLRW within the Plan area will need to demonstrate consistency with other relevant policies in the Plan, including the development management policies in Chapter 9.

Sustainability Appraisal

Mostly the effects of this preferred policy are small scale as the volume of LLRW is expected to be low and most significant impacts would be regulated through the environmental permitting regime. There could however be small impacts associated with land take, the possibility of accidental spills, changes to character resulting from small built structures or low level changes in traffic levels as a result of this preferred policy. This leads to low level negative effects (with considerable uncertainty) on the biodiversity, water quality, soil, climate change, historic environment, and landscape objectives with mixed positive and negative effects on the transport objective. There are low level positive effects on the waste management and economy (longer term only) objectives. Elsewhere effects are either uncertain or no effects are observed.

Recommendations:
No further mitigation is proposed.



Q04. Ref W07

Do you support the preferred policy approach? If not how should it be changed and why?

Waste Water and Sewage Sludge

- 6.89 Waste water arises in association with residential, commercial and industrial development. Specific data on arisings or future management requirements is not available. In some circumstances permitted development rights exist which may allow provision of some additional capacity without the need for the separate grant of planning permission. Nevertheless, it is appropriate to include policy in the Plan for this waste stream, to provide a basis for decision making if proposals do come forward. There is also the potential for waste water to be generated through new

forms of development, including exploration, appraisal and production of shale gas and other unconventional hydrocarbon sources. Where such proposals come forward and involve an element of waste water treatment or disposal they will need to be considered against any relevant minerals and waste policies in the Plan, as well as in relation the development management Policies in Chapter 9.

Policy W08 - Managing waste water and sewage sludge

Proposals for the development of new infrastructure and increased capacity for the management of waste water and sewage sludge will be supported in line with requirements identified in asset management plans produced by waste water infrastructure providers active in the Plan area. Preference will be given to the expansion of existing infrastructure in appropriate locations rather than the development of new facilities. Where it is not practicable to provide required additional capacity at existing sites, support will be provided for the development of new sites for the management of waste water and sewage sludge in line with the Waste Site Identification Principles in Policy W11. In all cases compliance with relevant Development Management policies in the Plan will need to be demonstrated.

Co-location of Anaerobic Digestion capacity with waste water treatment infrastructure will be supported in principle where the Anaerobic Digestion capacity to be provided would utilise output from the associated treatment works, where it would be of a scale appropriate to the location of the host waste water treatment site and where compliance with the development management policies in the Plan can be demonstrated.

Main responsibility for implementation of policy NYCC, CYC, NYMNPA and Waste Industry

Key links to other relevant policies and objectives

M18, W01, W02, W10, W11, S03, D01, D07 Objectives 1, 2, 6, 7

Monitoring: Monitoring indicator 34 (see Appendix 3)

Policy Justification

- 6.90 Provision of adequate capacity for treatment of waste water is necessary in order to ensure that plans for growth (such as housing and economic development) can be delivered. The asset management plans of the various waste water infrastructure providers in the Plan area provide an indication of potential future requirements but do not cover the timeframe of the Joint plan. Consultation with the infrastructure providers suggests that, whilst the majority of new investment in capacity is likely to be based around expansion of the existing facility network, there may be a need for development of new sites. Provision for some flexibility in the Plan for this is appropriate in order to ensure that adequate opportunities for development of capacity are available.
- 6.91 Some of the output from waste water treatment activity may be capable of being subject to further treatment through in-vessel anaerobic digestion processes and this could help move this waste further up the hierarchy through reducing landfilling and recovering energy. In some instances, particularly for larger scale WWTW, it may be appropriate to co-locate AD capacity at the site as this could help minimise the overall need for transport of waste. Where such development is proposed it will also be necessary to ensure that compliance with relevant development management policies in the Plan can be achieved.

Sustainability Appraisal

Mostly the sustainability effects of this preferred option are small scale and minor and may be positive or negative. For instance, minor negative effects are associated with the objectives for, air, adaptation to climate change, historic environment, landscape and flooding in part because the facilities supported by the policy have a physical land take, would be likely to be located close to water and through traffic, construction activities and bio-aerosols, would impact upon air. Some objectives (such as the biodiversity, land use, climate change and health and wellbeing objectives) displayed mixed positive and negative effects because while the processes that take place may intrinsically have negative effects associated with them, co-location with AD and expanding sites allows for new positive effects such as reduced additional land take or the offsetting of energy use to take place. For the health and wellbeing objective, waste water treatment is on the one hand seen as essential for health and wellbeing while on the other hand could have local amenity effects.

The preferred policy performs particularly strongly against the resource use and waste hierarchy objectives as co-locating AD facilities with waste water / sewage treatment facilities will help turn waste materials into economically valuable resources. Sewage / water treatment also underpins the further development of settlements so performs well against the changing population needs objective.

Recommendations:

Negative effects associated with this preferred policy have already largely been reduced by this policy. However, sequential testing for flooding will be required prior to allocation or planning approval. Flood plain compensatory storage may also be required.



Q04. Ref W08

Do you support the preferred policy approach? If not how should it be changed and why?

Power Station Ash

- 6.92 Ash is produced in large quantities as a result of power generation activity in Selby District and forms a major and distinctive element of overall arisings of waste in the Plan area. The requirements of the waste hierarchy and the need to encourage the sustainable supply of minerals indicate that it is preferable for this waste to be put to beneficial use where possible. An element of the power station ash waste stream is already used as secondary aggregate and policy support for increased such use is provided in policy dealing with Supply of Alternatives to Land Won Primary Aggregate (Policy M11). Colliery spoil disposal is addressed in more detail in the Minerals Chapter (Policy M22).

Policy W09 - Managing power station ash

Support will be given to proposals to increase the utilisation of power station ash as secondary aggregate or for other beneficial use, in line with the preferred policy M11 for the Supply of Alternatives to Land Won Primary Aggregate.

Where ash cannot be utilised for beneficial purposes, support will be given for the continued disposal of power station ash at the existing Gale Common, Barlow and Brotherton lngs ash disposal sites, which are identified and safeguarded in the Plan as strategic sites for the disposal of waste.

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

Industry	
Key links to other relevant policies and objectives	
<i>M11, W01, W02, W10, S03</i>	<i>Objectives 1, 2, 4, 6, 7</i>
Monitoring: Monitoring indicator 35 (see Appendix 3)	

Policy Justification

- 6.93 Although the evidence report on waste capacity requirements does not deal specifically with waste disposal needs associated with power generation in Selby District, which is dealt with at dedicated private facilities and does not ‘compete’ with other waste for capacity at facilities available to the market, this is an important waste stream in the area as it arises in large volumes. Ash from Drax power station is disposed of at the adjacent Barlow Ash disposal mound. There are current proposals for development of a new thermal generating station at Drax, fitted with carbon capture and storage technology. It is understood that ash from this facility, if developed, would also be disposed of at the Barlow ash disposal site. Remaining capacity at the disposal site is understood to be sufficient to last throughout the Plan period. Ash from Eggborough Power Station is disposed of at the nearby Gale Common site, which again is understood to have sufficient remaining capacity for the Plan period. A third power station, Ferrybridge, is located just outside the Plan area but ash from it is disposed of at the Gale Common facility and, in emergency situations, at the nearby Brotherton Ings site, part of which is within the Plan area⁴⁹. Capacity at this latter facility is also understood to be sufficient.
- 6.94 The three main disposal sites represent strategically important waste management facilities in the Plan area and it is appropriate to identify them as such, and safeguard them to ensure their availability for the future and this is addressed under Policy S03 Waste Management Facility Safeguarding.
- 6.95 Whilst there has been recent investment in infrastructure to support increased utilisation of power station ash as secondary aggregate, it is expected that large volumes will continue to require disposal. Well established long term disposal arrangements are in place for each of the three main power stations in the Plan area and it is expected that these arrangements will need to continue over the life of the Plan.

Sustainability Appraisal

There are some minor negative effects on biodiversity, water, local air quality and the historic environment, as well as less certain minor negative effects on landscape, community vitality (for which there are also some positive effects associated with employment) and health and wellbeing associated with this option, arising out of localised problems such as dust generation, possible runoff / leachate and traffic. These may however be offset to a degree by positive environmental and social effects, particularly in relation to reduced land take, resulting from lower levels of primary minerals extraction should support for use of power station ash result in less demand / need for this.

There are some major positive effects associated with climate change, minimising the use of resources and minimising waste generation resulting from the potential for power station ash to reduce demand for primary aggregates, and minor positive effects associated with the economy and meeting the needs of the population.

⁴⁹ It was announced in May 2015 that Ferrybridge power station is expected to close in March 2016 and this will need to be kept under review as work on the draft Plan continues.

Recommendations:

It is considered that other development management policies in the Plan, combined with environmental permitting would deal with the issues relating to dust, water pollution and air quality that have been identified in this assessment. No further mitigation is proposed.

**Q04. Ref W09**

Do you support the preferred policy approach? If not how should it be changed and why?

Overall locational approach to provision of new waste management capacity

- 6.96 In deciding on an overall approach to provision of any new waste management capacity in the area a number of factors need to be considered including, in particular:
- The nature and distribution of waste arisings in the area.
 - The nature and distribution of the existing network of facilities.
 - Other important characteristics of the area, such as the location of settlements, major environmental designations and transport networks.
 - National policy requirements relevant to locating waste facilities.
- 6.97 The existing network of facilities in the Plan area is widely distributed, but in general is more closely associated with the more developed parts of the area and main road transport links. There is a concentration of landfill facilities in Selby District (these are mainly associated with reclamation of Magnesian Limestone quarries). Remaining capacity for landfill of biodegradable waste is now mainly concentrated at two sites, Allerton Park to the south of Boroughbridge, and Harewood Whin, to the west of York. Treatment, transfer and recycling capacity is relatively widely distributed and tends to be located in and around main population centres in the Plan area. These facilities provide employment and make a contribution to the local and wider economy and are an important element in the overall infrastructure of the area.

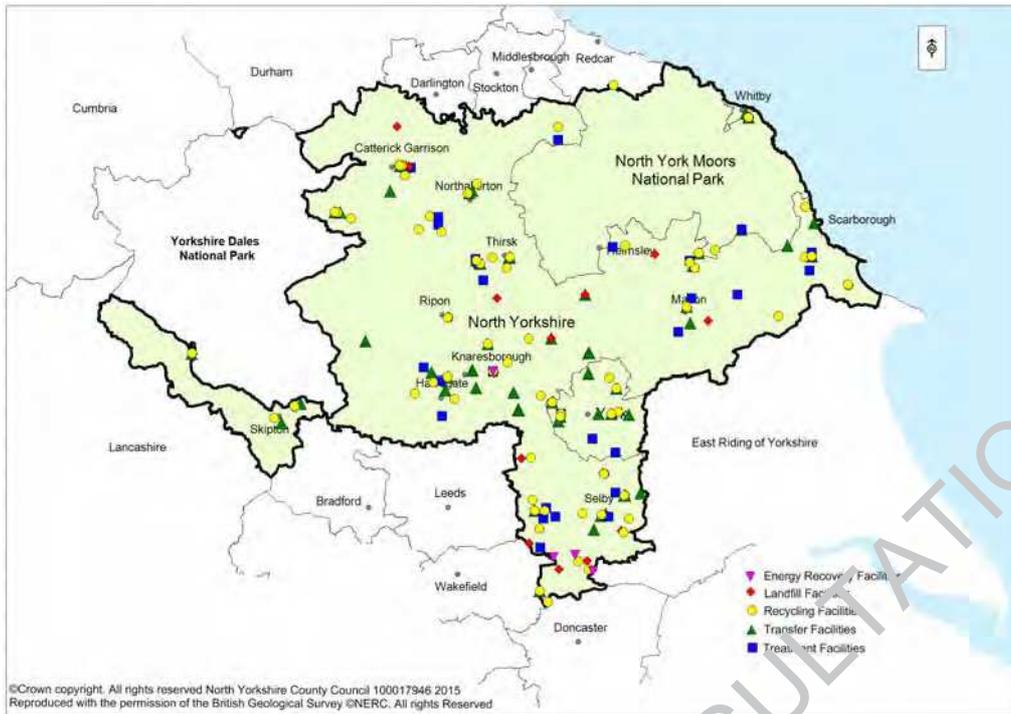


Figure 17: Permitted waste facilities in Joint Plan area

- 6.98 The Plan area is very large and highly rural, with a widely dispersed pattern of settlements. The City of York and the major towns of Harrogate and Scarborough represent the main population centres and a significant proportion of future growth in the Plan area is expected to be in and around these locations as well as other main settlements, as shown on the key diagram. Substantial parts of the Plan area are highly constrained by environmental designations, such as National Park and AONBs, as well as important nature conservation and historic environment designations which would be likely to preclude development of significant new waste facilities as a result of national policy constraints.⁵⁰ A range of other constraints, such as Green Belt designation may also be relevant.
- 6.99 Access by road is good in some parts of the area, particularly in terms of north-south links through the central part, whereas east-west accessibility is less well developed and this is an issue which is likely to have some impact on the ease with which waste can be moved from locations of arising to locations where it can be managed. Modern waste management processes often involve a need for waste to be processed through more than one facility type. This can lead to additional movement of waste compared to the former situation where the majority of waste was transported directly from point of arising to its final point of disposal.
- 6.100 With the exception of agricultural waste and certain other specific waste types such as waste from the power generation industry, it is likely that a substantial majority of waste arising in the area is generated within or near to larger settlements, where most existing development is concentrated. As these locations are also expected to be the main focus for growth and associated development over the Plan period, it is likely that they will continue to be important sources of waste arisings over the plan period.
- 6.101 For some forms of waste management, and some waste streams, there is likely to be a need for a larger 'catchment' of waste arisings than others. For example, more

⁵⁰ Other important large scale constraints may also exist and are addressed in more detail in the Chapter 9 Development Management

complex recovery and treatment facilities tend to represent a higher level of investment and require larger catchments of waste to make them viable. Some wastes, such as hazardous waste, arise in small quantities that may mean provision of specialised facilities at a local level may not be viable. This is particularly likely to be the case in the Plan area which, as noted above, is largely rural.

Policy W10 - Overall locational principles for provision of new waste capacity

The main focus for provision of new waste management capacity required to meet identified needs will be within those parts of the Plan area outside the North York Moors National Park and the Areas of Outstanding Natural Beauty, unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area.

Capacity requirements will be met through a combination of:

Maximisation of capacity within the existing facility network through granting permission for the continuation of activity at existing time limited sites with permission, the grant of permission for additional capacity within the footprint of existing sites and, the extension to the footprint of existing sites, subject to compliance with other relevant policies in the Plan;

Supporting proposals for development of waste management capacity at new sites where the site is compatible with other waste site identification criteria in the Plan (see Policy W11); and the site is located as close as practicable to the source/s of waste to be dealt with. This means:

- a) For new smaller scale facilities serving district scale markets for waste, particularly LACW, C&I and CD&F waste, giving priority to locations which are within or near to main settlements in the area (identified on the key diagram) or, for facilities which are intended mainly to serve needs for small scale waste management capacity in more rural parts of the Plan area, including agricultural waste, where they are well located with regard to the geographical area the facility is expected to serve;
- b) For larger scale or specialised facilities expected to play a wider strategic role (i.e. serving multi-district scale catchments), these will be located where overall transportation impacts would be minimised taking into account the market area expected to be served by the facility.

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

Key links to other relevant policies and objectives

W01, W02, W03, W04, W05, W06, W07, W08, W11, S03, D03, D04, D05

Objectives 2, 6, 7, 8, 9, 10, 11

Monitoring: Monitoring indicator 36 (see Appendix 3)

Policy Justification

6.102 Arisings of waste in the NYMNP and AONBs are likely to be low and these areas are also subject to constraints on major new development. As a result, it is not considered appropriate for them to host significant additional waste management

capacity, although small scale provision may be acceptable to meet local needs, particularly where this would assist in moving waste up the hierarchy.

- 6.103 There is already an extensive network of waste management infrastructure in the Plan area, representing a substantial amount of investment by both the private and public sectors. Sustainability principles suggest it will be appropriate to seek to maximise the effectiveness of the existing network in meeting future waste management needs. This can help secure current benefits to the local economy and the efficient use of existing land and infrastructure. In some cases existing sites are subject to time limited permissions which may expire during the plan period. It is considered appropriate to support the principle of extending the time limit for undertaking waste management operations at such sites in order to help secure their availability over the plan period. In some cases it may also be practicable for additional waste management capacity to be provided within the footprint of existing sites, for example through investment in additional processing plant and machinery. Where such development requires planning permission, it will also be appropriate to support it in principle. Where additional capacity can be provided through extending the footprint of existing sites this may also be a suitable means of enhancing the efficiency of the current network and, subject to compliance with other relevant policies in the Plan, is supported in principle.
- 6.104 National planning policy encourages management of waste in proximity to where it arises, as well as encouraging communities to take responsibility for the waste arising in their area. This suggests that, where practicable, new sites for waste management should be well located in relation to sources of arisings to be dealt with. Although detailed information on the geographical distribution of arisings of waste is not available, it is likely that most LACW, C&I and CD&E waste arises in the more developed parts of the Plan area and these are areas where further growth is likely to be focussed. It is therefore appropriate to seek to ensure that new development to deal with such arisings is located within or in close proximity to the main settlements in the Plan area. For waste more closely associated with rural activities (principally agricultural waste) it will be preferable for these to be located within the catchment areas they are intended to serve, in order to help reduce overall transportation impacts. For some types of waste management development outside urban areas, Green Belt designation may be a significant constraint and reference should be made to Policy D05 Minerals and waste development in the Green Belt (see Chapter 9) for further information on this matter.
- 6.105 Certain facilities can play a wider strategic role in the management of waste, as a result of their large scale or specialised role, or combination of the two factors. This means that they are likely to serve geographically extensive catchments of waste (for example significantly above the scale likely to be needed to serve a particular settlement, cluster of settlements or district) and it is therefore particularly important that such facilities are well located in relation to the overall catchment area to be served, as well as in relation to the transport network that is to be used to transport waste to/from the facility.
- 6.106 In all cases proposals for new capacity will need to demonstrate compliance with other relevant policies in the Plan, including the site identification principles in Policy W11 and the development management policies in Chapter 9.

Sustainability Appraisal

<p>This preferred policy has mostly positive effects when compared to the SA objectives. This is largely because it maximises and builds on the use of facilities that are already there (which is generally a good thing to do in sustainability terms), and also seeks to reduce the</p>
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transport footprint of new facilities while linking the policy strongly to the waste site identification principals and other policies in the plan.

Amongst the most notable sustainability effects were strong positive contributions to the 'reduce resource use' and 'minimise waste' objectives (as less building will be needed to deliver the policy, and the policy underpins a wider strategy in this Plan to move waste up the waste hierarchy). In addition, the policy has strong economic effects as it retains jobs and potentially reduces business costs. The policy would also protect the special qualities of protected landscapes as well as the tourist jobs that depend on them.

Mixed positive and negative effects were recorded for the changing population objective as there is a minor concern that waste management in designated landscapes will become more difficult in the future.

Recommendations:

No further mitigation is proposed.



Q04. Ref W10

Do you support the preferred policy approach? If not how should it be changed and why?

Site identification principles for new waste management capacity

- 6.107 Alongside policy for overall locational principles for waste facilities, set out above, it is necessary to consider the approach to the specific types of sites that should be considered suitable in principle for waste management uses. This can provide a basis to help identify suitable site allocations, as well as help with decisions on planning applications for new waste facilities.
- 6.108 Waste management facilities can potentially be located on a wide range of sites. Some modern waste management processes are similar in nature to other forms of industrial development and can occupy similar types of sites. Existing waste management facilities within the Joint Plan area are located on a variety of sites including industrial estates, previously developed land and existing and former mineral workings.
- 6.109 Sites for landfill, particularly for biodegradable waste, are largely constrained to voids with suitable geological characteristics. These typically comprise existing or former mineral workings, the locations of which are determined primarily by geology, where imported waste can be used to help restore the site. Groundwater pollution constraints and flood risk may be particularly important in determining suitable locations for some types of landfill activities.
- 6.110 The identification of suitable sites for waste facilities is also influenced by matters such as the scale of facility proposed, the nature of the processes involved and the area to be served by the facility. Other important constraints include environmental and local amenity considerations such as noise and odour and transport and access issues. Co-locational opportunities may arise where mutual benefits can be gained by locating particular types of waste facilities alongside certain other forms of development, such as those which can use the output of waste processes, or where the waste management needs of a waste producer can be met without the need for significant transport of waste. A further example is where waste processes which

generate energy can be located in proximity to users of heat and/or power, as well as near to appropriate grid connections. National planning policy supports the co-location of waste facilities alongside other complementary uses, as well as the need to ensure that any energy produced is used efficiently, preferably in the form of heat.

- 6.111 The characteristics of the Plan area also need to be taken into account. As a mainly rural area, with a highly dispersed settlement pattern and large areas of important environmental designations which may limit potential for development, opportunities to identify suitable sites for larger scale facilities of a more industrial nature are likely to be relatively limited, whereas there may be greater potential to identify suitable locations for smaller scale facilities.
- 6.112 As well as the general context referred to above, specific considerations are likely to apply to particular forms of waste development. For example, opportunities and constraints relating to sites for recycling and transfer activities, which can usually take place within buildings of a nature that can be accommodated on industrial estates and employment land, will be different to those that apply to large scale recovery or disposal operations.

