

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.

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**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