Policy W11 - Waste site identification principles

Proposals and site allocations for new waste management capacity should reflect the following principles:

- 1) Siting facilities for the recycling, transfer and recovery of waste (excluding energy recovery) on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby. Where the site or facility is proposed to deal mainly with waste arising in rural areas then use of redundant agricultural buildings or their curtilages will also be acceptable in principle and, for agricultural waste, appropriate on-farm locations;**
- 2) Siting facilities involving the recovery of energy from waste on previously developed land, industrial and employment land, or at existing waste management sites, giving preference to sites where it can be demonstrated that co-locational benefits would arise taking into account existing or proposed uses and economic activities nearby, including where the energy produced can be utilised efficiently. For facilities which can produce combined heat and power, this includes giving preference to sites with the potential for heat utilisation. Where the site or facility is proposed to deal mainly with agricultural waste through anaerobic digestion including energy recovery, then use of redundant agricultural buildings or their curtilages and appropriate on-farm locations will also be acceptable in principle;**
- 3) Siting facilities to support the re-use and recycling of CD&E waste at the point of arising (for temporary facilities linked to the life of the associated construction project) and at active mineral workings where the main outputs of the process are to be sold alongside or blended with mineral produced at the site; as well as at the types of sites identified in bullet point 1 above, where these are well related to the sources of arisings and/or markets for the end product;**
- 4) Siting facilities to provide additional waste water treatment capacity at existing waste water treatment works sites as a first priority. Where this is not practicable preference will be given to use of previously developed land or industrial and employment land. Where development of new capacity on**

greenfield land is necessary then preference will be given to sites located on lower quality agricultural land.	
5) Providing any additional capacity required for landfill of waste through preferring the infill of quarry voids for mineral site reclamation purposes, giving preference to proposals where a need for infill has been identified as part of an agreed quarry reclamation scheme and where pollution control concerns can be mitigated to an acceptable level.	
In all cases sites will need to be suitable when considered in relation to physical, environmental, amenity and infrastructure constraints including existing and proposed neighbouring land uses, the capacity of transport infrastructure and any cumulative impact from previous waste disposal facilities, in line with national policy.	
Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Waste Industry	
Key links to other relevant policies and objectives	
<i>W01, W02, W03, W04, W05, W06, W07, W08, W09, W10, S03, D02, D03, D04, D05, D06, D07, D08, D09, D10, D12</i>	<i>Objectives 2, 6, 7, 8, 9, 10, 11</i>
Monitoring: Monitoring indicator 37 (see Appendix 3)	

Policy Justification

- 6.113 National planning policy identifies a range of types of sites and areas which may be suitable for built waste management facilities. It indicates that consideration should be given to a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities. It states that priority should be given to the re-use of previously developed land, sites identified for employment uses and redundant agricultural buildings and their curtilages. It also encourages the utilisation of heat as an energy source in the siting of low carbon energy recovery facilities in close proximity to potential heat customers. It is considered that these principles remain appropriate to guide identification of allocations for the Plan area and to provide an indication to developers and other users of the Plan of the types of sites that are likely to be considered suitable in principle for waste management facilities by the Joint Plan authorities.
- 6.114 Evidence supporting preparation of the Plan indicates the existence of a range of sites which are likely to be capable of hosting waste management facilities and which are broadly consistent with national and local policy objectives. This evidence includes a study by Fairhurst and Partners (Identification of Potential Locations for Built Waste Management Facilities January 2015) which identified a number of industrial estates and employment land locations across the Plan area which are likely to be suitable in principle subject to appropriate proposals coming forward. A number of site allocations for waste development have also been submitted which are also likely to be consistent with these principles.
- 6.115 In relation to landfill, the long history of minerals extraction activity in the Plan area has resulted in a substantial number of voids which, should a need for further landfill arise, provide opportunities which may be suitable in principle. In a number of cases reclamation through landfill is an agreed element of existing approved schemes, although in some cases sites have not yet received a permit for landfill from the Environment Agency. A number of significant constraints to landfill could arise in

association with particular proposals and these would need to be addressed through application of the development management policies in Chapter 9 of the Plan.

- 6.116 A range of site specific considerations may be relevant to determining the actual suitability of any specific sites or locations under consideration. National policy provides guidance on relevant criteria, which will need to be taken into account alongside any other relevant policies in the Minerals and Waste Joint Plan.

Sustainability Appraisal

Effects in relation to this policy are largely positive. The preference for locations close to where heat generated through Combined Heat and Power schemes can be utilised, would support climate change objectives as well as having a positive outcome for local communities and businesses. The principle of co-location could also have some positive impacts in terms of the economy, reducing transport miles, soils and land, and minimising resource use. Reference to national waste planning policy in relation to consideration of specific environmental and community issues, may lead to a number of positive impacts in the short to medium term as the NPPF and National Planning Policy for Waste cover issues relating to most of the SA objectives, however uncertain effects are recorded in the longer term as the implications of any future changes to national waste policy are unknown.

Some minor negative effects are recorded in relation to biodiversity (as habitats on previously developed land may be lost) and landscape (where less valued landscapes may endure negative effects).

Recommendations

Consideration could be given to supporting the re-use of other buildings (such as industrial buildings) for waste development.



Q04. Ref W11

Do you support the preferred policy approach? If not how should it be changed and why?

Chapter 7 Minerals and Waste Transport and Other Infrastructure

- 7.1 This section considers issues relating to minerals and waste transport infrastructure, as well as other infrastructure supporting the supply of minerals (often referred to as minerals ancillary infrastructure) throughout the Joint Plan area. It identifies policies to support the provision of any such infrastructure that may be needed.

Non-road transport Infrastructure for minerals and waste

- 7.2 Minerals and waste tend to be high bulk, often low value products which need to be moved from source to market or point of management. The majority of minerals and waste sold or managed in the Joint Plan area are transported by road via the existing network of strategic roads throughout the area. These are generally well developed on a north/south axis through the central part of the Joint Plan area, with fewer major east/west links. Road transport is not usually the most sustainable form of transport due to emissions, congestion and other impacts. However, in many cases it may be the only viable option because of the absence of suitable alternatives. Key exceptions to road transport of minerals in the Plan area include gas, which is transported by pipeline from production wells to the Knapton generating station, coal which is transported by rail from Kellingley Colliery, potash from Boulby Mine and small amounts of aggregate, which are imported into two rail linked facilities in the Selby area. Movement of waste is exclusively by road.
- 7.3 The NPPF aims to encourage sustainable methods of transportation, stating that 'encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion'. As sources of supply and demand for minerals are relatively dispersed, as are locations of waste arisings and management, road transport is likely to remain the main method of transport for minerals and waste produced or arising in the Joint Plan area for the foreseeable future. However, the potential benefits of alternative forms of transport, together with the support provided in national policy to use of such alternative transport modes, suggests that this is an issue the Plan should address. It will therefore be important to support any such opportunities that do arise, and to seek to protect relevant infrastructure. Safeguarding of transport infrastructure is addressed in Chapter 8.
- 7.4 There is a limited distribution of rail and water transport infrastructure suitable or potentially suitable for minerals and waste in the Joint Plan area and the majority is concentrated in Selby District. However, other parts of the network may have further potential or are currently used. For example, in the past crushed rock has been transported by rail from a quarry near Leyburn and potash is transported by rail from Boulby Mine in the North York Moors National Park to Teesside. The map below shows the rail and waterways network as well as known locations of other existing rail and water transport infrastructure in the area. These have been identified at this stage as they are either in current use for such activity or are understood to have been used previously for this purpose, or for the transport of other bulk products, and have not yet been subject to redevelopment for other uses.

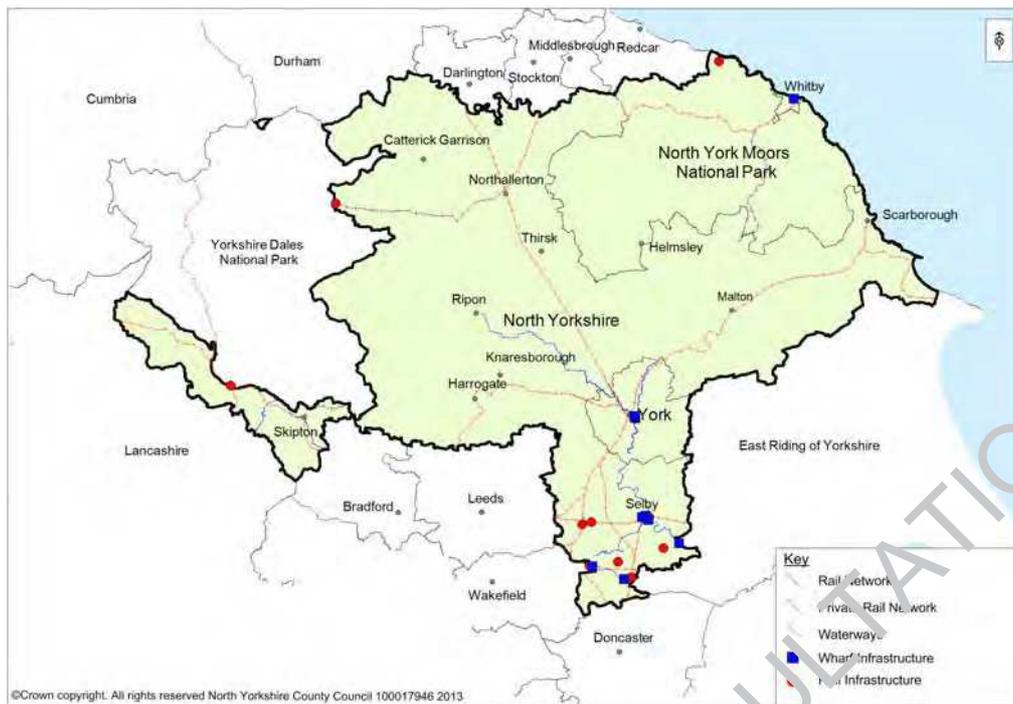


Figure 18: Wharf and rail infrastructure

- 7.5 A shift towards increased use of rail or water transport in the Joint Plan area would most likely arise through the bringing into use of existing infrastructure which is currently inactive, as this is likely to require less investment, and in circumstances where substantial volumes of minerals or waste require transporting to particular destinations for sale or processing and where the need for double handling is avoided or minimised.

Policy I01 - Minerals and waste transport infrastructure

The development of rail, water, pipeline or conveyor transport infrastructure, or use of existing such infrastructure, will be encouraged and supported for the transport of minerals and waste produced or arising in the Plan area, as well as for the reception of any large scale imports of minerals or waste into the area.

Where minerals or waste development involving the movement of an average of more than 250,000tpa of minerals or waste is involved, proposals should demonstrate that consideration has been given to the potential to move the materials by non-road means and where such potential is considered to exist should include a relative assessment of the benefits of the various modes considered in terms of carbon emissions.

Proposals involving the development of, or use of existing, non-road transport infrastructure (other than pipelines and conveyor systems) should also be well located in relation to the main road network in order to facilitate multi-modal movements of minerals and waste and will be required to demonstrate compliance with other relevant development management policies in the Plan. Where new minerals or waste transport infrastructure is proposed in the Green Belt the development should preserve openness and be consistent with the purposes of Green Belt designation.

Availability of sustainable minerals supply infrastructure is supported through a site allocation for the rail reception, handling and onward distribution of aggregate at:

Land at Barlby Road, Selby (MJP09)

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and Minerals and Waste Industry	
Key links to other relevant policies and objectives	
<i>M01, M03, W10, I02, S04, D01, D02, D03, D05, D07, D11</i>	<i>Objectives 6, 7, 8, 10, 11</i>
Monitoring: Monitoring indicator 38 (see Appendix 3)	

Policy Justification

- 7.6 National policy encourages use of non-road transport wherever feasible and use of suitable alternatives to road can have benefits in terms of reducing overall environmental and amenity impacts.
- 7.7 As development of new non-road transport infrastructure is likely to require very substantial investment, relative to the likely volumes of material requiring movement at any particular locations in the Plan area, it is expected that in most cases additional rail and water transport will involve the bringing into use of existing inactive infrastructure rather than the building of new wharves or railheads. There may be greater potential for the development of new pipelines for the transport of gas and the use of conveyor systems, as these are less dependent on the location of pre-existing other infrastructure and may in some cases require less overall investment.
- 7.8 As use of alternative transport modes is more likely to be viable for larger volume movements, due to economies of scale, proposals for movements in excess of 250,000tpa should be accompanied by an assessment of the potential to move the minerals and/or waste by non-road means. This threshold is intended to ensure that the requirement only applies, within a North Yorkshire context, to large scale quarries and the most major waste management facilities. As part of this requirement the assessment should consider the likely differences in overall carbon emissions associated with the different modes considered and take these differences into account in the findings of the assessment.
- 7.9 As in many cases use of non-road transport modes will need to operate alongside an element of road transport (for example for distribution of minerals products to local markets, or the receipt of waste materials for onward bulk transport) proposals for development of new non-road transport infrastructure for minerals and waste, or the use of existing infrastructure for minerals and waste transport, should also be well located in relation to the main road network to help minimise overall impacts. Key exceptions to this may include the development of pipelines or conveyor systems for the direct transfer of minerals or waste products between production and processing facilities.
- 7.10 In all cases, proposal for development of new sustainable transport infrastructure, or the use of existing infrastructure, should be consistent with relevant development management policies in the Plan to ensure that unacceptable adverse impact on the environment or local amenity does not arise.
- 7.11 During preparation of the Plan a site at Barlby Road, Selby (MJP09) was put forward for consideration for allocation for the reception of aggregates by rail. This site is currently operational and helps contribute to the sustainable transport and supply of aggregate within the Plan area. However, its permitted life is linked to that of an adjacent roadstone coating plant and the longer term availability of rail-linked aggregates reception is uncertain. The allocation has been put forward in order to help secure this use in the longer term. The site has been assessed and is considered suitable for allocation and is therefore identified in the Plan as an allocation for rail reception, handling and onward distribution of aggregate.

Proposals for retention of aggregates related uses at this site will be supported subject to compliance with the development management policies in the Plan.

Sustainability Appraisal

This policy is likely to have some positive impacts through the retention of the existing rail, pipeline and water transportation infrastructure and support for the development of new infrastructure. These positive effects relate to reducing the need to transport minerals and waste by road with knock on benefits in relation to air quality, climate change, amenity and the economy. Impacts are uncertain in relation to a number of the environmental objectives such as biodiversity, water quality, landscape and cultural heritage as impacts will be dependent upon the location, type and scale of additional infrastructure as well as the frequency of its use. Negative impacts may occur as a result of construction on new transport links such as loss of habitats, impacts upon the setting of historic assets or loss of archaeology and landscape impacts.

Recommendations:

It is considered that positive effects could be further enhanced by adding a requirement for the consideration of non-road forms of transport wherever possible (rather than just for larger scale sites) and requiring a justification for not utilising them.

(Note - This recommendation has not been taken forward in the policy or text as the policy already encourages and supports use of alternative transport modes for all relevant development in the area. It is further considered that use of a threshold to determine whether there is a specific requirement for consideration of alternative transport modes is appropriate in order to give adequate clarity to applicants).



Q04. Ref I01

Do you support the preferred policy approach? If not how should it be changed and why?

Minerals Ancillary Infrastructure

- 7.12 In addition to transport infrastructure, supply of minerals is supported by a range of other associated infrastructure. This includes facilities such as plant and equipment for routine processing or preparing for sale of minerals extracted at the site. In certain circumstances these ancillary activities, together with their associated plant and buildings, may constitute permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.13 In some cases quarries, or sites for the supply of secondary or recycled aggregate, may also host specialist plant for processes such as manufacture of ready mixed concrete, roadstone coating and block making, which typically produce aggregates based products with value added, serving a range of market requirements. The policies in this section are concerned with this type of development. An important aspect of these additional activities, which are of industrial character, is that they are all dependant on the availability of mineral as a key raw material. Where ancillary infrastructure is located at the site of extraction then this can have the benefit of adding value before the raw material leaves the site and minimising the overall volume of material transported.
- 7.14 However, as they are not constrained to a particular location in the way minerals extraction is, in some instances infrastructure of this type may be 'freestanding' in

locations away from any associated minerals extraction site, such as on industrial or employment land.

- 7.15 Supply of recycled aggregate is partly dependent upon the amount of construction, demolition and excavation waste (CDEW) that is produced, which in turn is influenced by the level of construction activity taking place. Recycled aggregate may be produced from CDEW at certain types of waste management sites and some construction sites use mobile equipment to convert CDEW into recycled aggregate for immediate reuse either on the same site or elsewhere. Some existing quarry sites also act as sites for the production and supply of recycled aggregate, through import for blending with primary minerals worked at the site. Evidence suggests that the rate of reuse of CDEW is already high. To ensure this is maintained sites and proposals which help reduce or recycle CDEW should be supported by policy.

Policy I02 - Locations for ancillary minerals infrastructure

Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be supported provided the following criteria are met:

- i) The ancillary development produces a 'value added' product based mainly on the mineral extracted or secondary aggregate produced on the host site; and
- ii) The development does not create significant additional adverse impact on local communities, businesses or the environment; and
- iii) The development does not unacceptably increase the overall amount of road transport to or from the host site; and
- iv) Where the host site is located in the Green Belt the ancillary development would preserve openness and the purposes of Green Belt designation; and
- v) The development is linked to the overall life of minerals extraction or supply of secondary aggregate at the host site, unless the location is appropriate to its retention in the longer term.

Within the City of York area development of ancillary minerals infrastructure will also be supported provided the following criteria are met:

- vi) The site is located on industrial or employment land, previously developed land, or would be co-located with other compatible industrial or commercial development; and
- vii) The site has good access to the transport network; and
- viii) The development would not create significant adverse impact on local communities, businesses or the environment including heritage assets.

Siting of minerals ancillary infrastructure within the North York Moors National Park will only be supported where it would be located within the Whitby Business Park identified on the Policies Map.

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

Key links to other relevant policies and objectives

M01, M03, M11, W05, W09, S05, D01, D02, D03, D04, D05, D09, D11 | Objectives 6, 7, 8

Monitoring: Monitoring indicator 39 (see Appendix 3)

Policy Justification

- 7.16 Within the two-tier part of the Joint Plan area development of this nature falls to be determined by the County Council where it would be located within a site permitted for mineral working. Development at freestanding sites will be the responsibility of the District and Borough Councils. Within the City of York and the North York Moors

National Park, which are unitary planning authority areas, proposals for free standing ancillary development will be within the scope of the Joint Plan.

- 7.17 Both active quarries and free standing sites may, in some circumstances, be appropriate locations for ancillary development. In many cases quarries will be suitable locations, particularly where a substantial proportion of the raw materials to be used are supplied directly from the host quarry, as this can help minimise overall transport movements. However, where substantial reliance on imported raw materials is needed, it may be preferable for ancillary activities to take place on free standing sites well located to transport networks and key markets for the products. In all cases it will be necessary to ensure that the ancillary activity will not result in unacceptable impact on the environment or local communities and businesses.
- 7.18 There are a small number of existing minerals extraction sites in AONBs in the NYCC area. Where ancillary development is proposed at quarries in the AONBs particularly high standards of siting, design and mitigation will be needed to ensure that any impacts will be acceptable.
- 7.19 There are currently no mineral workings in the National Park but a free standing concrete batching plant is located on a small industrial estate within the Park near Whitby. Environmental constraints in the National Park suggest it will not be appropriate to support further development of ancillary infrastructure elsewhere in this part of the Plan area.

Sustainability Appraisal

In the main the protections in this policy will avoid significant effects on the environmental objectives, though uncertainty is often noted due to uncertainty over locations where minerals ancillary infrastructure would take place and how 'additional significant environmental effects' may be interpreted by different developers, particularly if the host site already has significant impacts.

Elsewhere, mixed effects are often reported. For instance, the economic objective notes how this policy helps to add value to minerals products, but also the potentially restrictive nature of the policy which may make some development more difficult to achieve. The community vitality and health and wellbeing objectives note that synergies between different impacts, such as traffic, noise and visual impacts may together result in minor significant effects on perceptions of an area or on wellbeing.

Recommendations:

Given that secondary aggregate processing may have significant water impacts policy DO9 should be referred to in the key links to other relevant policies and objectives. In addition, to address synergies between effects, policy D02's reference to cumulative effects could be clarified in that policy's supporting text so that it includes synergies between different types of effects.



Q04. Ref I02

Do you support the preferred policy approach? If not how should it be changed and why?

Chapter 8 Minerals and Waste Safeguarding

- 8.1 Safeguarding of minerals resources, and minerals and waste infrastructure, is an important aspect of national policy and necessary to help ensure the long term sustainability of the area. This section identifies policies for safeguarding these important assets from encroachment or replacement by other forms of development.
- 8.2 The purpose of safeguarding is not to prevent other forms of development on or near to a resource or safeguarded infrastructure, but primarily to ensure that the presence of the resource or infrastructure is taken into account when other development proposals are under consideration. This is a particularly important issue within those parts of the Joint Plan area which are ‘two tier’, with the majority of development decisions taken by the District or Borough Councils rather than the minerals and waste planning authority.
- 8.3 In these circumstances, consultation between the District and County Councils will be required where certain other forms of development, with the potential to sterilise minerals resources or impact on important infrastructure, are proposed in a safeguarded area. Details of those types of development which are exempt from safeguarding are set out in the Safeguarding Exemptions List later in this Chapter. In many cases it may be practicable for arrangements such as prior extraction of a mineral, or other mitigation, to be put in place where potential conflict between minerals resources or minerals and waste infrastructure and other development pressures arise.
- 8.4 Areas of minerals resources proposed for safeguarding are shown on the Policies Map accompanying the Preferred Options draft Plan. A schedule of minerals and waste infrastructure sites proposed for safeguarding is provided in Appendix 2.

Safeguarding of Mineral Resources

- 8.5 Effective safeguarding of minerals helps preserve finite resources for the future, although there is no presumption that safeguarded resources will be worked. Sensitive development in close proximity to minerals resources can also impact on the ability to work a resource in future, as a result of the impacts necessarily involved in working some minerals, such as blasting. In some cases it may therefore be prudent to safeguard a limited buffer zone around the resource. The purpose of the buffer zone would be to ensure that the potential impacts of development near to but just beyond the resource boundary are also taken into account when considering the potential for sterilisation of minerals resources by other forms of development.
- 8.6 In 2011 North Yorkshire County Council commissioned the British Geological Survey (BGS) in 2011 to identify an approach to safeguarding of minerals resources in the NYCC area, based on best practice guidance. Consultation with the minerals industry took place during the project and views received were incorporated into the recommendations in the Report. Comparable studies have also been completed by BGS for the City of York Council and NYMNP areas. The BGS reports are available to view at www.northyorks.gov.uk/mwevidence.
- 8.7 Whilst safeguarding is primarily concerned with managing potential conflict between minerals resources and other non-minerals development, in some cases the extraction of one underground resource has the potential to sterilise another due to the fact that areas of different resources can overlap. The extraction methods used

could also impact upon areas of underground mining for other resources, for example by causing instability or water ingress. The Plan area has a range of deep mineral resources namely coal (including coal bed methane), gas (including shale gas), gypsum, potash, polyhalite and salt. A particular consideration in the Plan area is the potential for hydrocarbons exploration and development activity in the eastern part of the Plan area to overlap with development of strategically important resources of potash and/or polyhalite.

Policy S01 - Safeguarding mineral resources

Part one - Surface mineral resources:

The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface development to protect the resource for the future :

- i) All crushed rock and silica sand resources with an additional 500m buffer;
- ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer;
- iii) Building stone resources and active and former building stone quarries with an additional 250m buffer.

Part two – Deep mineral resources:

The following deep mineral resources and associated buffer zones identified on the Policies Map will be safeguarded from surface development to protect the resource for the future:

- i) Underground coal resources within the Keingley Colliery licensed area with an additional 700m buffer;
- ii) Underground potash and polyhalite resources within the Boulby Mine licensed area and Doves Nest Farm indicated and inferred resource area;
- iii) Underground gypsum deposits within the former Sherburn in Elmet Mine planning permission area;
- iv) Vein mineral reserves within extant planning permissions with an additional 250m buffer.

Part three – protecting deep mineral resources from other underground minerals development:

Reserves and resources of potash and polyhalite identified on the Policies Map, including a 2km buffer zone, will be protected from sterilisation by other forms of underground minerals extraction and the underground storage of gas or carbon in order to protect the resource for the future.

Main responsibility for implementation of policy: NYCC, CYC, NYMNPA and District and Borough Councils

Key links to other relevant policies and objectives

M01, M02, M03, M04, M05, M06, M07, M08, M09, M12, M13, M15, M16, M20, M21, M23, M24, M25, M26, S02	Objective 3
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Monitoring: Monitoring indicator 40 (see Appendix 3)

Policy justification for safeguarding of Sand and Gravel/ Crushed Rock/ Silica Sand/ Clay/Shallow coal

- 8.8 A key recommendation of all three BGS reports for the Plan area was to safeguard the overall resource of sand and gravel with provision of a 250m buffer zone. The purpose of a buffer zone would be to ensure that the potential impacts of

development near to but just beyond the resource boundary are also taken into account when considering the potential for sterilisation of minerals resources by other forms of development.

- 8.9 With regard to safeguarding the overall resource of Jurassic, Magnesian and Carboniferous limestones, Carboniferous sandstones and chalk, provision of a 500m buffer consultation zone was recommended, taking into account potential impacts associated with working hard rock quarries, including the need for blasting.
- 8.10 As a relatively scarce mineral, safeguarding of silica sand resources will be important. Work carried out by British Geological Survey (BGS) indicates the presence of additional resources adjacent to both the Blubberhouses and Burythorpe sites and these resources will require safeguarding for the longer term. Work undertaken by BGS on behalf of NYCC recommends safeguarding all resources of silica sand and proposes a buffer zone around the resource of 500 metres to ensure the effective safeguarding of the resource area from other development proposed nearby.
- 8.11 The BGS Reports identified the resources of clay that should be subject of safeguarding, with a recommended 250m buffer zone, taking into account that clay is typically worked without the need for techniques such as blasting.
- 8.12 Although shallow coal is not currently being worked in North Yorkshire the Coal Authority recommends safeguarding the resource. Minerals Safeguarding reports produced by British Geological Survey (BGS) for NYCC and the NYMNP also recommend safeguarding all of the shallow coal resource together with a 250m buffer zone.

Policy justification for safeguarding of Building Stone

- 8.13 Information on the distribution of building stone resources is less robust than for other forms of surface mineral in the Plan area. Geological deposits with potential to contain building stone resources are potentially very extensive across the area, although in practice it is likely that only relatively small parts of these will contain stone with the right technical and aesthetic properties to constitute viable sources of supply of building stone. BGS have developed an approach for safeguarding for the Plan area, in consultation with building stone specialists, which has led to the identification of a number of specific scarcer mineral resources, within which active working for building stone is taking place and which could be subject of safeguarding. However, some active building stone quarries lie outside the area identified in this way. In order to address this issue BGS have suggested that active quarries lying outside the proposed safeguarding areas are safeguarded, including through the use of a defined 250m buffer zone around them also.
- 8.14 Whilst the work by BGS has also revealed difficulties in clearly identifying important historic quarries across the Plan area, the work does nevertheless identify a number of former sites in the North York Moors National Park which may be important future sources of building stone for specific parts of the Park and for the repair of specific groups of buildings in and around the Park, based on the Strategic Stone Study. It is considered that these also should be subject of safeguarding with a 250m buffer zone.

Policy justification for safeguarding Underground Mineral Resources

- 8.15 Underground mineral resources are not at direct risk of sterilisation through surface development in the same way as surface resources and there is no specific requirement in national policy to safeguard them. However, certain forms of surface development, particularly large structures or those with sensitive processes taking place in them may be particularly vulnerable to subsidence damage.
- 8.16 Unlike for surface development, where it is proposed in most cases to safeguard the whole of the known resource, therefore including extensive areas of land where the resource is not currently permitted for working, for underground safeguarding it is only proposed to safeguard areas with planning permission for working or where resources have been identified with a relatively high degree of confidence, in order to ensure that a proportionate approach is followed.

Policy justification for safeguarding Underground Coal

- 8.17 Resources of coal are relatively extensive in the southern part of the Plan area and it is not considered appropriate to safeguard the whole of the potential resource. However, discussion with the Coal Authority, along with advice from British Geological Survey, suggests that it would be appropriate to safeguard coal reserves within the area licensed for extraction from Kellingley Colliery. Kellingley Colliery is the only active mine in the Plan area and there is no expectation of proposals for new underground coal mines to come forward. It is also now expected that Kellingley Colliery will close at the end of 2015. However, it is considered appropriate for the time being to safeguard the licensed area for the Colliery, together with a buffer zone, to allow for any potential reactivation of mining during the Plan period. The presence of more vulnerable forms of surface development in areas where underground coal mining occurs can lead to indirect sterilisation of coal. As subsidence effects at the surface can extend outwards beyond the area actually mined, vulnerable structures near to but outside the 'footprint' of worked areas can also be at risk. Safeguarding in this way not only helps protect the resource from sterilisation but also helps ensure that new, vulnerable surface development is protected from potential subsidence impacts.
- 8.18 In this respect the purpose of safeguarding underground coal is not to prevent surface development in the relevant area but to ensure that the potential implications for sterilisation of coal can be taken into account. Types of surface development which are considered relevant for the purposes of safeguarding underground coal are identified in Policy S02 (part two).

Policy justification for safeguarding of Potash and Polyhalite Resources

- 8.19 Resources of potash/polyhalite and salt cover a relatively large area in the north eastern part of the Plan area and it is not considered necessary to safeguard the whole of the potential resource area. However, it is considered that it would be appropriate to safeguard reserves and resources within the area licensed for extraction from Boulby Mine (the only active potash mine in the Joint plan area), along with those resources forming part of the York Potash project that have been identified with a higher degree of confidence. This will help ensure that, where certain types of surface development are proposed within the licensed area, consultation between upper and lower tier planning authorities takes place. In this respect the purpose of safeguarding underground resources is not to prevent surface development in the relevant area but to ensure that the potential implications for sterilisation of potash or polyhalite can be taken into account. Types of surface development which are considered relevant for the purposes of safeguarding

underground potash and polyhalite are identified in Policy S02 (part two). A surface safeguarding buffer zone has not been identified due to the scale of the area and the relatively low risk of sterilisation by surface development in this part of the Plan area.

- 8.20 Potash, salt and polyhalite resources in the Plan area are considered to be of strategic significance, with the potash and polyhalite deposits representing the only known potentially workable resources in the country. Extraction of gas in proximity to underground mining operations can give rise to particular concerns including the potential for gas to migrate towards, or accumulate in mine tunnels. This could be a particular issue where hydraulic fracturing ('fracking') techniques are involved. Similar considerations could apply where proposals are brought forward for the underground storage of gas or carbon, for example in depleted natural gas reservoirs.
- 8.21 In order to provide appropriate protection to reserves and resources of potash, salt and polyhalite from such effects associated with the extraction or storage of gas, specific safeguarding is considered appropriate, including an underground buffer zone in addition to the area proposed to be safeguarded in relation to surface development. A buffer zone of 2km is proposed at this stage following discussion with the operator of the active potash mine but views on the extent of any buffer are sought in response to the Preferred Options consultation. In some circumstances it may be practicable to take measures, such as through appropriate phasing of activity, to enable extraction of more than one underground resource in the same area. Where conflict could arise, applicants will need to demonstrate that appropriate measures can be implemented to ensure that the safeguarded resource is protected.

Policy justification for safeguarding of Gypsum

- 8.22 The distribution of resources of gypsum is not known with any certainty and it is not considered appropriate to safeguard the whole of the potential resource area. However, it is considered appropriate to safeguard gypsum reserves within the area permitted for extraction from Sherburn in Elmet Mine. Although the Mine has been closed for a substantial period of time, the planning permission remains extant, with an expiry date of 2042. Safeguarding the permitted resource could help allow for any potential reactivation of mining during the Plan period. Types of surface development which are considered relevant for the purposes of safeguarding underground gypsum are identified in Policy S02 (part two). A safeguarding buffer zone for gypsum has not been identified due to the low likelihood of the future resumption of mining.

Policy justification for safeguarding of Vein Minerals

- 8.23 There are isolated resources of vein minerals present in the Joint Plan area. In the absence of more specific evidence it is only practicable to identify those areas of reserves covered by existing dormant planning permissions. Inclusion of a buffer zone around these permissions would help ensure that the potential impacts of other forms of development proposed in proximity to the resource would be considered, in order to help protect the potential for existing permissions to be reactivated in future

Sustainability Appraisal

As safeguarding does not infer that minerals extraction will take place there are generally no predicted direct effects. Were development to take place it would need to accord with other policies in the Plan.

This policy is likely to result in minor to major positive impacts in relation to encouraging the safeguarding of resources, economic growth and meeting the needs of a changing

population as future mineral resource sterilisation is avoided, thus conserving resources for future economic benefit. The safeguarding of buffer zones around mineral reserves may also have minor positive impacts in relation to minimising air quality and amenity impacts experienced by users of new proximal development.

Some uncertainty is noted in the assessment as the nature and location of any future development that may be displaced as a result of this policy, and the consequences of this displacement, is not known. However, some objectives noted that there could be some positive benefits from not developing the area which is safeguarded.

Recommendations:

No further mitigation is proposed



Q04. Ref S01

Do you support the preferred policy approach? If not how should it be changed and why?

Q07) Is a buffer zone of 2km adequate or necessary for the safeguarding of potash and polyhalite from the effects of other underground minerals development? If not what alternative approach or buffer zone would be preferable and why?

Development in Minerals Resource Safeguarding Areas

- 8.24 This section sets out how applications for development proposed in Minerals Resource Safeguarding Areas will be assessed.
- 8.25 As a two-tier planning system exists in the NYCC planning authority area, the District and Borough councils will be responsible for ensuring that relevant non-minerals development proposals that they determine in Safeguarding Areas are assessed appropriately. This can be implemented through using defined Minerals Consultation Areas, within which the District/Borough Councils would consult the County Planning Authority before decisions are taken on certain forms of development which could sterilise minerals resources. Policy S06 deals with Minerals Consultation Areas. Forms of development which, when proposed within Safeguarding Areas, are considered to be exempt from requirements for consultation are set out later in this section.

Policy S06 - Developments proposed within Minerals Safeguarding Areas

Part one - Surface mineral resources:

Within Surface Minerals Safeguarding Areas shown on the Policies Map permission for development other than minerals extraction will be granted where:

- i) It would not sterilise the mineral or prejudice future extraction; or**
- ii) The mineral will be extracted prior to the development (without unacceptable adverse impact on the environment or the amenity of local communities), or**
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or**
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or**
- v) The non-mineral development is of a temporary nature that does not inhibit**

extraction within the timescale that the mineral is likely to be needed; or
vi) It constitutes 'exempt' development (as defined in the safeguarding areas exemption list).

Part two - Deep minerals resources:

In areas identified as Underground Mineral Safeguarding Areas on the Policies Map, proposals for the following types of development should be accompanied by information on the effect of the proposed development on the potential future extraction of the safeguarded underground resource, as well as on the potential for the proposed surface development to be impacted by subsidence arising from working of the underlying minerals resource:

- Large institutional and public buildings;
- Major industrial buildings including those with sensitive processes and precision equipment vulnerable to ground movement;
- Major retail complexes;
- Non-residential high rise buildings (3 storeys plus);
- Strategic gas, oil, naphtha and petrol pipelines;
- Vulnerable parts of main highways and motorway networks (e.g. viaducts, large bridges, service stations and interchanges);
- Security sensitive structures;
- Strategic water pumping stations, waterworks, reservoirs, sewage works and pumping stations;
- Ecclesiastical property;
- Power stations; and
- Wind turbines

Permission will be granted where the assessment demonstrates that a significant risk of adverse impact on the development from mining subsidence will not arise or that the criteria in Part one of the policy (other than the final criterion) are met.

Part three – Protecting deep mineral resources from other underground minerals development:

Where proposals for appraisal or development of underground gas resources or the underground storage of gas or carbon are located within the area safeguarded for potash, salt and polyhalite shown on the Policies Map, permission for development will only be granted where it can be demonstrated that the development will not adversely affect the potential future extraction of the protected mineral.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and District and Borough Councils

Key links to other relevant policies and objectives

S01, S04, S05, S06	Objective 3
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Monitoring: Monitoring indicator 41 (see Appendix 3)

Policy Justification

8.26 The purpose of safeguarding is not to protect the minerals resource in all circumstances, but to ensure that the presence and potential significance of the resource is taken into account when other proposals in a safeguarded area are under consideration, and that sterilisation of the resource only takes place where there is appropriate justification. In some cases it may be practicable for prior extraction of the resource to take place, where this can be done without unacceptable impacts on local communities or the environment, in line with the development management policies in the Plan. In other cases the need for the sterilising development may

outweigh the need to protect the resource, or it may be possible to demonstrate that the safeguarded resource is no longer justified for safeguarding. Where non-exempt development (see Safeguarding Exemptions list) is proposed in a safeguarded area for surface mineral resources, or where development of the forms identified in Policy S02 (part two) is proposed in an area safeguarded for underground resources, applicants should consider at an early stage any implications for their proposals arising from the presence of the safeguarded resource and include information in any application about measures that would be implemented to avoid unnecessary sterilisation, or to demonstrate that the need for the sterilising development outweighs the need to protect the resource.

- 8.27 Certain forms of surface development proposals are unlikely to lead to significant sterilisation of minerals resources, even when proposed in a safeguarded area. These are identified in the Safeguarding Exemptions list later in this Chapter. Where development falls within the scope of the exemptions list then applicants do not need to address safeguarding issues in their proposals, and there is no requirement for planning authorities to consider minerals safeguarding issues when taking decisions on development proposals.
- 8.28 In order to implement an approach to safeguarding in the two tier part of the Joint Plan area it will be necessary for consultation to take place between District/Borough Councils and the mineral planning authority. Further information on the approach to this is set out in the section on Minerals Consultation Areas.

Sustainability Appraisal

In terms of the environmental sustainability objectives there are minor benefits from this policy, as arguably it would potentially reduce the amount of development in safeguarding areas, though to some extent some of this development would simply go somewhere else. The assessment also picked strong benefits for the minimising resource use objective as safeguarding a broad range of minerals resources would help protect resources for possible future use. Similarly, an additional benefit was noted for climate adaptation as safeguarding potash and polyhalite will help save a key resource for manufacturing fertiliser, which ultimately will help tackle the issue of food security (which is a recognised climate change vulnerability).

There were however some minor negative effects noted in relation to the economy, community vitality and changing population objectives. This is because some economically valuable development may be deterred from taking place (though the policy does contain a criteria which considers the need for the development and whether this outweighs the need to safeguard the mineral), while some housing projects may also be less viable (though there are exemptions which help moderate this). The economy objective also records a long term benefit arising from having greater access to minerals for extraction.

Recommendations:

No further mitigation is proposed.



Q04. Ref S02

Do you support the preferred policy approach? If not how should it be changed and why?

Q08) Do you agree with the types of surface development identified under part two of Policy S02 as being relevant for safeguarding underground resources? If not what changes do you suggest and why?

Waste Management Facility Safeguarding

- 8.29 National waste planning policy requires all planning authorities, including non-waste planning authorities, to ensure that the impact of proposed, non-waste related development on existing waste management facilities and on sites and areas allocated for waste management is acceptable and does not prejudice the implementation of the waste hierarchy.
- 8.30 As not all waste management facilities are subject of planning permissions granted by the waste planning authority (for example they may be operating under established use rights or permitted uses under the Use Classes Order), comprehensive information on the full extent of the facility network in the Plan area is not available. Also, it is likely that there will be significant changes to the network over the life of the Plan. It may not therefore be appropriate or practicable to identify all facilities for safeguarding in the Plan.
- 8.31 However, it may be practical for certain facilities or sites which are considered to be particularly important to be subject of specific safeguarding, and to safeguard any proposed site allocations for new waste development. More information about the approach to identifying relevant waste infrastructure for safeguarding can be found in the evidence base for the draft Plan.

Policy S03 - Waste management facility safeguarding

Waste management sites shown on the Policies Map, including a 250m buffer zone, will be safeguarded from incompatible development.

Other forms of non-exempt development which would replace the safeguarded waste site will be permitted where there is overriding justification, or a suitable alternative location for the waste development can be provided. Where other forms of non-exempt development are proposed in the safeguarded buffer zone, development will only be permitted where adequate mitigation can, if necessary, be provided within the encroaching development proposals in order to reduce any impacts from existing or proposed adjacent waste uses to an acceptable level.

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

Key links to other relevant policies and objectives

W02, W11, S04, S06, D01, D02 | *Objectives 2, 6, 7*

Monitoring: Monitoring indicator 42 (see Appendix 3)

Policy Justification

- 8.32 Waste facilities are an essential part of the total infrastructure of an area and it is important that key facilities are protected in order to ensure their continued availability. Certain forms of waste infrastructure are relatively specialised or of strategic scale, or are in other ways particularly important in terms of the contribution they make to the overall network. In combination they contribute to delivering the objectives of moving waste up the hierarchy and dealing with it near to where it arises, in line with local, national and European policy and legislation.
- 8.33 As some waste uses are relatively low value developments, they are at risk from replacement by competing, higher value land uses. Safeguarding facilities can help prevent this. The purpose of safeguarding certain waste facilities is not to prevent other development from taking place but to ensure that the need to maintain important waste infrastructure is factored into decision making in other forms of

development. This will be particularly important in the two tier parts of the Plan area, where many development decisions are not taken by the waste planning authority.

- 8.34 In some cases, the introduction of other forms of development such as residential or certain community and commercial uses, in close proximity to established or allocated waste uses, can lead to conflict through the potential for impacts on local amenity or other important matters. The identification of a buffer zone around safeguarded waste facilities provides an opportunity to ensure that the potential for such impacts is taken into account and can therefore benefit both the continuing use of the waste facility, as well as the ensuring that any impacts associated with waste uses are taken into account where other forms of development are proposed in close proximity. A 250m buffer zone reflects the potential for significant impacts arising from some waste uses.
- 8.35 As a two-tier planning system exists in the NYCC area, it is the District and Borough councils that are responsible for ensuring that relevant non-waste related development proposals are assessed in line with this policy. The districts and boroughs will be required to consult the County Planning authority on any non-exempt development before any decision can be made on the application. Exempt development is identified at the end of this Chapter.

Sustainability Appraisal

It is not possible to identify effects against a number of environmental sustainability objectives as often the main sustainability effect arises as a result of the displacement of another type of development to an alternative location. It is unknown as to whether, through locating somewhere else, this displaced development would have greater or lesser sustainability effects than if it were to be allowed in the safeguarded area. On the other hand, there could be some positive benefits from not developing the area which is safeguarded. This policy may also however provide positive effects in relation to a number of objectives including minimising the use of resources, managing waste as high up the waste hierarchy as practicable and meeting the needs of a changing population. Minor negative impacts may arise should the policy result in facilities that manage waste lower down the waste hierarchy (e.g. landfill and incineration facilities) being safeguarded.

Recommendations:

No further mitigation is proposed.



Q04. Ref S03

Do you support the preferred policy approach? If not how should it be changed and why?

Q09) Is a buffer zone of 250m for the safeguarding of waste management facilities appropriate? If not what, if any, buffer zone would be preferable and why?

Minerals and Waste Transport Infrastructure Safeguarding

- 8.36 In order to ensure that opportunities for the sustainable transport of minerals or waste are protected for the future, it is important to safeguard relevant transport infrastructure sites in the Plan. The NPPF encourages the safeguarding of minerals transport infrastructure and states that mineral planning authorities should safeguard existing, planned and potential railheads, rail links to quarries, wharfrage and associated storage, handling and processing facilities for the bulk transport by rail, sea or inland waterways of minerals. In the interests of sustainable development,

similar principles should apply to infrastructure with the potential for transport of waste.

Policy S04 - Transport infrastructure safeguarding

Railheads, rail links and wharves identified on the Policies Map will be safeguarded against replacement development which would prevent the use of the land for minerals or waste transport purposes, unless;

- i) **The need for the alternative development outweighs the benefits of retaining the facility; or**
- ii) **A suitable alternative location can be provided for the displaced use; or**
- iii) **The facility is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.**

An additional 100m buffer zone around each facility, as shown on the Policies Map, is also safeguarded against encroaching development which would not be compatible with the use of the facility for minerals or waste transport. Where development in the safeguarded buffer zone would substantially restrict the continued use or potential future use of the facility for the transport of minerals or waste then permission will be refused unless adequate mitigation can be provided.

Main responsibility for implementation of policy: NYCC, CYC and NYMNP and District and Borough Councils

Key links to other relevant policies and objectives

I01, I02, S01, S02, S03, S05, S06, D01, D02, D03

Objectives 5, 7, 8

Monitoring: Monitoring indicator 43 (see Appendix 3)

Policy Justification

- 8.37 Transport infrastructure includes facilities or sites which are used, or which may provide potential for, non-road transport of minerals or waste, such as rail heads, sidings, and canal or river wharves. Some minerals, but not waste, are currently transported by rail via rail heads located in the Plan area, including coal from Kellingley Colliery, potash from Boulby Mine and the importation of aggregate into two rail linked sites in Selby district. There are a number of known facilities in the area, such as the rail link at the former Gascoigne Wood Mine site, also in Selby district, which have previously played a role in the transport of minerals, and where future potential may still exist.
- 8.38 Transport of coal by barge has previously occurred in the Selby area, and some infrastructure remains but needs repair if it is to be used again. Growing interest in the potential for increased supply of marine aggregate into the Yorkshire and Humber area may increase the significance of both water and rail transport of minerals in future, adding to the justification for safeguarding of wharfs and railheads.
- 8.39 In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the facility for the transport of minerals or waste, for example development which may be sensitive to disturbance from noise or dust, a buffer zone around safeguarded facilities has also been identified. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.
- 8.40 In those parts of the Joint Plan area covered by both County and District tier planning authorities, District Councils should consult with the County Council as minerals and

waste planning authority before granting permission for non-exempt development in an area safeguarded for transport infrastructure. Exemption criteria are set out in the sections dealing with Safeguarding and Consultation, later in this Chapter.

Sustainability Appraisal

This policy would ensure that wharves and railheads/rail links are safeguarded for the transportation of minerals and waste but retains an element of flexibility to ensure that unused sites with little potential for future use or sites that would have greater benefit being used for an alternative purpose are not safeguarded. Positive impacts have been identified in relation to encouraging the use of more sustainable modes of transport, air quality, land use, climate change, resource use and the economy. There is an element of uncertainty throughout the assessment as safeguarding may displace other forms of development that may otherwise have taken place in an area and the consequences of this displacement is not known.

Recommendations:

No further mitigation is proposed.



Q04. Ref S04

Do you support the preferred policy approach? If not, how should it be changed and why?

Q10) Is a buffer zone of 100m for the safeguarding of transport infrastructure appropriate? If not what, if any, buffer zone would be preferable and why?

Minerals Ancillary Infrastructure Safeguarding

8.41 National planning policy encourages the safeguarding of minerals ancillary infrastructure and states that mineral planning authorities should safeguard existing, planned and potential sites for concrete batching, the manufacture of coated materials and other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material.

Policy S05 – Minerals ancillary infrastructure safeguarding

Minerals ancillary infrastructure sites identified on the Policies Map are safeguarded against replacement development which would prevent the use of the land for minerals ancillary infrastructure purposes, unless;

- The need for the alternative development outweighs the benefits of retaining the site; or
 - A suitable alternative location can be provided for the displaced use; or
- The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.

An additional 100m buffer zone around each site, as shown on the Policies Map, is also safeguarded against encroaching development which would not be compatible with the use of the site for ancillary minerals infrastructure. Where development in the safeguarded buffer zone would substantially restrict the continued use or potential future use of the site for minerals ancillary infrastructure then permission will be refused unless adequate mitigation can be provided.

Main responsibility for implementation of policy: NYCC, CYC and NYMNPA and District and Borough Councils

Key links to other relevant policies and objectives	
<i>I02, D01, D02, S06</i>	<i>Objectives 3, 6, 7</i>
Monitoring: Monitoring indicator 44 (see Appendix 3)	

Policy Justification

- 8.42 In many cases ancillary infrastructure is located at the site where the minerals they wholly or partly depend on are produced. In these circumstances they are protected from replacement by alternative forms of development by the associated minerals extraction permission and specific safeguarding is not required. As minerals extraction sites tend to be located outside urban areas, the risk of encroachment by other conflicting development is also relatively low.
- 8.43 In other cases, ancillary minerals infrastructure is located at free standing sites which don't receive similar protection. Such sites are typically on industrial estates where there may be a greater risk of competition from, or encroachment by, other forms of development which, if located in close proximity to the ancillary infrastructure, could impact on its future operation.
- 8.44 In order to ensure that sites for minerals ancillary infrastructure are protected for the future, known free standing ancillary infrastructure sites are therefore safeguarded in the Plan. Applicants for development which would result in the loss of a safeguarded facility should include information in their application to demonstrate how the safeguarded use will be protected, or is no longer appropriate for safeguarding, in line with the criteria in the policy.
- 8.45 In order to protect safeguarded facilities from encroachment by other non-compatible development which may compromise the continued use of the site minerals ancillary infrastructure, a buffer zone around safeguarded facilities has also been identified. Where proposals for non-exempt development in these zones would not be compatible with the safeguarded use then permission will be refused unless suitable mitigation can be provided as part of the proposals for the encroaching development.
- 8.46 In those parts of the Joint Plan area covered by both county and district tier planning authorities, District Councils should consult with the County Council as minerals and waste planning authority before granting permission for non-exempt development in an area safeguarded for ancillary infrastructure. Exemption criteria are set out later in this section.

Sustainability Appraisal

There are some very minor benefits that occur because this policy essentially reduces the likelihood of development within 100m of safeguarded sites. Alternatively it may displace some development, leading to uncertain effects (which depend on the location that development is displaced to).

Elsewhere in the assessment a strong benefit was noted relating to minimising resource use, as safeguarding land for ancillary infrastructure would cover land for facilities for processing and distribution of substitute, recycled and secondary aggregate material. Where this is the case an indirect positive effect on minimising resources is expected. The policy also allows an option for future minerals ancillary infrastructure development to happen which would add value to minerals and help promote economic viability.

Effects on communities and health are minimised by the application of the 100m buffer, whereas mixed positive and negative effects were predicted for the changing population objective (as some limited housing development might be displaced, but minerals supply

would be facilitated).

Recommendations:

No further mitigation is proposed.



Q04. Ref S05

Do you support the preferred policy approach? If not how should it be changed and why?

Q11) Is a buffer zone of 100m for the safeguarding of minerals ancillary infrastructure appropriate? If not what, if any, buffer zone would be preferable and why?

Consultation Areas

- 8.47 The following policy addresses the consultation process between the District and Borough Councils and the County Council within that part of the Joint plan area falling within NYCC, where district matter development is proposed in safeguarding areas identified in the Minerals and Waste Joint Plan.

Policy S06 - Consideration of applications in Consultation Areas

Where non-exempt development is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, and District and Borough Councils

Key links to other relevant policies and objectives

S01, S02, S03, S04, S05

Objective 3

Monitoring: Monitoring indicator 45 (see Appendix 3)

Policy Justification

- 8.48 This policy only applies in those parts of the Joint Plan area outside the City of York and North York Moors National Park unitary planning authority areas. National policy states that Minerals Consultation Areas (MCAs) should be identified based upon areas defined as Mineral Safeguarding Areas (MSA). Within those areas District and Borough councils should consult the MPA and take account of any local minerals plan before determining a planning application for relevant non-minerals development within it.

- 8.49 As well as safeguarding minerals resources, the Plan seeks the safeguarding of minerals transport infrastructure and ancillary development, as well as important waste management infrastructure, in line with national policy. It is therefore appropriate to identify, within the NYCC area, corresponding consultation areas for these safeguarded areas too. Consultation will not be required where the development proposed is included in the list of exempt forms of development. As with minerals resource safeguarding, the purpose of consultation is to help ensure the implementation of the safeguarding policy requirements in those parts of the Joint Plan area where there is a 'two-tier' planning structure.

Sustainability Appraisal

In most cases this preferred option has no link with the SA objectives. However, there are positive effects in relation to three objectives. In terms of minimising resource use, this would prevent needless sterilisation of minerals resources. In terms of the historic environment building stone may be protected from sterilisation, and these benefits would also support the changing population objective. Similarly requiring consultation with the County Council over development affecting safeguarded infrastructure performs positively as it reduces the need for resource use and supports future supply and distribution of minerals for the population.

Recommendations:
No further mitigation is proposed.



Q04. Ref S06

Do you support the preferred policy approach? If not how should it be changed and why?

Safeguarding Exemption Criteria

8.50 The following application types will be regarded as 'exempt' development and, where proposed within an area safeguarded in the Minerals and Waste Joint Plan for surface minerals resources, minerals ancillary infrastructure, minerals transport infrastructure or waste infrastructure, do not require consideration under relevant safeguarding policies in the Plan:

- Infilling in towns and villages
- Householder applications within the curtilage of a property
- Advertisement applications
- Reserved matters applications
- Applications for new or improved accesses
- 'Minor' extensions/alterations to existing uses/buildings which do not fundamentally change the scale and character of the use/building
- 'Temporary' development (for up to five years)
- Agricultural buildings adjacent to existing farmsteads
- 'Minor' works such as fences, bus shelters, gates, walls, accesses.
- Amendments to current permissions (with no additional land take involved)
- Changes of use
- Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements
- Listed Building Consent and applications for planning permission for demolition in a conservation area
- Applications for work on trees or removal of hedgerows
- Prior notifications for telecommunications, forestry, agriculture and demolition
- Certificates of Lawfulness of Existing Use of Development and
- Certificates of Lawfulness of Proposed Use or Development.



Q12) Do you agree with the safeguarding exemption criteria listed? If not what changes would you suggest and why?

Sites proposed for safeguarding

- 8.51 Policies S03, S04 and S05 deal with the safeguarding of individual waste sites, transport infrastructure, (rail and wharves), and stand-alone minerals ancillary infrastructure. Safeguarding the sites will aim to protect them from replacement or from the encroachment of unsuitable development which could limit or stop the use of the site for minerals and waste activities.
- 8.52 Location details and plans of the sites which are considered appropriate for safeguarding under these policies are included in Appendix 2. The individual plans in the appendix do not include the suggested buffer zones mentioned in the policies, but the relevant buffer zone has been added to each site as shown on the Policies Map, which can be viewed at www.northyorks.gov.uk/mwconsult.



Q13) Do you agree with the sites which have been identified for safeguarding under policies S03, S04 and S05 in Appendix 2? If not what changes do you suggest?

Chapter 9: Development Management

9.1 The following sections deal with a range of issues that may be relevant to consideration of all planning applications for minerals or waste development in the Joint 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 jointly 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 Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- 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 in 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 national policy.

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

Key links to other relevant policies and objectives

W10, I01, I02, D02, D04, D11

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

Monitoring: Monitoring indicator 46 (see Appendix 3)

Policy Justification

9.3 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development would not apply where specific policies in the Framework indicate that development should be restricted and includes reference in a footnote that this includes National Parks and AONBs, as well as certain other designations⁵¹. Whilst the 'model policy' contains a cross reference to other parts of the NPPF which would

⁵¹ These include sites protected under the Birds and Habitats Directives, Sites of Special Scientific Interest, Green Belt, Local Green Space, Heritage Coast

restrict development, as around a third of the Plan area is within either the North York Moors National Park or one of the AONBs, it is considered 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 may also need to be applied in the context of this requirement. As there is potential for minerals and waste development to constitute major development it is considered appropriate to refer to this requirement in the policy.

Sustainability Appraisal

Most environmental SA objectives report neutral effects in the short and medium term as a result of this policy as this is largely an affirmation that the policies in the Plan, and national policy and Neighbourhood Plans, will be taken into account. However, uncertainty creeps into the assessment in the longer term as some locally distinctive issues may get a lesser degree of emphasis if the NPPF becomes the sole decision making document when the plan becomes out of date. In terms of National Parks and AONBs however, the continued application of the major development test positively supports the long term outlook for achieving the landscape objective.

The preferred policy supports the economic objective due to its ‘pro-active approach’ to finding solutions. It also supports the community vitality, wellbeing and population needs objectives in the short and medium term as it takes into account community defined Neighbourhood Plans. In the longer term the policy makes decision making more reliant on national policy than local views.

Recommendations:

No specific recommendation is made. However, when policies in the Plan become out of date they should be updated to ensure that a locally relevant approach to sustainable development is still applied.



Q04. Ref D01

Do you support the preferred policy approach? If not how should it be changed and why?

Development Management Criteria

- 9.5 Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In considering proposals for minerals development the NPPF indicates that Local Plans should contain a limited set of development management policies.
- 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 strategic considerations relating to minerals supply, provision of waste management capacity and related infrastructure which are discussed in the preceding Chapters. These include 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 adverse 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 would operate alongside any relevant strategic policies in the Plan, specific to that mineral or waste type or waste management method.

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 local communities (including residents, visitors and local businesses operating in those communities). A key role for the 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

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 effects on local amenity and local businesses, including as a result of impacts from: noise, dust, subsidence, vibration, odour and other emissions to air, vermin and litter, public safety, visual impact arising from the design, scale and location of the development, site lighting, cumulative effects, or as a result of adverse impacts on the public rights of way network and access to open space including, in the National Park, on opportunities for enjoyment and understanding of the special qualities of the National Park.

Proposals will be expected as a first priority to prevent adverse impacts through avoidance, with the use of robust mitigation measures where avoidance is not practicable.

Applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable.

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

Key links to other relevant policies and objectives

D03, D06, D07, D08, D09, D10, D11 | *Objectives 9, 10, 12*

Monitoring: Monitoring indicator 47 (see Appendix 3)

Policy Justification

- 9.10 The potentially harmful impacts of minerals and waste proposals can often be avoided or minimised through careful siting, design and operational practices. This can include use of mitigation measures such as acoustic bunds, screen planting, dust suppression systems and sensitive placement of site lighting and applicants should give careful consideration to these and other relevant matters when bringing forward

proposals, having regard also to any relevant national guidance and standards. Some impacts may have a cumulative effect alongside other impacts associated with the proposed development, or in association with impacts from other nearby development. In some cases such effects may be 'synergistic' (i.e. in combination the effects amount to more than the sum of the individual effects). Such effects will also need to be taken into account by applicants bringing forward development proposals and by the Planning Authorities in taking decisions. In some instances, where it is not practicable to avoid an unacceptable level of impact, permission for new development may need to be refused.

- 9.11 Some activities, which may otherwise be regarded as unacceptable, may be necessary in the short-term to facilitate minerals extraction, including some noisy short-term operations such as soil and overburden stripping and therefore some flexibility will be required when setting noise limits. Regard will be had to any national guidance and standards in establishing such limits.
- 9.12 In many cases, particularly for larger scale development, it is beneficial for developers to have early discussions with local communities in the vicinity of the proposed development site. This can help ensure that local concerns and opportunities are taken into account in the design of the scheme, including any mitigation measures proposed. Early communication between potential applicants and local communities is supported in the Statements of Community Involvement adopted by the three Authorities and is also supported by national policy and guidance. Prospective applicants for planning permission are therefore strongly encouraged to carry out consultation with local communities in advance of submission of an application and, where practicable, reflect the outcome of that consultation in the design and implementation of the scheme.
- 9.13 Planning authorities are advised in national planning practice guidance not to duplicate other statutory means of pollution control. For example the Environmental Protection Act sets out a number of statutory controls which are administered by organisations such as the Environment Agency and District/Borough Council environmental health services. Examples include issuing of environmental permits for waste operations and crushing plant, and control of statutory noise nuisance. However, certain pollution control matters can also be relevant to determination of minerals and waste planning applications, particularly where they are relevant to the use and development of land. Applicants are advised to have early discussions with other relevant regulatory authorities to help ensure a coordinated approach where possible.

Sustainability Appraisal

Broadly this policy performs well against the sustainability appraisal objectives. In particular it strongly contributes to the wellbeing, health and safety objective. Although broadly positive for the economy as amenity is important to local businesses, there is an uncertain effect on the viability of some proposals.

Recommendations:

Although no mitigation is proposed for this policy it will be important to address the uncertain effect on the viability of local businesses through monitoring this aspect of the Plan.



Q04. Ref D02

Do you support the preferred policy approach? If not how should it be changed and why?

Transport of minerals and waste and associated traffic impacts

- 9.14 The provision and safeguarding of transport infrastructure, in order to help encourage a shift away from road transport towards greater use of alternative forms of transport, has been considered earlier in the Plan (see chapters 7 and 8). This section considers potential impacts associated with transport of minerals and waste.
- 9.15 Impacts from road haulage associated with waste and minerals development can include adverse effects on traffic congestion and highway safety and impacts on local amenity including through increased noise, dust and vibration where heavy vehicles pass through local communities or other sensitive locations. Air quality can also be affected e.g. through the use of heavy diesel fuels. It will therefore be important for any proposals involving additional traffic generation to address potential impacts and for adequate control measures to be used if necessary.

Policy D03 - Transport of minerals and waste and associated traffic impacts

Where practicable minerals and waste movements should utilise alternatives to road transport.

Where road transport is necessary, proposals will be permitted where;

- There is capacity within the existing network for the level of traffic proposed; and
- Access arrangements are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site; and
- There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading; and
- Any adverse impacts can be appropriately mitigated for example by traffic controls, highway improvements and traffic routing agreements.

For all proposals generating significant levels of road traffic, a transport assessment and green travel plan will also be required to demonstrate that opportunities for sustainable transport and travel have been considered and will be implemented where practicable.

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

Key links to other relevant policies and objectives

W10, W11, I01, S04, I02, D02, D11 | Objectives 6, 7, 8, 11

Monitoring: Monitoring indicator 48 (see Appendix 3)

Policy Justification

- 9.10 Whilst national policy encourages greater use of alternatives to road transport it is recognised that, in the Joint Plan area, sources of supply and demand for minerals are relatively dispersed, as are locations of waste arisings and management. These factors, together with a relative absence of existing infrastructure in many parts of the Plan area to support the use of alternatives to road transport, suggests that road haulage will remain the main means of transport for the foreseeable future. Whilst use of alternative modes where practicable is therefore encouraged, it is also important to ensure that road transport is as sustainable as possible and controlled so as to minimise any adverse impacts. 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 and other development management policies in the Plan will therefore also be relevant in some circumstances.

- 9.17 It will therefore be important for any proposals involving additional traffic generation to address potential impacts and for adequate control measures to be applied if necessary. In some cases where additional movements are likely to be significant, applications should be accompanied by a transport assessment and/or a green travel plan. The purpose of these assessments is to help ensure that full consideration is given to measures to ensure the proposed transport arrangements for the minerals or waste involved, and the means of access to the site by staff and visitors, are as sustainable as possible. Prospective applicants are advised to contact the relevant planning authority at an early stage to establish whether a transport assessment and/or green travel plan is likely to be required in support of a particular proposal.

Sustainability Appraisal

Mostly this preferred policy option either supports or has no effect on the SA objectives. Key positives (all minor) relate to the transport, air quality, climate change, economic growth, community vitality and population needs objectives. Some uncertainty was noted in relation to the effect of road improvements etc. on sensitive landscapes as well as a mixed positive / uncertain outcome for the health and wellbeing objective as the policy supporting text currently does not link well to other policies relating to amenity and cumulative impacts.

Recommendations:

Better linkages between this policy and the landscape and amenity / cumulative effects policies in the supporting text would help reduce the uncertainties identified in this assessment.



Q04. Ref D03

Do you support the preferred policy approach? If not how should it be changed and why?

Protection of Important Assets

National Parks and AONBs

- 9.18 National Parks are designated under the 1949 Access to the Countryside Act. The North York Moors National Park was designated primarily for its landscape quality and diversity, and also hosts a variety of important habitats and thousands of historic assets as well as providing opportunities for enjoying impressive views and experiencing peace and tranquillity.

- 9.19 The statutory purposes of National Parks are set out in the 1995 Environment Act:

- 'conserve and enhance the natural beauty, wildlife and cultural heritage of the Park'; and
- 'promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public'.

In pursuing these two purposes the 1995 Act also places a duty on National Park Authorities 'to seek to foster the economic and social well-being of local communities'.

- 9.20 The North York Moors Core Strategy and Development Policies, which provides the overarching planning policy for the National Park, is framed around delivering these National Park purposes and achieving sustainable development within the context of them. The North York Moors National Park Management Plan sets out the long term vision for the National Park and the special qualities of the National Park.
- 9.21 Areas of Outstanding Natural Beauty are also established under the 1949 Access to the Countryside Act and are designated for the quality of their flora, fauna, historical and cultural associations as well as scenic views. The landscapes of AONBs are defined as having the same value as those of National Parks. The Nidderdale AONB is recognised for its heather moorland to the west, where it abuts the Yorkshire Dales National Park, and its rolling farmland landscapes to the east. The Howardian Hills AONB is recognised for its woodland, rolling agricultural landscapes and parkland. Small parts of the Forest of Bowland AONB, characterised by upland fells and vast tracts of heather moorland, and North Pennines AONB, characterised by open heather moorland, are within the Joint Plan area. The same level of protection is afforded to both National Parks and AONBs in the NPPF.
- 9.22 Around a third of the Joint Plan area is within either the North York Moors National Park or one of the area's AONBs, and its western boundary adjoins the Yorkshire Dales National Park. The NPPF requires great weight to be given to conserving landscape and scenic beauty in the National Parks and AONBs. In the National Park the conservation of wildlife and cultural heritage are important considerations and should be given great weight. The NPPF also states that in determining planning applications, local planning authorities should, as far as practicable, provide for the maintenance of landbanks for non-energy minerals from outside National Parks and AONBs (as well as World Heritage sites, Scheduled Monuments and Conservation Areas) and this is considered earlier in this document in Chapter 5.

Policy D04 - North York Moors National Park and the AONBs

Part One – Major Development

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

- **The need for the development, which will include a national need for the mineral and the impact of the development on the national economy; and**
- **The impact of permitting it, or refusing it upon the local economy of the National Park or AONB; and**
- **Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met in some other way; and**
- **Whether any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated to a level which does not significantly compromise the reason for the designation**

Part Two – All developments

Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development management policies in the Plan.

Part Three – Proposals which impact the setting of Designated Areas	
Proposals for development outside of the National Parks and AONBs will not be permitted where it would have a harmful effect on the setting of the designated area.	
Main responsibility for implementation of policy: NYCC and NYMNP and Minerals and Waste industry	
Key links to other relevant policies and objectives	
<i>M12, M15, M16, M18, D02, D06, D07, D08, D11</i>	<i>Objectives 6, 9, 10</i>
Monitoring: Monitoring indicator 49 (see Appendix 3)	

Policy Justification

- 9.23 The NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these matters. The preferred policy approach develops and clarifies the wording set out in Paragraph 116 of the NPPF.
- 9.24 Major development in or adjacent to the boundary of a National Park or AONB can have a significant impact on the qualities for which the area was designated. National Planning Guidance states that what constitutes major development in National Parks is a matter for the decision maker. Whether an application is considered as major development will depend on its nature, scale and 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.
- 9.25 For major development in the National Park and AONBs, the three 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 should be the need for the resource itself 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 Plan and the NPPF. Applicants will be expected to supply sufficient information to robustly demonstrate 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 local planning authorities, not just National Park Authorities. The Planning Policy Guidance explains that this duty is relevant in considering development proposals that are situated outside National Parks or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, 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 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 any impact on the setting of this National Park from proposals in the Joint Plan area.

Sustainability Appraisal

Whilst the assessment identifies that there may be negative effects for the economy of these areas through restricting minerals and waste developments it also identifies potential positive effects on the tourism economy of maintaining these high quality environments. Particularly positive impacts have been identified in relation to recreation and leisure and landscape whilst some minor negative impacts have been identified in relation to land use, as development may be displaced to areas of higher agricultural land value and cultural heritage as this policy may restrict the supply of local building stone in the National Parks and AONBs.

Recommendations:

Overall the policy is considered to be largely positive and no further mitigation is proposed.



Q04. Ref D04

Do you support the preferred policy approach? If not how should it be changed and why?

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 one - minerals

Proposals for minerals development within the York and West Yorkshire Green Belts will be supported where they would preserve the openness of the Green Belt and are consistent with the purposes of Green Belt designation set out in national policy. Where minerals extraction in the Green Belt is permitted, reclamation and afteruse will be required to be compatible with Green Belt objectives.

Part two - waste

Proposals for most waste development in the Green Belt will be considered inappropriate and will only be permitted in very special circumstances. The following types of development may be appropriate in the Green Belt where it can be demonstrated that the openness of the Green Belt will be preserved and where significant conflict with the purposes of Green Belt designation would not arise:

- i) open windrow composting;
- ii) small scale on farm composting and anaerobic digestion;
- iii) recycling of construction and demolition waste in order to produce recycled

<p>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;</p> <p>iv) short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;</p> <p>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;</p> <p>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;</p> <p>vii) small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and</p> <p>viii) continued activities within the footprint of established waste sites in the Green Belt.</p>	
<p>Main responsibility for implementation of policy: NYCC and CYC and Minerals and Waste industry</p>	
<p>Key links to other relevant policies and objectives</p>	
<p><i>I01, S05, D02, D06, D08, D10, D12</i></p>	<p><i>Objectives 9, 12</i></p>
<p>Monitoring: Monitoring indicator 50 (see Appendix 3)</p>	

Policy Justification

- 9.29 There are significant areas of Green Belt in the Joint 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.
- 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 are:
- 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 in relation to the purposes of 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 unconventional gas resources in the Green Belt, owing to the particular characteristics of, and potential impacts associated with, this form of development. In all cases appropriate design and mitigation measures should be incorporated where necessary and it will also be necessary to ensure that any proposed afteruse is compatible with Green Belt objectives.

- 9.32 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, not least the proximity principle and the benefits of 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. As Green Belt is designated in association with larger urban areas there can therefore be some conflict between identifying suitable locations for waste facilities, and protection of the Green Belt.
- 9.33 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.
- 9.34 It is considered that there could be some circumstances within the Plan area where waste development in the Green Belt would be acceptable in principle. This includes a number of types of waste management activities and types of specific locations where development would be less likely to cause harm to openness and the purposes of Green Belt policy objectives.
- 9.35 In particular, they include activities which are typically associated with rural areas such as open composting, or are small scale and temporary activities co-located with other development already taking place in the Green Belt. The Harewood Whin site in the City of York is a well-established waste facility in the 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 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.
- 9.36 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 potential impact of the development on openness and in relation to the purposes of Green Belt designation and that appropriate design and mitigation measures are incorporated where necessary.

Sustainability Appraisal

For some SA objectives the predicted effects for the waste and minerals parts of this preferred policy diverge, with a continuation of minor positive effects resulting from minerals development noted for the transport and climate change objectives, while at the same time negative effects are noted that arise from the lack of consideration of locational factors in relation to waste sites in the Green Belt. Similarly, for the economy SA objective, while minerals sites may continue to bring jobs to Green Belt communities, waste related jobs may become scarcer.

Elsewhere effects are broadly neutral or positive, with strong positive effects noted for landscape. The soils objective notes positive effects from the policy's approach to waste in relation to conserving soils (as in the Green Belt allowable waste development will mostly be located in places such as quarry voids or established industrial sites), while negative effects are noted for minerals development (as the Green Belts coincide with a large amount of higher quality grade 2 and 3 land). Similarly effects on the waste hierarchy may be negative,

as the policy may drive some facilities to less optimal locations (which may affect the costs of operating waste sites or even viability for more some future facilities).

Recommendations:

This option largely complements national policy and affords a level of protection that, while having some minor effects, is balanced by a broad range of positive effects. Therefore no further mitigation is recommended.



Q04. Ref D05

Do you support the preferred policy approach? If not how should it be changed and why?

Landscape

9.37 The Joint Plan area has a 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

Proposals will be permitted where it can be demonstrated that there will be no unacceptable impact on the landscape, having taken into account any proposed mitigation measures.

For proposals which may impact on nationally designated areas including the National Park, AONBs, Heritage Coast and the adjacent Yorkshire Dales National Park, including their setting, a very high level of protection to landscape will be required. Development which would have an unacceptable adverse landscape impact on these designated areas will not be permitted.

Protection will also be afforded to the landscape setting of the historic City of York. Permission will only be granted for development which would harm the landscape setting of the City where the need for, or benefits of, the development outweigh the harm caused.

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

D02, D04, D07, D08, D10, D12 | *Objectives 9, 12*

Monitoring: Monitoring indicator 51 (see Appendix 3)

Policy Justification

9.38 The variety of landscapes in the area adds much to its overall distinctiveness. A large part of the area is designated 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 significance⁵². Maintaining the setting of the historic City of York is also an important landscape consideration as it is not 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 structures⁵³ 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.

- 9.39 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.
- 9.40 There are a number of Landscape Character Assessments (LCAs) covering the Joint Plan area, including those produced by District and Borough councils, which provide a useful source of information relating to the various landscapes present 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. Applicants should utilise any available local landscape studies as a source of information to assist in the identification of any potential landscape impacts and mitigation.
- 9.41 In particular, such studies can assist in gaining a wider understanding of the significance of a location in landscape terms, and how a development proposal may impact not just on the immediate site but on any wider area it may influence. Particularly for larger scale proposals, including significant new minerals extraction and major new waste management facilities, especially in more rural locations, careful consideration should be given to the wider landscape setting and context of the site 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.
- 9.42 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, to help provide a more integrated approach to consideration of 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-

⁵² 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 Joint Plan area. Areas currently so designated can be viewed at <https://www.gov.uk/tax-relief-for-national-heritage-assets>.

⁵³ Further information can be found in the City of York Council Heritage Topic Paper update 2013

application research and discussion with relevant organisations. Mitigation of landscape impacts can be more difficult for minerals extraction in comparison to other types of development due to the need to locate development where the mineral is found. However, where a mineral is less scarce, there may be greater flexibility in siting to minimise impacts on the landscape. 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> .

- 9.43 An important aspect of the environment of the Plan area, of relevance to consideration of landscape, 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 objective way, the potential for a development proposal to adversely impact 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.
- 9.44 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.
- 9.45 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.

Sustainability Appraisal

This policy is likely to result in a number of positive impacts particularly in relation to protection of the landscape. This is likely to also result in positive impacts in relation to cultural heritage, tourism and amenity in those areas of high landscape value. This policy may result in a clustering of development outside of the designated and high value landscapes in the plan area therefore resulting in cumulative negative impacts.

Recommendations:

Overall the policy is considered to be largely positive however it is considered that it could be strengthened by supporting the provision of landscape enhancements in association with minerals and waste development where this would be compatible with landscape character.



Q04. Ref D06

Do you support the preferred policy approach? If not how should it be changed and why?

Biodiversity and geodiversity

9.46 The NPPF requires planning policies to protect and enhance biodiversity by 'minimising impacts on biodiversity and providing net gains in biodiversity 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

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 sites, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures. A very high level of protection will be afforded to sites designated at an international or national level, including SPAs, SACs, RAMSAR sites and SSSIs. Development which would have an unacceptable impact on these sites will not be permitted.

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.

In exceptional circumstances, and where the development site giving rise to the requirement for offsetting is not located within a SPA, SAC, RAMSAR or SSSI, the principle of biodiversity offsetting to fully compensate for any losses will be supported. These circumstances include where:

- i) It has been demonstrated that it is not possible to avoid or mitigate against adverse impacts, and
- ii) The provision of compensatory habitat within the site would not be feasible; and
- iii) The need for or benefits of the development override the need to protect the site; and
- iv) Any compensatory gains would be delivered within the minerals or waste planning authority area in which the loss occurred.

Main responsibility for implementation of policy: NYCC, NYMNP, CYC, Minerals and Waste industry, District and Borough Councils and Local Nature Partnerships.

Key links to other relevant policies and objectives

D02, D04, D05, D08, D09, D10, D12 | Objectives 9, 11, 12

Monitoring: Monitoring indicator 52 (see Appendix 3)

Policy Justification

9.47 The biological and geological diversity of the Joint Plan area is a fundamental aspect of its natural environment. A large proportion of the Joint Plan area's natural environment is designated at either European, national or local level for the importance of its habitats and/or species. There are also many non-designated areas that nevertheless provide valuable habitats or form important parts of wider ecological networks. Protected species may live outside designated areas and many

of these are also protected by law. Whilst there are many biodiversity sites and assets in the area, there are also a smaller number of geological SSSIs and regionally important geological sites which are subject of protection.

- 9.48 The protection and enhancement of ecological networks is becoming increasingly important due to changes in the climate. There are important links between biodiversity and the water environment, such as water quality issues for example, and with matters such as food production. The natural environment in effect provides a range of 'services' (known as ecosystems services) which it is important to help maintain and enhance. Biodiversity and geodiversity assets also form an important element of the green infrastructure⁵⁴ of the area and contribute to overall quality of life.
- 9.49 Minerals and waste developments have the potential to impact adversely on biodiversity and geodiversity. In addition minerals development, particularly through the process of quarry reclamation, is well placed to provide longer term enhancement of both biodiversity and geodiversity.
- 9.50 Applicants will need to demonstrate, when bringing forward proposals, that any potential impacts on biodiversity and geodiversity have been identified and addressed through mitigation where necessary. Opportunities should also be sought to deliver longer term enhancement. Proposals should be directed towards the delivery of any priorities already agreed for the area in which the site is situated, as set out in local Biodiversity Action Plans, Geodiversity Action Plans or through any strategy produced by the relevant Local Nature Partnership.
- 9.51 In some cases, it may be possible to deliver greater overall benefits through delivery of a coordinated approach in combination with other proposed development. This may particularly be the case for minerals extraction, where there are a number of workings taking place in the same area, for example in the corridors of the Rivers Swale and Ure and opportunities may arise at a landscape scale. The RSPB have indicated that the greatest opportunities can rise in relation to schemes with an area in excess of 200ha. Where as a result of the scale, nature or location of the development proposed, there are opportunities to deliver enhancement of biodiversity or geodiversity, including the provision of green infrastructure, applicants are encouraged to discuss their proposal with the relevant planning authority at an early stage in order to help ensure that a coordinated approach, and maximum overall benefits, taking into account existing permitted schemes and other relevant proposals, can be achieved where practicable.
- 9.52 In some limited circumstances it may be appropriate for compensatory provision to be made elsewhere for habitat losses resulting from development. Such 'Offsetting' should be viewed as a last resort measure where the need for, or benefits of, the development outweigh the need to protect the site and no other suitable location is available. It will generally be preferable for mitigation or compensation measures, if necessary, to be delivered at the development site rather than through offsetting at an alternative location.
- 9.53 Where development requiring offsetting is proposed, the arrangements for provision of the offsetting biodiversity gain should be set out as part of the proposals, and the location where the offsetting provision is to be made should be within the same minerals or waste planning authority area as the development giving rise to the need for offsetting. This is to help ensure that biodiversity assets are not displaced out of

⁵⁴ Green infrastructure is a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. It includes parks, open space, playing fields, woodlands, allotments and private gardens.

the local area. A further consideration is that, in developing proposals for offsetting, consideration should be given to replacing the community and climate regulation value attached to the biodiversity of the site to be developed, in order to help ensure an appropriate overall level of gain in the interests of sustainability. In practice it is considered that circumstances necessitating offsetting in the Joint Plan area are likely to be very rare.

Sustainability Appraisal

This preferred policy will have a range of largely positive effects as through the protection and enhancement of biodiversity valuable ecosystem services, such as water or air quality improvements, carbon storage benefits, or increased access to outdoor space. It may also benefit the local economy, helping to ensure that the plan area remains attractive to tourists and investors. Some uncertainty was however noted in relation to biodiversity offsetting which while seeking to provide a net gain, might fail to fully replicate lost habitats (albeit that these are likely to be of local rather than national value), or might locate them some distance away from the original beneficiaries of habitats. Nonetheless, offsetting would provide minerals and waste developers with greater flexibility to locate in the best locations. Some negative effects were noted due the burden that this policy may put on new development.

Recommendations:

Broadly the policy is seen as positive in terms of most SA objectives. However, the uncertainties raised over biodiversity may benefit from additional clarification on the circumstances when it would be suitable (i.e. when exceptional circumstances might apply, the nature of the offset expected of developers and the geographical scope of its application)⁵⁵.



Q04. Ref D07

Do you support the preferred policy approach? If not how should it be changed and why?

Historic environment

9.54 'Heritage assets' are buildings, monuments, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions. They includes those assets which are designated and those which exist on any local list maintained by local authorities. National planning policy requires any effects on heritage assets to be assessed in terms of the significance of the asset, and states that substantial harm should usually be avoided. National policy also requires that effects on the significance of any non-designated heritage assets be taken into account and that a balanced judgment should be made and, for all assets, that the desirability of sustaining and enhancing significance should be taken into account.

9.55 The setting of a heritage asset is also an important consideration. The NPPF defines the setting of a heritage asset as '*The surroundings within which it is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

⁵⁵ National guidance on biodiversity offsetting has not yet been finalised. Information on the pilot work and consultation work run by Defra is available at <https://www.gov.uk/biodiversity-offsetting>.

- 9.56 The Joint Plan area contains tens of thousands of heritage assets including Listed Buildings, Scheduled Monuments, a World Heritage Site, Registered Parks and Gardens, Registered Battlefields and Conservation Areas, as well as assets which are not yet identified or designated.
- 9.57 Minerals extraction, which may involve the large scale physical disturbance of land, may have a direct impact on heritage assets, including the potential for their physical destruction, and both minerals and waste development can impact on the setting of heritage assets, which can be of importance in contributing to their overall significance.

Policy D08 - Historic environment

Minerals or waste development proposals will be permitted where it can be demonstrated that they will conserve and, where practicable, enhance those elements which contribute to the significance of the area's heritage assets including their setting.

Particular regard will be had to the benefits of conserving those elements which contribute most to the distinctive character and sense of place of the Plan area including:

- The World Heritage Site at Fountains Abbey/Studley Royal;
- The special historic character and setting of York;
- The archaeological resource of the Vale of Pickering, the Yorkshire Wolds, the North York Moors and Tabular Hills, and the Southern Magnesian Limestone Ridge.

Proposals that would result in harm to a designated heritage asset (or an archaeological site of national importance) will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a designated heritage asset (or an archaeological site of national importance) will be permitted only in exceptional circumstances and where it can be demonstrated that substantial public benefits would outweigh that harm.

Proposals affecting an archaeological site of less than national importance will be permitted where they would conserve those elements which contribute to its significance in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, adequate provision should be made for excavation and recording before or during development.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and Historic England.

Key links to other relevant policies and objectives

D06, D10, D11

Objective 9

Monitoring: Monitoring indicator 53 (see Appendix 3)

Policy Justification

- 9.58 The Studley Royal including the ruins of Fountains Abbey World Heritage Site is a particularly important heritage asset as the only World Heritage Site in the Joint Plan area, and in 2012 an additional buffer zone was identified by the World Heritage Site Committee in order to help protect certain aspects of the visual setting and designed landscapes of the Site. The buffer zone is being identified in the Harrogate Borough Council Local Development Framework and is also shown on the Policies Map for

the Minerals and Waste Joint Plan. Regard will be had to the purposes of the buffer zone when considering proposals which may impact on the WHS.

- 9.59 Evidence produced by City of York Council in 2013⁵⁶ identifies six principle defining characteristics of York's historic environment to help describe the special qualities that set York apart from other similar cities in England. The is particularly significant as a result of the nature and concentration of heritage assets it contains and because of the significance of long distance views of landmark buildings such as the York Minster tower and Terry's clock tower from the wider Vale of York. Maintaining the wider setting of York is also of importance because of the significance of the City to the tourism and wider economy of the Joint Plan area, with the City receiving around 7 million visitors annually. The City as a whole is not subject of specific protection through any designations and it is therefore considered appropriate to provide a degree of protection from any adverse impacts on its setting from minerals or waste development.
- 9.60 The Vale of Pickering is also of particular significance. Evidence indicates a concentration of heritage assets, many of which are currently undesignated and in this part of the Plan area there is a close association between minerals resources and significant heritage assets. A Statement of Significance for the Vale has been produced for Historic England in recognition of a number of factors which include the realisation that the exceptional archaeological landscape identified between Rillington and Sherburn cannot adequately be managed through current approaches to designation along with the need for an agreed, clear statement on the special character, qualities and attributes of the Vale which can be incorporated into policy documents.
- 9.61 Discussion with Historic England has identified a number of other areas, based partly on National Character Area Profiles developed by Natural England <https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making/national-character-area-profiles> , within which archaeological resources are likely to be particularly significant, including the Yorkshire Wolds, the North York Moors and Tabular Hills and the Southern Magnesian Limestone Ridge. These are areas of known and well-documented archaeological potential which contain some of the highest concentrations of archaeological features in the country. Much of this is likely to be of national importance. There is a relatively close correlation between these areas and some mineral resources. However, for the most part, the archaeology within these landscapes is largely undesignated. In these areas in particular and other locations where evidence suggests that significant heritage assets occur, it will be particularly important that the extent, siting, design and implementation of any mineral working and reclamation proposals are informed by a detailed understanding of the wider historic and landscape context of the area.
- 9.62 Where necessary proposals should include comprehensive mitigation and management measures aimed at minimising adverse impacts and delivering enhancements, including to the longer term setting and the enjoyment and understanding of heritage assets where appropriate.
- 9.63 The Managing Landscape Change project, commissioned by North Yorkshire County Council with funding from Historic England, highlighted that the absence of formal designations within an area should not be used to imply an absence of archaeological significance. It could simply mean that heritage assets have not yet been discovered or have not previously been recognised. It suggests that by looking

⁵⁶ City of York Council Heritage Topic Paper update 2013

at the potential development site in its wider context it is possible to establish a more complete picture of the potential significance of a site and any heritage assets which could be affected, thus informing the most appropriate strategy for field evaluation of the site or area, in line with paragraph 128 of the NPPF. Interested parties bringing forward development proposals, particularly for minerals extraction in the NYCC area, are advised to review relevant advice in the report of the Managing Landscape Change Study, which is available on the NYCC website.

- 9.64 In all cases applicants for minerals or waste development are advised to seek information from the relevant Historic Environment Record when bringing forward proposals, and to discuss schemes with the relevant minerals and waste planning authority at an early stage where an initial review of available information suggests that there is potential for heritage assets to be impacted by a particular proposal. In cases where the partial or total loss of the significance of heritage assets is supported through the grant of permission, developers will be required to record and advance the understanding of the significance of the asset/s to be lost and to make this information publicly available.

Sustainability Appraisal

This policy would have particularly strong positive impacts in relation to the historic environment and landscape objectives. The policy would conserve and where appropriate enhance the historic environment and affords particular protection for the most significant historic assets within the plan area. Positive impacts are also likely to result in relation to tourism, recreation, community viability and vitality and the economy as this policy may boost tourism and conserve and enhance the special qualities of the National Park. Some negative impacts may result particularly in relation to the economy and meeting the needs of a changing population should this policy result in prevention of minerals and waste development due to historic environment considerations.

Recommendations:

There is an element of uncertainty in relation to the magnitude of positive impact that would result from this policy as it states that enhancements will be made 'where appropriate'. This policy could be strengthened by requiring enhancements to be made 'wherever possible'.



Q04. Ref D08

Do you support the preferred policy approach? If not how should it be changed and why?

Water Environment

- 9.65 Both minerals and waste development have the potential to impact on water resources and quality and can contribute to, or be at risk from, flooding. For example waste management activities may have the potential to cause pollution as a result of the nature of the processes taking place or the wastes being handled. Mineral sites, as well as landfill and land raise activities, for example through the presence of screening bunds or other alterations to landform, can impact on the flow of water during flood events. The NPPF requires that proactive strategies to mitigate and adapt to climate change should be put in place taking account of, amongst other matters, water supply and demand. It requires that environmental criteria be set out against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the flow and quantity of surface and groundwater and water habitats in terms of biodiversity. Furthermore, the NPPF requires that both new and existing development should be prevented from

contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Policy D09 - Water environment

Proposals for minerals and waste development will be permitted where it can be demonstrated that no unacceptable adverse impacts will arise, taking into account any proposed mitigation, on:

**Surface or groundwater quality;
Surface or groundwater supplies and flows.**

In relation to surface and groundwater quality and flows a very high level of protection will be applied to principle aquifers and groundwater Source Protection Zones. Development which would have an adverse impact on principle aquifers and Source Protection Zones will only be permitted where the need for, or benefits, of the development clearly outweigh any harm caused.

Permission for minerals and waste development on sites not allocated in the Plan will, where relevant, be determined in accordance with the Sequential Test and Exception Test for flood risk set out in national policy. Development which would lead to an unacceptable risk of, or be at an unacceptable risk from, surface, ground or coastal water flooding will not be permitted.

Proposals for minerals and waste development should, where necessary or practicable taking into account the scale, nature and location of the development proposed, include measures to contribute to flood alleviation and other climate change mitigation and adaptation measures including use of sustainable urban drainage systems.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and Environment Agency.

Key links to other relevant policies and objectives

<i>D06, D07, D10, D11</i>	<i>Objectives 9, 10, 11</i>
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Monitoring: Monitoring indicator 54 (see Appendix 3)

Policy Justification

- 9.66 Large parts of the Joint Plan area, particularly within the City of York area and lower lying parts of the NYCC area are at risk of flooding, as demonstrated in the Strategic Flood Risk assessment that has been prepared alongside the Plan. Flood risk maps are available on the Environment Agency's website. There are also substantial areas which are underlain by principle aquifers, including the Magnesian Limestone resource and some rocks of Jurassic age in the eastern part of the Plan area. Some of these areas also contain groundwater Source Protection Zones, which are identified by the Environment Agency in order to protect public drinking water supplies and certain supplies used for commercial purposes.
- 9.67 The Environment Agency has prepared a number of Position Statements setting out their likely approach to environmental permitting of various forms of development which may present a pollution hazard to groundwater. A number of these Statements are of relevance to minerals and waste development, including conventional and unconventional oil and gas, landfill, non-landfill waste activities and mining, quarrying and gravel extraction. In order to help ensure a general consistency of approach the planning authorities will, when implementing this policy, have regard to any relevant EA Position Statements in determining the acceptability of any proposal which has the potential to cause groundwater pollution.

Consideration should also be given to the aims and objectives of the Water Framework Directive, as this is a key piece of EU legislation governing protection of the water environment. Under the WFD, developers should take all measures necessary to ensure that no deterioration of local surface water bodies is caused by a development, and that every effort is made to provide appropriate mitigation measures to achieve this. Supporting the achievement of water status objectives outlined in River Basin Management Plans is important in meeting obligations under the Water Framework Directive. This can generally be demonstrated by achieving a relevant environmental permit flood defence consent or land drainage / ordinary watercourse consent.

- 9.68 National planning policy places considerable emphasis on the need to address flood risk, water pollution and water availability in planning decisions and includes specific national policy tests in relation to flood risk that are required to be met, in the form of a Sequential Test for flood risk and an Exception Test. The Sequential Test involves a risk-based approach to locating development. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. It operates together with a strategic level flood risk assessment which has been prepared alongside the Plan, in order to help ensure that policies and site allocations give appropriate consideration to flood risk. If, following application of the Sequential Test it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.
- 9.69 Full details of the Tests can be found in the Technical Guidance on flood risk published alongside the NPPF. Applicants are advised to consider the Technical Guidance and national policy on flood risk at an early stage in developing proposals.
- 9.70 In some cases it may be necessary for a site-specific flood risk assessment to be carried out in support of an application. A site specific flood risk assessment is required for proposals of 1 hectare or greater in flood zone 1 and for all proposals for new development (including minor development and change of use) in flood zones 2 and 3. Further guidance is available in the Technical guidance accompanying the NPPF. Applicants should also consider the 'standing advice' on flood risk produced by the Environment Agency when preparing a site-specific flood risk assessment for lower risk development.
- 9.71 Different types of development have different vulnerabilities to flooding and some are considered to be 'water compatible'. Water compatible development includes some forms of development which fall within the scope of the MWJP, specifically sand and gravel extraction and sewage transmission infrastructure and pumping stations. These forms of development are appropriate within all flood zones. Most other forms of development within the scope of the Plan, such as other types of mineral working and processing as well as waste development (except landfill and hazardous waste facilities) are classed as 'less vulnerable'. These may be acceptable in all flood risk zones except Zone 3b (functional floodplain). Landfill and sites used for management of hazardous waste are 'more vulnerable' and should not take place in Zone 3b and would only be acceptable in Zone 3a if they meet the Exception Test. This Test requires it to be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and; a site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

- 9.72 Increased risk of flooding is one of the predicted impacts of climate change and should be taken into account in the preparation of flood risk assessments, in line with the Technical Guidance accompanying the NPPF. Minerals extraction, particularly water compatible sand and gravel working, can also provide opportunities to contribute to flood alleviation, for example through the provision of increased flood storage capacity where working is taking place in flood plains. Within the Plan area there is an overlap between sand and gravel resources and flood plains and some mineral extraction is already taking place in these locations. Where proposals are brought forward for sand and gravel working, consideration should be given at an early stage in preparing the scheme to the potential to incorporate flood alleviation measures into the design, particularly as part of site reclamation.
- 9.73 Consideration should also be given to the use of sustainable drainage systems for the management of surface water drainage. These are designed to control surface water run-off close to where it falls and to mimic natural drainage as closely as possible. This matter is addressed in Policy D11 dealing with sustainable design.

Sustainability Appraisal

This is a generally positive development management policy, with benefits to biodiversity, water, climate change mitigation and adaptation, the economy, community vitality, recreation, health and wellbeing and a changing population. It will work well alongside the environmental permitting and water licensing regimes.

Recommendations:

A reference to the importance of not impeding the achievement of water status objectives outlined in River Basin Management Plans (which is important in meeting obligations under the Water Framework Directive) in the supporting text could add some additional clarity for future development proposals. This can generally be demonstrated by achieving a relevant environmental permit flood defence consent or land drainage / ordinary watercourse consent.⁵⁷



Q04. Ref D09

Do you support the preferred policy approach? If not how should it be changed and why

Reclamation and afteruse of minerals and waste sites

- 9.74 The nature of minerals development, which often involves permanent or long term physical change to land, sometimes on a substantial scale, means that it is important that consideration is given to how sites are reclaimed and used once workings have finished. In contrast, many waste developments, particularly modern developments not involving landfill, are permanent or long term built developments, which do not give rise to similar strategic considerations of reclamation and afteruse. However, some forms of waste development, such as landfill and proposals for temporary plant and buildings, do give rise to reclamation and afteruse considerations. Whilst the main focus of this section is therefore on minerals development, the policy it contains is also intended to be applied to relevant forms of waste development.

⁵⁷ See Environment Agency, 2014. Living on the Edge URL:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/403435/LIT_7114.pdf

- 9.75 The NPPF states that land worked for minerals should be reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites should take place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation. It also states that bonds and other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.
- 9.76 Several parts of the Joint Plan area (such as parts of the Swale and Ure valleys and parts of the Vale of Pickering and Selby District) have over the years developed concentrations of mineral sites which can give rise to a number of issues regarding the long-term impact of working and reclamation, including progressive landscape change, impact on other environmental assets such as the historic environment, loss of good quality agricultural land, and impact on the setting and amenities of local communities. Some of these effects can be cumulative in nature, either over extended periods of time or through a number of simultaneous effects.
- 9.77 Reclamation also provides potential opportunities for delivery of benefits to the environment or amenity. For example, reclaimed sites can provide biodiversity or geodiversity gain in line with biodiversity and geodiversity action plans, opportunities for informal or formal recreation and, for certain areas, reclaimed sites may be able to play a role in flood risk reduction, or supply of water for agriculture, or for potential river recharge.
- 9.78 Pressure to divert waste away from landfill means that the traditional link between mineral working, and reclamation back to original ground levels through landfill, has now been largely broken. There has been a drop in landfill of biodegradable waste, and this is likely to accelerate as new arrangements for management of residual waste arising in the Plan area are implemented. Increasingly, inert material is also being diverted away from landfill as it is subject to more re-use and recycling (such as is occurring with construction and demolition waste).
- 9.79 This means that forms of low level (i.e. below original ground level) reclamation are likely to be increasingly common. For hard rock quarries this is likely to mean that sites will be reclaimed to a landform significantly different to that which pre-existed the workings, and for sand and gravel quarries in river valleys where the water table is high, it would mean an ongoing likelihood of reclamation involving the creation of substantial lakes. As well as providing opportunities (e.g. for habitat creation, geodiversity and recreation opportunities), this can create challenges in terms of landscape impact and changes to the setting of communities and heritage assets, loss of agricultural land and, for reclamation involving lakes, potential conflict with airfield safeguarding requirements due to the attractiveness of lakes to flocks of birds.
- 9.80 Large parts of a zone running north-south through the central part of North Yorkshire are affected by airfield safeguarding areas, and there is a large degree of overlap between such safeguarding areas and the overall distribution of sand and gravel resources. This can impact on opportunities for water-based restoration, particularly for biodiversity, in order to ensure that any risk to aircraft from birdstrike⁵⁸ can be managed.

⁵⁸ Birds can be ingested in aircraft engines or cause other damage which presents a risk to an aircraft in flight. Larger birds, particularly those which congregate in flocks, tend to present the greatest hazard.

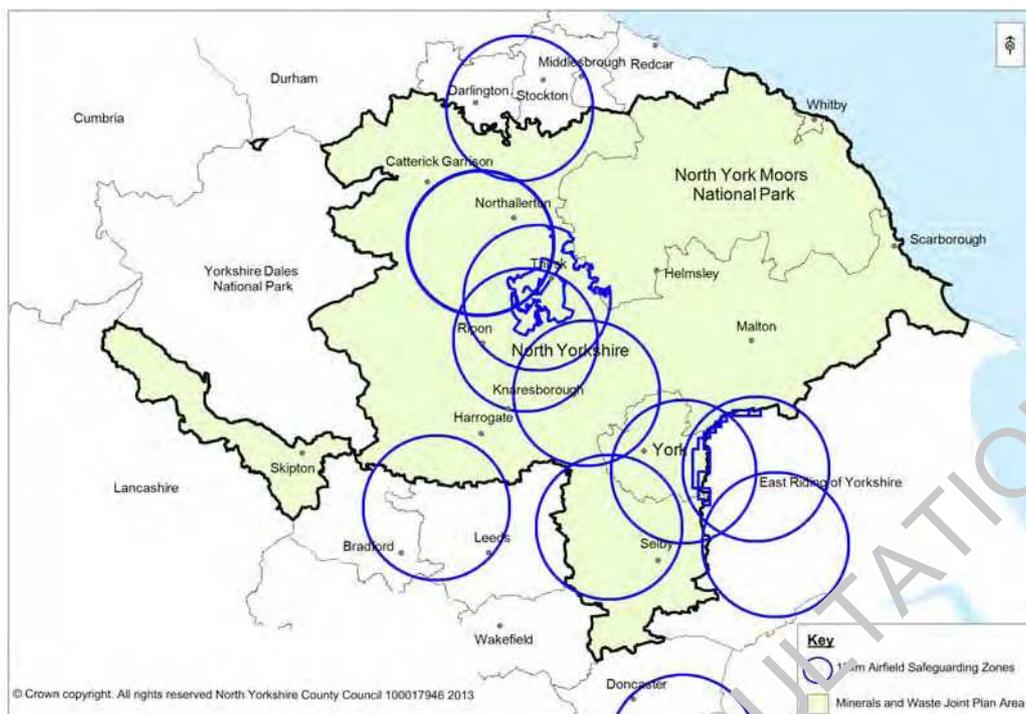


Figure 19: Airfield safeguarding zones

Policy D10 - Reclamation and afteruse

Part One

Proposals which require restoration and afteruse elements will be permitted where it can be demonstrated that they would be carried out to a high standard and which, where relevant, have demonstrably:

- i) Been brought forward in discussion with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions;
- ii) Taken into account the location and context of the site, including the implications of other significant permitted or proposed development in the area and the range of environmental and other assets and infrastructure that may be affected, including any important interactions between those assets and infrastructure;
- iii) Reflected the potential for the proposed restoration and/or afteruse to give rise to positive and adverse impacts, including cumulative impacts, and have sought where practicable to maximise potential overall benefits and minimise overall adverse impacts;
- iv) Taken into account potential impacts on and from climate change factors
- v) Made best use of onsite materials for reclamation purposes and only rely on the need for importation of waste where essential to deliver an appropriate standard of reclamation;
- vi) Provided for progressive, phased restoration where appropriate and which provide for the restoration of the site at the earliest opportunity in accordance with an agreed timescale;
- vii) Provided for the longer term implementation and management of the agreed form of restoration and afteruse (except in cases of agriculture or forestry afteruses where a statutory 5 year maximum aftercare will apply).

Part two

In addition to the criteria in Part One above, proposals will be permitted which

deliver a more targeted approach to minerals site restoration and afteruse by contributing towards objectives, appropriate to the location of the site, including where relevant:

- i) In areas of best and most versatile agricultural land, prioritising the protection and enhancement of soils and the long term potential to create areas of best and most versatile land during reclamation of the site;**
- ii) Where opportunities allow, particularly for sand and gravel extraction in the flood plains of the rivers Swale and Ure, providing additional flood storage capacity to help minimise flooding in upstream and downstream locations;**
- iii) Within the National Park and AONBs, enhancing the special qualities of the designated area and/or providing opportunities for the enjoyment and understanding of those special qualities;**
- iv) Within airfield safeguarding zones, particularly where reclamation for biodiversity is involved, ensuring that reclamation and afteruse proposals respect safeguarding constraints whilst maximising the potential restoration and afteruse benefits delivered by the site;**
- v) In proximity to important heritage assets, ensuring that the significance of assets and their settings is sustained and where practicable enhanced and, also where practicable, that opportunities to facilitate enjoyment of the asset are provided;**
- vi) Where the development is located within or adjacent to identified green infrastructure corridors, reflecting any locally agreed priorities for delivery of additional or enhanced green infrastructure and ecosystems services;**
- vii) In proximity to major settlements within and adjacent to the Plan area, and subject to local amenity considerations, providing enhanced opportunities for informal and formal public access and recreation;**
- viii) Delivering enhancements for biodiversity, improvements to habitat networks and the connectivity between these, including the creation of Biodiversity Action Plan habitats, based on contributing towards established objectives, seeking to deliver benefits at a landscape scale where practicable;**
- ix) Creating geodiversity benefits where appropriate including contributing towards the delivery of priorities identified in any relevant Geodiversity Action Plan.**

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

Key links to other relevant policies and objectives

D02, D04, D06, D07, D08, D09, D11, D12 | *Objectives 9, 10, 11, 12*

Monitoring: Monitoring indicator 55 (see Appendix 3)

Policy Justification

9.81 National planning guidance defines restoration as ‘operations associated with the winning and working of minerals and which are designed to return the area to an acceptable environmental condition, whether for the resumption of former land use or a new use’. The process of restoring a site may also involve a period of aftercare, required to ensure the proposed use is implemented. The term ‘reclamation’ refers to the combined process of restoration and, where relevant, aftercare.

9.82 A high standard of reclamation is essential to ensure that development is sustainable and applicants for minerals or waste development where reclamation will need to demonstrate, as part of their initial proposals, how this can be achieved and the intended timescale for delivery. In bringing forward proposals, applicants should have regard to the advice in paragraphs 33 to 48 of the Technical Guidance to the National Planning Policy Framework (March 2012).

- 9.83 Applicants should liaise with host communities when developing restoration and afteruse proposals. This can help ensure that local views are taken into account at an early stage in the design of the scheme and that the proposals receive a higher level of local support.
- 9.84 It is also important, particularly for larger scale development, to ensure that the wider context of a development site, beyond its immediate boundaries, is taken into account, such as other permitted or proposed development in the local area and any potential for local cumulative impacts (both positive and adverse) on other relevant environmental, social or economic matters. By following such an approach it is likely that the overall potential of the reclamation proposals can be maximised, at the same time as any adverse impacts are minimised. Information to demonstrate how the wider context has been taken into account should be included in reclamation schemes and in most cases should be subject of pre-application discussion with the relevant planning authority.
- 9.85 The very varied nature of the Joint Plan area means that there are a wide range of contextual factors, constraints and opportunities that could be relevant to the reclamation of sites. In order to help ensure that, across the Plan area, maximum overall benefits are delivered, it is considered appropriate to use a more targeted approach to reclamation of sites. This can help avoid any tendency to seek to deliver a range of types of restoration and afteruse within a single site, which may undermine the overall potential of the reclaimed site to deliver positive sustainability benefits. This approach does not mean that all sites should necessarily only be restored to a single type of afteruse. It means that proposals should be directed towards specific objectives, relevant to the circumstances of the site and its location and taking into account the wider context of the area. In all cases, early discussion with the relevant planning authority is recommended when consideration is being given to restoration and afteruse proposals.
- 9.86 Whatever forms of reclamation are agreed, it will be necessary to ensure that appropriate safeguards and controls are in place to ensure the satisfactory long term afteruse of the land. Some afteruses, such as formal recreation, will need to be resolved through the submission of separate planning applications which, in some instances in the NYCC area, would need to be determined by the relevant district/borough council. In all cases, it will be important that reclamation and afteruse proposals brought forward by industry are developed in consultation with local communities and other relevant stakeholders, to help ensure that proposals reflect local opinion. Potential restoration schemes should be considered as part of the initial planning application.
- 9.87 Some forms of reclamation, particularly where the afteruse involves the creation of wildlife habitats, or where required in order to ensure a degree of continuing control over certain types of afteruse, such as informal recreation, may need to be subject of a longer term management agreement between the developer and/or landowner and the planning authority. Where such a requirement has been identified in any pre-application discussions with the planning authority, applicants should include details of proposed longer term management measures within their proposals. The use of Section 106 agreements will, where necessary, be used to ensure implementation of agreed longer term management arrangements.
- 9.88 In bringing forward proposals for minerals development giving rise to a requirement for reclamation, applicants should also refer to the good practice recommendations contained in the 'Managing Landscape Change' study commissioned by NYCC with funding from Historic England (available via the NYCC website). Applicants are

encouraged to incorporate relevant matters contained in the recommendations into their proposed approach.

Sustainability Appraisal

This policy is likely to result in largely positive impacts with particularly strong positive effects recorded in relation to biodiversity, land use, climate change adaptation, historic environment, flood risk and meeting the needs of a changing population due to the wide range of considerations promoted by the policy. A minor negative impact has been recorded in relation to resource use and encouraging re-use of materials as through encouraging the use of on-site materials above the importation of previously used ones/waste, this policy would not help with reducing the use of materials and encouraging their re-use. Uncertain effects are recorded in relation to sustainable waste management as the policy provides less scope for wastes other than those generated on site to be used in reclamation with uncertain implications for the management of other wastes.

Recommendations:

This policy is considered to be largely positive and no further mitigation is proposed.



Q04. Ref D10

Do you support the preferred policy approach? If not how should it be changed and why?

Sustainable design, construction and operation of development

- 9.89 Delivering a high standard of design, construction and operation for minerals and waste development is important because of the role this can play in contributing to factors such as:
- a high quality environment
 - minimisation and mitigation of adverse impacts from new development
 - efficient use of resources, including minimisation of waste
 - reduction, minimisation and where necessary mitigation of climate change causes and effects
- 9.90 National planning policy gives priority to the achievement of high design standards as an important element of delivering sustainable development. As also set out in the NPPF, planning has a role in sustainable development through the need to mitigate and adapt to climate change and helping the country move towards a low carbon economy. Matters such as flood risk, coastal change and water supply are also relevant, with many parts of the area being vulnerable to flooding both from rivers and from surface water runoff.
- 9.91 Minerals deposits themselves can help to mitigate the effects of climate change, for example the presence in the ground of mineral resources, such as sand and gravel, can help to slow throughflow of water and therefore help contribute to flood attenuation or alleviation. However, minerals developments can also contribute to adaptation to climate change, particularly where minerals site reclamation and afteruse include provision for matters such as flood water storage, habitat restoration and other forms of green infrastructure provision.

- 9.92 The movement of material up the waste hierarchy⁵⁹ can help mitigate climate change impacts. For example, recycling waste can save CO₂ through conserving virgin materials that would otherwise be used in production, and through reduction in landfill, which can lead to the emission of greenhouse gases.
- 9.93 The NPPF supports the inclusion of policies which set requirements for the sustainability of a building. The North York Moors National Park Authority has, since 2008, been operating a policy which requires 10% of predicted CO₂ emissions to be off-set through the generation of energy on-site from renewable resources for developments of 5 or more houses or other uses over 200sqm. The emerging City of York Local Plan is proposing to require that new developments meet the relevant BREEAM⁶⁰ or Code for Sustainable Homes standards.

Policy D11 - Sustainable design, construction and operation of development

Part one

Proposals for minerals and waste development will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of the development proposed have been incorporated in the design, construction and operation of the development in relation to:

- i) Reduction or minimisation of greenhouse gas emissions through incorporation of energy efficient siting, design and operational practices including those relating to bulk transport of materials;
- ii) Minimisation of waste generated by new minerals and waste development;
- iii) Generation and utilisation of renewable or low carbon energy where practical and in a manner appropriate to the character and location of the development;
- iv) Minimisation of water consumption through incorporation of water efficiency measures, including where practicable the re-use of waste water originating from the development;
- v) Measures to minimise flood risk associated with the development including use of Sustainable Drainage Systems and permeable surfacing;
- vi) A requirement for the relevant built or civil engineering elements of significant new minerals and waste developments to meet a minimum 'Very Good' BREEAM or CEEQUAL standard as appropriate;
- vii) For energy from waste development the efficient use of energy generated by the development including, for development with the potential for generation of combined heat and power, the beneficial use of heat either on site or to serve other existing or proposed development in the vicinity of the site;
- viii) Implementation of landscape planting comprising native species able to successfully adapt to climate change and where practicable incorporation of areas of new wildlife habitat that would help to improve habitat connectivity;
- ix) Mitigation of the impacts on the development arising from any predicted mining subsidence or land instability;
- x) For minerals workings and mineral working deposits, consideration of tip and quarry slope stability, the impacts of any dewatering activity and incorporation of appropriate mitigation in the design of tips and slopes in order to minimise any hazard to people and property.

Proposals for substantial new minerals extraction and for the large scale treatment, recovery or disposal of waste should be accompanied by a climate change

⁵⁹ See waste context section in Chapter 2 for further information

⁶⁰ BREEAM is a design and assessment method for sustainable buildings to improve, measure and certify the social, environmental and economic sustainability of new buildings.

assessment showing how the proposals have taken into account impacts from climate change and include appropriate mitigation measures where necessary.

Part two

Proposals for new built development should demonstrate how the development would be designed, constructed and operated in order to:

- i) minimise waste generated during construction of the development, and incorporate measures to encourage or facilitate the re-use and recovery of any waste generated during construction of the development;**
- ii) Incorporate appropriate space to enable waste arising during use of the development to be sorted and stored prior to being collected for recycling or re-use;**
- iii) Use sustainable construction materials where practicable, including use of alternatives to primary land-won aggregate.**

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

Key links to other relevant policies and objectives

D04, D06, D07, D08, D09, D12

Objectives 9, 10, 11, 12

Monitoring: Monitoring indicator 56 (see Appendix 3)

Policy Justification

- 9.94 Minerals and waste developments can be large in scale and sometimes give rise to significant impacts. The fact that minerals can only be worked where they occur also means that development sometimes needs to take place in sensitive locations. They can also be energy intensive, as a result of transport requirements and the operational processes involved. Careful design and a comprehensive approach to minimisation and mitigation of impacts can help support developments that would otherwise be unacceptable, as well as helping to reduce overall adverse impacts. Incorporation of sustainable design measures such as sustainable urban drainage systems, water consumption efficiency measures, use of sustainable transport modes such as conveyors and pipelines to move minerals within and between sites can all help conserve natural resources and reduce pollution.
- 9.95 Particular design considerations sometimes apply to quarries and mining waste tips. In particular, there is a need to ensure that quarry faces and any waste tips are designed so as to ensure the stability of slopes, in order to help ensure public safety as well as that of employees. It is therefore important that proposals for new mineral working and/or the construction of mining waste tips are supported by information in relation to any potential hazard to people and property, assess the significance and potential hazard and identify any features which could adversely affect the stability of the working to enable basic quarry design to be undertaken. In some cases extraction of mineral, particularly aggregate, can involve pumping in order to reduce local groundwater levels to facilitate access to the deposit. In most cases any impacts are likely to be confined to the near vicinity of the quarry site. However, there may be circumstances where there is potential for more significant effects and in these cases it is particularly important that proposals include an adequate assessment of potential effects and, where necessary, that appropriate mitigation and monitoring are provided.
- 9.96 Some parts of the area are likely to be at greater potential risk of land instability as a result of ground subsidence. Instability arising from the presence of former mine workings is addressed in Policy D13. In the Ripon area there is a history of ground subsidence as a result of the dissolution of gypsum deposits underlying parts of the

City and adjacent areas. More information about this can be found in the Harrogate Local Plan (Saved policies). Where new built waste or ancillary infrastructure is proposed in areas that may be at risk, advice should be sought from relevant specialists about any additional design measures that may be required. Additionally, minerals or waste development that could lead to significant impacts on groundwater movements in this area may require more detailed assessment, as these may have potential to impact on subsidence.

- 9.97 National planning policy gives high priority to the achievement of high design standards as an important element of sustainable development. With regard to waste, it seeks the incorporation of provision for waste management in the design of other forms of development, as well as the use of design measures to secure that waste arising from construction and operation of development is handled to maximise reuse and recovery opportunities and that the need for off-site disposal is minimised. Sustainable use of materials in new development and repair and refurbishment provides opportunities to help conserve natural resources and move waste up the hierarchy and is therefore important in delivering both minerals and waste planning objectives. Sustainable design of buildings can also help address energy consumption through the provision of passive heating and cooling. Whilst many built structures associated with minerals and waste development are specialised structures, where they fall within the scope of the BREEAM sustainability criteria or the equivalent CEEQUAL⁶¹ rating criteria for civil engineering and infrastructure works then proposals should seek to meet a minimum 'Very Good' standard. Increased energy efficiency can also be secured through ensuring that, where practicable, proposals involving the generation of energy from waste are located where heat output from the facility can be utilised, as this is often more efficient than power generation.
- 9.98 Planning has an important role in delivering sustainable development through the need to mitigate and adapt to climate change and helping the country move towards a low carbon economy. This includes working towards a radical reduction in greenhouse gas emissions, minimising vulnerability and creating resilience to climate change impacts (such as increased flood risk), supporting the delivery of renewable and low carbon energy and associated infrastructure. Where practicable, developers should incorporate measures to ensure that development (other than short term development) is resilient to the predicted impacts of climate change. Proposals for new mineral extraction at a rate in excess of 75,000 tonnes per annum and for the treatment, recovery or disposal of more than 75,000 tonnes per annum of waste should be accompanied by an assessment showing how the design for the proposal has taken into account the need for resilience to climate change factors.
- 9.99 Within the City of York and the North York Moors National Park the relevant planning authority has responsibility for all forms of development proposals, not just minerals and waste. Within the NYCC area many forms of development are the responsibility of the District and Borough Councils. The incorporation of measures to help ensure the minimisation of waste and the appropriate use of materials in built development is necessary to help make development more sustainable. Proposals for all forms of development, other than householder development, should therefore include information on how waste will be minimised, recycled or reused where relevant as part of the proposals, how alternatives to primary minerals may be able to substitute for primary minerals in any built development or engineering works, and incorporate space in designs to help facilitate the sorting and storing of waste arising during the

⁶¹ CEEQUAL is a sustainability rating and assessment scheme for civil engineering and infrastructure projects, similar to the BREEAM rating system for buildings.

operational life of the development, in order to contribute to the sustainable management of waste.

Sustainability Appraisal

It is considered that this policy would have an overall positive effect on achieving sustainable design, construction and operation of developments. The policy performs positively against most SA objectives, particularly those relating to air quality, climate change and flooding. Some areas of uncertainty have been highlighted including in relation to objective 12 (economic growth) as the costs associated with developing a site are likely to increase given the requirement for high standards of sustainable design and construction and additional mitigation where required. Also, part 2 of the policy requires additional land for the sorting and storage of waste arising through construction. These additional costs would be balanced with the gains that are likely to accrue through low running costs due to the energy efficiency of any development and cost reduction through re-using resources. However, this will vary depending on the site. Uncertainty/minor negative impacts have also been recorded in relation to the historic environment and landscape objectives. These impacts relate to only one element of the policy: the provision of space for the sorting and storage of waste prior to collection. It is also considered that minor negative amenity impacts may result depending on the location and design of the sorting and storage site.

Recommendations:

This policy is largely very positive and no mitigation is proposed. This policy could however be further strengthened by adding a requirement to achieve certification via an engineering quality mark such as the CEEQUAL⁶² environmental assessment scheme for engineered structures that fall outside of BREEAM (such as pipelines).



Q04. Ref D11

Do you support the preferred policy approach? If not how should it be changed and why?

Protection of agricultural land and soils

9.100 The agricultural economy is very important within the Plan area, which is predominantly rural in character. It is therefore also important that, so far as possible, good quality agricultural land and soils are protected from impacts from minerals and waste development.

Policy D12 - Protection of agricultural land and soils

Best and Most Versatile agricultural land will be protected from unnecessary and irreversible loss. Where development of best and most versatile agricultural land is justified, taking into account the requirements of relevant strategic policies in the Plan, proposals should specify the measures to be taken to ensure that any soils requiring removal as part of the development are retained and conserved on site in order to maintain their longer term potential for agricultural production.

Reclamation proposals for minerals and waste development on best and most versatile land should, where practicable, include provision for the restoration of land to best and most versatile quality and will be subject to aftercare requirements to ensure that a high standard can be achieved.

⁶²See <http://www.ceequal.com/about.html>

Soils which have a benefit other than their value for agriculture should, where practical, be retained for incorporation into site restoration.	
Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry	
Key links to other relevant policies and objectives	
<i>D06, D10</i>	<i>Objectives 9, 10, 11, 12</i>
Monitoring: Monitoring indicator 57 (see Appendix 3)	

Policy Justification

- 9.101 The Joint Plan area contains very large areas of land in use for agriculture, particularly within the NYCC area. A substantial amount of this land, particularly in the lower lying areas, is of best and most versatile quality (i.e. it meets the requirements for classification as Grades, 1, 2 or 3a quality in the Defra agricultural land classification system). National planning policy requires that local planning authorities should take into account the economic and other benefits of best and most versatile agricultural land and that, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of higher quality.
- 9.102 Whilst it is unlikely that there will be a need for development of substantial areas of agricultural land for waste management purposes during the plan period, the nature of mineral working means that, in the large majority of cases, disturbance of agricultural land is involved. There is a relatively close association between areas of high quality agricultural land and minerals resources, for example in the Vales of Mowbray, York and Pickering and in Selby District. In order to meet future needs for minerals it is expected that development of agricultural land will be necessary and, as a result of the wide range of other constraints that apply in identifying suitable locations for mineral working, working in areas of best and most versatile land may also be required.
- 9.103 Where disturbance of agricultural land is justified, particularly best and most versatile land, it will be important to ensure that soils are stripped, handled, stored and conserved at the site in a manner which helps maintain their longer term potential. This will allow their eventual reuse to recreate land of best and most versatile quality or, in some cases to enhance the quality of land of previously lower quality. Where practicable, soils removed to allow minerals extraction should be directly replaced as part of progressive restoration of the site. Where this is not practicable, soils can be stored in screening mounds as part of landscaping proposals. In all cases it is important to avoid repeated handling of soils as this can result in a progressive degradation in quality. It is also important to ensure that soils are only stripped, handled and replaced when in a relatively dry condition, to help prevent damage to the soil structure. Where permission is granted for development which involves stripping, handling or replacement of soil, conditions will be attached to ensure best practice in the interests of protecting the soil resource. Short term relaxations of usual noise limits may be incorporated in any permission to allow short term particularly noisy activities such as soil stripping and bund formation.
- 9.104 Where reclamation of mineral workings to agriculture is proposed, an aftercare period will be required (usually for 5 years) in order to ensure that the site is capable of beneficial afteruse for agriculture and this will also be a requirement of conditions imposed on any permission.
- 9.105 In some cases, soils may have particular qualities which mean they are important for biodiversity, even if they are not suitable for formation of best and most versatile

agricultural land. Such soils are also a valuable resource and should be retained and used effectively as part of site restoration in order to ensure that their long term value is preserved.

Sustainability Appraisal

This policy will help towards the sustainable conservation of our most important soil resources. It performs positively against most SA objectives, particularly those relating to protecting soils and land, adapting to climate change, protecting landscapes and supporting a changing population's needs. While some mixed outcomes may be expected in the long term when the benefits of low level quarry restoration are considered (i.e. for the biodiversity, recreation and health objectives) these are minor exceptions to a broadly very positive assessment.

However, the policy applies only to best and most versatile land, which limits its potential in relation to some SA objectives (e.g. biodiversity, landscape). Recommendations:
To strengthen the policy further additional wording could be added akin to 'Soils which have a benefit other than their value for agriculture should, where practical, be retained for incorporation into site restoration'



Q04. Ref D12

Do you support the preferred policy approach? If not how should it be changed and why?

Coal Mining Legacy

- 9.106 An issue associated with coal mining is the legacy of large numbers of disused mines in the Plan area. Across the whole of North Yorkshire (including the two National Parks) there are approximately 13,500 recorded mine entries. These can give rise to land stability issues and other hazards.
- 9.107 It is the responsibility of the Coal Authority to map and monitor old and disused mines and also highlight the public safety hazards and risk associated with them, but the Joint Plan authorities, and the District and Borough Councils in the NYCC area, must take them into consideration when dealing with planning applications and development proposals.

Policy D13 - Consideration of applications in Development High Risk Areas

Proposals for non-exempt development in Development High Risk Areas identified by the Coal Authority should be accompanied by a Coal Mining Risk Assessment and where necessary incorporate suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining Risk Assessment, that the development will not be at unacceptable risk.

Main responsibility for implementation of policy: NYCC, NYMNPA, CYC, Minerals and Waste industry and The Coal Authority

Key links to other relevant policies and objectives

D02, D10, D11

Objectives 9, 10

Monitoring: Monitoring indicator 58 (see Appendix 3)

Policy Justification

- 9.108 National planning policy and guidance indicates that Planning Authorities should be concerned about land stability as failure to deal with the issues could cause harm to human health, local property and associated infrastructure and the wider environment. The planning system has an important role in considering land stability by:
- Minimising the risk and effects of land stability on property, infrastructure and the public.
 - Helping ensure that various types of development should not be placed in unstable locations without various precautions, and
 - Bringing unstable land, wherever possible, back into productive use.
- 9.109 The Coal Authority has identified Development High Risk Areas (formally known as Coal Mining Development Referral areas). These are most likely to be subject to land stability and other public safety hazards associated with old mine entries. Within the Joint Plan area they occur mainly within Selby District and more limited areas in the western part of the Plan area. Low Risk Development Areas are more extensive.
- 9.110 Within Development High Risk Areas the Coal Authority will expect all new development proposals that require planning permission, except certain types of development that are exempt, to be accompanied by a Coal Mining Risk Assessment when submitted to the relevant local planning authority. Proposals in Development High Risk Areas for the types of development identified on the list of exemptions below, as well as proposals in Development Low Risk Areas, will not require a Coal Mining Risk Assessment but the Coal Authority's standing advice will apply and the local planning authority will include an informative note within the decision notice when granting planning permission.
- 9.111 The exemption list is divided into two parts. The first part is based on type of application and the second on the nature of the development proposed. Proposals only need to meet a criterion on one of the lists in order to be exempt.
- 9.112 Exemptions based on type of application:
- Reserved matters/reserved details, approval of matters specified in conditions
 - Householder development,
 - Extension of time,
 - Change of use,
 - Variation or removal of condition,
 - Heritage consents, (listed building or conservation areas),
 - Advertisement consents,
 - Lawful development certificates,
 - Prior notification, (any type),
 - Hazardous substances consent,
 - Tree or hedgerow works, (TPO or in conservation area),
- 9.113 Exemptions based on nature of development:
- Change of use, (land or buildings) – where no other built development is proposed,
 - Temporary structures with no ground works,
 - Means of enclosure,
 - Street type furniture,
 - Alterations to existing non-residential buildings that create no new floor space,
 - Non-commercial private/domestic stables.

Sustainability Appraisal

There are unlikely to be widespread effects as a result of this policy, however, there are some small scale positive effects on soil / land, climate change adaptation, health and wellbeing, flood risk and meeting the needs of the population. This is because the policy is likely to ensure that development is less prone to land instability impacts.

Recommendations:

No further mitigation is proposed.



Q04. Ref D13

Do you support the preferred policy approach? If not how should it be changed and why?

DRAFT - NOT FOR CONSULTATION

Chapter 10: Introduction to Site Allocations

- 10.1 In order to help support delivery of the policies in the Plan, a range of sites proposed to be allocated are identified in Appendix 1. These are sites which have been submitted to the Authorities for consideration for allocation during preparation of the Plan and which have been considered suitable in principle for the forms of development proposed following application of a site selection process including sustainability appraisal. In some cases, at this 'Preferred Options' stage of preparing the Plan, the view reached is a preliminary one pending further clarification or assessment. In all cases, planning permission would need to be granted, following submission and consideration of a detailed planning application, before any development of the site for the proposed use/s could take place.
- 10.2 Appendix 1 also includes information on sites submitted for consideration but which it is proposed should be discounted (i.e. not allocated in the Plan).
- 10.3 More information on the approach to the identification of sites for allocation is provided in the introduction to Appendix 1.

With reference to the sites proposed to be allocated or discounted, contained in Appendix 1, please tell us if you have any views in relation to:



Q14) The suitability or otherwise of a site for allocation (with reasons)

Q15) Whether we have identified the right key issues relevant to the site

Q16) Whether we have identified the right key mitigation requirements for the site

Note: when providing a response relating to a specific site please ensure the site reference number is included with the relevant comments.

Appendices

The following appendices have been prepared to accompany the main Preferred Options consultation document. Due to their size, the appendices are presented separately from this main document.

APPENDIX 1 - PREFERRED AND DISCOUNTED SITES

APPENDIX 2 - SITES PROPOSED FOR SAFEGUARDING

APPENDIX 3 - MONITORING FRAMEWORK

APPENDIX 4 - SAVED POLICIES PROPOSED TO BE REPLACED BY PREFERRED OPTIONS POLICIES

Glossary

Term	Description
Aggregates	Sand and gravel, crushed rock and other bulk materials used in the construction industry for purposes such as the making of concrete, mortar, asphalt or for roadstone, drainage or bulk filling.
Agricultural waste	Includes a variety of substances such as pesticides containers, oil and silage wrap, as well as slurry which result from activities including horticulture, fruit growing, dairy farming, livestock breeding, seed growing, grazing and nurseries.
Airfield (Aerodrome) Safeguarding	Aerodromes need to take measures necessary to ensure safety of aircraft while flying in the vicinity of an aerodrome. Planning applications should meet certain criteria relating to height and location of proposed development to the aerodrome. Any proposed development with bird attractant properties within 13km of an aerodrome need to be consulted upon.
Air Quality Management Areas (AQMA)	Locations where national targets for air quality are not being met. Each local authority is responsible for measuring their air quality and trying to predict how it may change over several years. The aim of the review is to make sure that the national air quality objectives will be achieved across the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment. If objectives are not achieved an AQMA with an accompanying plan is produced in order to improve air quality.
Anaerobic digestion	Organic matter broken down by bacteria in the absence of air, producing a gas (methane) and solid (digestate). The by-products can be useful, for example biogas can be used in a furnace and digestates can be re-used on farms as a fertiliser.
Area of Outstanding Natural Beauty AONB	Area designated under the National Parks and Access to the Countryside Act 1949 where the primary purpose is the conservation and enhancement of natural beauty including flora, fauna, geology and landscape. Each AONB has a Management Plan.
Appropriate Assessment	Process for assessing impacts on European sites, habitats or species. It is a decision making tool.
Aquifers	An aquifer is an underground layer of water-bearing permeable rock or unconsolidated materials (gravel, sand, or silt) from which groundwater can be extracted via a well.
Best and Most Versatile Agricultural Land (BMVAL)	Defined as Grades 1, 2 and 3a by Agricultural Land Classification methodology. BMVAL is the land which is most flexible, productive and effective in response to inputs and which can best deliver future crops for food and non-food uses.
Biodegradable waste	Includes food waste, garden waste and cardboards which can decompose without any assistance.
Biodiversity	Simply means biological diversity. It is the degree of variation

	amongst living organisms within a given area.
Biodiversity Action Plan	Produced in response to UN Convention on Biological Diversity (1992) and lists priority habitats and species.
Borrow pits	Site where mineral (often aggregate) is excavated specifically for a construction project nearby.
British Geological Survey (BGS)	The BGS provides geological maps and advice to the public, local authorities, academics and industry.
Brownfield site	Land which has been previously developed, excluding mineral workings or other temporary uses.
Building stone	Hard rock types suitable for use directly for construction in the form of walling, roofing, flagstones or for ornamental purposes. In the Plan area the principle rock types used as building stone include Carboniferous sandstones, Permian dolomitic limestones and Jurassic limestones and sandstones.
Carbon Capture and Storage (CCS)	Involves capturing carbon dioxide, either before or after burning, transporting it in pipelines and permanently storing it underground in suitable geological formations.
Climate change	Is a change in the statistical distribution of weather over periods of time that range from decades to millions of years.
Coal bed methane	Extracted by drilling in to unmined coal seams to release the gas.
Coal mine methane	Extraction of methane from active and abandoned coal mines.
Coal mining legacy	Disused mines which give rise to land stability issues and other hazards. The Coal Authority map and monitor the mines and highlight public safety hazards and risk associated with them.
Coal mining risk assessment	Needs to be carried out by applicant in Development High Risk Areas and submitted alongside a planning application.
Colliery spoil	By product of coal mining, can be used as secondary aggregate.
Co-location	Having complementary industries or facilities sharing the same area of land.
Commercial and Industrial waste (C&I)	Produced by a range of sectors which can be separated into commercial groups (including Retail & Wholesale, Public Services and other services) and industrial groups (including food, drink & tobacco, chemical/non-metallic minerals, power and utilities, metal manufacturing, machinery and equipment and textiles, wood and paper publishing).
Committed sites	Sites which have been submitted for consideration as preferred sites during preparation of the Plan, but have since received planning permission.
Composting	Aerobic processing of biologically degradable organic wastes to produce an end product of compost.

Community Infrastructure Levy (CIL)	A new levy that local authorities in England and Wales can choose to charge on new developments in their area. The charges are based on the size and type of the new development. The money raised from the community infrastructure levy can be used to support development by funding infrastructure that the council, local community and neighbourhoods want, like new or safer road schemes, park improvements or a new health center.
Conservation Areas	Those areas which represent ‘an area of special architectural or historic interest, the character and appearance of which it is desirable to preserve or enhance under the Planning (Listed Buildings and Conservation Areas) Act 1990’. Also includes Nature Conservation Areas.
Construction, demolition and excavation waste (CDEW)	Waste which arises from activities such as construction, refurbishment, demolition or excavation. It includes items such as plasterboard, bricks, soils, minerals, glass, metals and tiles.
Conventional hydrocarbons	Oil and gas where the reservoir is in porous rock such as sandstone or limestone and can be extracted using traditional drilling techniques.
Crushed rock	Hard rock (such as limestone) which has been quarried, fragmented and graded for use as aggregate.
Designated heritage asset	A World Heritage Site, Scheduled monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
Derelict land	Land so damaged by development that it is incapable of beneficial use without treatment.
Development High Risk Areas (previously Coal Mining Development Referral Areas)	Identified by the Coal Authority mining areas most likely to be subject to land stability and other public safety hazards.
Ecology	The study of living organisms in relation to their surroundings.
Ecosystems services	Can be simply described as the benefits people obtain from ecosystems. These include: provisioning services (food and water); regulating services (flood and disease control); cultural services (such as spiritual and cultural benefits); and supporting services (such as nutrient cycling that maintains conditions for life on Earth).
Energy from waste (EfW)	The conversion of waste into a useable form of energy, often electricity and/or heat.
Environmental assets	Naturally occurring entities that provides environmental “functions” or services.
Environmental Impact	Formal process used to predict the environmental consequences

Assessment	(positive and negative) of a plan, policy, program or project prior to moving forward with the proposal.
Exception Test for flood risk	This is undertaken for locations where the sequential test alone cannot deliver acceptable locations and where development is necessary for social or economic reasons.
Flood alleviation	Measures put in place to lower or eliminate the risk of flooding in developed areas.
Flood Zones	These Flood Zones refer to the probability of river and sea flooding, ignoring the presence of defences, and are classified into different categories. The Environment Agency has a map of the different flood zones on their website.
Furnace Bottom Ash	Is the coarse ash fraction produced by coal-fired power stations when pulverized fuel is burned at high temperatures and pressures. It has similar chemical properties to PFA, consisting predominantly of oxides of silica, aluminium and iron, but has a sand-like gritty texture and can be used as secondary aggregate.
Gasification	A chemical or heat process to convert a waste to a gaseous form of energy.
Geodiversity	The variety of rocks, minerals, fossils, soils, landforms and natural processes.
Geodiversity Action Plan	Used for the conservation and enhancement of geodiversity across an area or region.
Green Belt	Specially designated area of countryside protected from most forms of development in order to stop urban sprawl and the coalescence of settlements, preserve the character of existing settlements and encourage development to locate within existing built-up areas. Mineral extraction is not inappropriate in the Green Belt provided it preserves openness and does not conflict with the purposes of including land in the Green Belt.
Green infrastructure	'Green infrastructure is a network of multi-functional green space, both new and existing, both rural and urban, which supports the natural and ecological processes and is integral to the health and quality of life of sustainable communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.
Groundwater Source Protection Zones	Protection zones for groundwater supplies such as wells, boreholes and springs used for public drinking water supply. Displayed on maps and used to help prevent contamination of the water.
Groundwater	Is the water located beneath Earth's surface in soil pore spaces and in the fractures in rock formations. A unit of rock or an unconsolidated deposit is called an aquifer when it can yield a usable quantity of water.

Gypsum	Gypsum is a product of the evaporation of seawater and is used mainly in the manufacturing of plaster, plasterboard and cement. Synthetic gypsum is produced at power stations as a by-product of the process of flue gas desulphurisation.
Habitats Regulations Assessment (HRA)	Is founded in European legislation and government regulations which introduced a need to carry out Habitat Regulations Assessments (and the associated appropriate assessment) for any plans or projects which may affect European sites of significance (Natura 2000 sites).
Hazardous waste	Waste that may cause particular harm to human health or the environment.
Heritage asset	A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).
Historic environment	All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.
Historic environment record	Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.
Historic Parks & Gardens	The Register of historic parks and gardens of special historic interest in England is a record of nationally significant historic parks and gardens managed by English Heritage. As with listed buildings they are graded as I, II* or II. Local authorities and County Gardens Trusts may have local registers or local lists of historic parks and gardens of local significance.
Hydraulic fracturing (fracking)	Fracking is the fracturing of rock by injection of a pressurized liquid in order to extract oil or gas.
Incineration with energy recovery	Burning of waste in an incinerator and using the energy produced as heat.
Landbanks	A landbank is a stock of land with planning permissions for the winning and working of minerals, usually expressed in terms of the amount of mineral that can be recovered from the permitted area. A landbank is also defined on the basis of assumptions about annual production rates.
Landfill	Disposal of waste into the land. Usually involves the infill of pre-existing voids. Landraise involves the disposal of waste where there is no pre-existing void.
Landscape	An area, as perceived by people, the character of which is the result of the action and interaction of natural and/or human factors.

Landscape character	A distinct, recognisable and consistent pattern of elements in the landscape that makes one landscape different from another, rather than better or worse.
Landscape character assessment (LCA)	The process of identifying and describing variation in the character of the landscape, and using this information to assist in managing change. The assessment seeks to identify and explain the unique combination of elements and features that make landscapes distinctive. The process results in the production of a Landscape Character Assessment (also shortened to LCA).
Landscape strategy	The overall vision and objectives for what the landscape should be like in the future, and what is thought to be desirable for a particular site, landscape type or area as a whole, usually expressed in formally adopted plans and programmes or related documents.
Listed Buildings	Are buildings that have been placed on the Statutory List of Buildings of Special Architectural or Historic Interest, under the Planning (Listed Buildings and Conservation Areas) Act 1990. A listed building may not be demolished, extended or altered without special permission from the local planning authority.
Local Aggregates Assessment (LAA)	An annual assessment, prepared by mineral planning authorities, of aggregate minerals supply requirements in a planning area or areas.
Local Authority Collected Waste (LACW)	Household waste plus some similar waste collected and managed by local authorities
Local Enterprise Partnership (LEP)	Are locally-owned partnerships between local authorities and businesses. They aim to determine local economic priorities and undertake activities to drive economic growth and create jobs.
Low level (non-nuclear) radioactive waste (LLRW)	Waste, not derived from the nuclear industry and having a radioactive content not exceeding four gigabecquerels per tonne (GBq/te) of alpha or 12 GBq/te of beta/gamma activity.
Local Nature Partnership	Partnerships of a broad range of local organisations, businesses and people who aim to manage and bring about improvements in their local natural environment.
Major Development	Major development as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2010 as Development involving any one or more of the following: (a) the winning and working of minerals or the use of land for mineral-working deposits; (b) waste development; (c) the provision of dwelling houses where — (i) the number of dwelling houses to be provided is 10 or more; or (ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within subparagraph (c)(i); (d) the provision of a building or buildings where the floor space to

	<p>be created by the development is 1,000 square metres or more; or</p> <p>(e) development carried out on a site having an area of 1 hectare or more.</p> <p>Major Development in the context of the Major Development Test (see below) is not defined.</p>
Major development test	<p>The NPPF states that planning permission should be refused for major developments in National Parks and AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. These applications should include assessment of:</p> <ul style="list-style-type: none"> - The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy. - The cost and scope for having the development outside the designated area, or meeting the need in another way - Any detrimental effect on the environment, the landscape and recreational opportunities, and extent to which that could be moderated. <p>Major development in the context of the major development test is not defined and is determined on a case by case basis.</p>
Managing Landscape Change Project	An environmental evidence base which assesses environmental sensitivities and capacity in North Yorkshire.
Mechanical biological treatment	Involves processing residual waste by a combination of both mechanical and biological treatment methods.
Mechanical recovery facility (MRF)	Actively alters the composition of waste in order to produce an end product that can be utilised.
Mineral and Waste Joint Plan (MWJP)	Is the planning policy document which will set out a local basis for minerals and waste planning for the area comprising North Yorkshire, City of York and North York Moors National park planning authority areas. Forms part of the statutory Development Plan.
Mineral consultation areas (MCAs)	An area identified in order to ensure consultation between the relevant minerals planning authority and lower tier planning authority areas before the determination of non-mineral applications.
Mineral safeguarding areas (MSAs)	Areas defined by mineral planning authorities to protect potentially economic resources of minerals from other forms of development which may prevent future extraction of the mineral.
Monitoring	A report containing information on how plan production is progressing and once the Plan is adopted the extent to which policies set out in the Plan being achieved.
Municipal waste	Comprises mainly household and some other waste for which the waste collection and disposal authorities have responsibility. Now incorporated into LACW, which includes similar C&I waste

	collected by local authorities.
Municipal Waste Management Strategy	Strategy produced by waste management authorities which outlines targets for dealing with municipal waste within their area.
National Park	Areas designated to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Two National Parks are located within North Yorkshire: the North York Moors National Park and the Yorkshire Dales National Park.
National Planning Policy Framework (NPPF)	Simplified planning document which acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.
National Planning Practice Guide (NPPG)	Supporting information to be used in conjunction with the NPPF.
Naturally Occurring Radioactive Material (NORM)	Found everywhere in low concentrations, can be released during mineral extraction and processing when it is concentrated and becomes a waste.
Neighbourhood Plan	Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area.
Oil and Gas Authority	Oil and gas regulator in the UK
Petroleum exploration and Development Licence (PEDL)	Since 195 a PEDLs have been issued to cover the three main stages of petroleum activity which are exploration, appraisal and development. The licence enables the holder to undertake seismic investigations, drill wells and develop discoveries.
Potash	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 and rock salt may occur in association with potash and this is used to grit the roads in winter. It is an underground mineral.
Power station ash	Ash produced as a by-product by coal fired or biomass power stations. Can sometimes be used as an alternative source of aggregate.
Proximity Principle	Dealing with waste close to where it arises.
Pulverised fuel ash	Pulverised fuel ash (pfa) is the ash resulting from the burning of pulverised coal in coal-fired electricity power stations. The ash is very fine and it is removed from the flue gases and can be used as a secondary aggregate.
Pyrolysis	The combustion of waste, at temperatures in the range of 400 – 800c, in the absence of oxygen. The result is the production of liquid, gas and char, whose after-use depends on the type of waste. The most common usage is as a fuel for energy production.

RAMSAR site	Internationally important wetlands which are treated as European sites.
Reclamation	Restoring land that was once used for mineral extraction or as a landfill, in order to return it to a condition suitable for some other beneficial use.
Registered Battlefields	Designated battlefields which are monitored by Historic England and if required put on the 'at risk' register.
Registered Parks and Gardens	Designated parks and gardens which are monitored by Historic England and if required put on the 'at risk' register.
Reserves	Mineral reserves are resources which are economically viable for extraction.
Residual waste	Waste which cannot be recycled or otherwise dealt with further up the waste hierarchy.
Safeguarding	Protection of specific resource or site from being adversely impacted by encroaching development.
Scheduled Monuments	'Scheduling' is the process through which nationally important sites and monuments are given legal protection by being placed on a 'schedule', under the Ancient Monuments and Archaeological Areas Act 1979. Scheduling is the only legal protection specifically for archaeological sites. Only deliberately created structures, features and remains can be scheduled.
Secondary/recycled aggregate	Includes materials such as waste and by-products with properties which enable them to be used as an alternative source of construction aggregate. Common examples are power station ash, spoil and recycled construction materials such as concrete and bricks.
Sequential Test	A sieving process which seeks to direct development away from areas more likely to flood.
Setting	The surroundings in which a valued area, site, building or feature is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
Shale gas	Gas contained within small pores in fine grained rocks which can only be extracted using certain techniques (see Hydraulic fracturing).
Silica sand	Sandstone which contains a high proportion of silica (99% SiO ₂) in the form of quartz. Low levels of impurities are important as well as grain size.
Site Allocations	Identification of sites which could deliver the policies within the Local Planning document.
Sites of Importance for Nature Conservation (SINCs)	A site may qualify as a SINC due to the presence of notable species or an important habitat. SINCs form part of a wider national network of non-statutory locally valued wildlife sites and are generally administered by local authorities in partnership with

	conservation organisations. At a local level SINC's are also known as Local Geographical Sites (LGS) and Local Wildlife Sites (LWS).
Sites of Special Scientific Importance (SSSIs)	SSSIs are the country's very best wildlife and geological sites. There are over 4,000 SSSIs in England, covering around 7% of the country's land area. Over half of these sites are internationally important for their wildlife, and also designated as Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites.
Source Protection Zones	Environment Agency defined zones which include boreholes, springs and wells used for public drinking supply and so need protection from pollution.
Special Area of Conservation (SAC)	These are areas that have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
Special Protection Area (SPA)	For rare and vulnerable birds as listed in Annex 1 to the European Union's Birds Directive.
Strategic Environmental Assessment (SEA)	The Environmental Assessment of Plans and Programmes Regulations 2004 (which transposed the SEA Directive into law in England).
Strategic Flood Risk Assessment (SFRA)	An assessment usually undertaken by a local authority or group of authorities to consider flood risk and examine the risks involved in developing certain areas within the County.
Strategic Stone Study	Historic England and BGS studied historic structures, identified the stones used, then tried to identify the original source of the stone and record/map the location. The information can now be used to identify potential sources of building stone for conservation and new build and safeguard them.
Statement of Community Involvement	Produced by local authorities as part of the Planning and Compulsory Purchase Act 2004 to explain to the public how they will be involved in the preparation of local development documents .
Sustainability Appraisal (SA)	This is a formal systematic and iterative assessment of local planning policy documents during their preparation in order to assess the extent to which they encompass the aim of working towards sustainable development.
Sustainable Communities Strategy (SCS)	The SCS creates a long-term vision for an area to tackle local needs and is prepared by the Local Strategic Partnership.
Sustainable development	Is a pattern of resource use that aims to meet human needs while preserving the environment so that these needs can be met not only in the present, but also for future generations. Delivery of sustainable development is an overarching objective of the planning system.
Sustainable Urban	SuDS are an approach to managing rainwater falling on roofs and

Drainage (SUDs)	other surfaces through a sequence of actions. The key objectives are to manage the flow rate and volume of surface runoff to reduce the risk of flooding and water pollution. SuDS also reduce pressure on the sewerage network and can improve biodiversity and local amenity.
Two tier structure	Where 2 or more Local Authorities cover the same area such as with a County Council and District Councils, each is responsible for different functions, including different aspects of planning.
Unconventional hydrocarbons	Oil or gas which cannot be extracted using traditional drilling techniques and include underground coal gasification, coal bed methane and shale gas.
Underground coal gasification	The burning of coal underground and extracting the gasification products which can be processed to provide fuel.
Vein minerals	Vein minerals are layers of ore between layers of rock and can include fluorspar, barytes and lead.
Waste hierarchy	Is a guiding theme for waste policy at all levels and places greater emphasis on the sustainable management of waste by giving preference to waste management methods towards the top of the hierarchy (such as prevention, re-use and recycling) over methods lower down the hierarchy (such as recovery and disposal).
Waste recovery	Processing waste to prevent it going to landfill. Recovery processes include incineration with energy recovery, advanced thermal treatment, anaerobic digestion and composting.
Waste Water	Water which is disposed of at domestic properties or through commercial and industrial activities.
World Heritage Sites	World Heritage Sites (WHS) are protected areas that are internationally recognised for their outstanding global value
Zero waste economy	Where material resources are re-used, recycled or recovered wherever possible, and only disposed of as the option of very last resort.

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