NOTTINGHAMSHIRE COUNTY COUNCIL

MINERALS LOCAL PLAN

EXAMINATION HEARINGS 28th APRIL 2020 (NOW DELAYED)

HEARING STATEMENT ON BEHALF OF FRIENDS OF THE EARTH

MAIN MATTER 3: MINERALS PROVISION POLICIES

Appearances

Yes

Introduction

1. Friends of the Earth England, Wales and Northern Ireland has previously made written representations to the wider strategic objectives, strategic policies and hydrocarbons policies of the draft plan (re 10 thJan 2018 and 11 thOct 2019*).* **It has however come to our attention that our latest representations submitted to the Reg. 19 consultation were not registered by Notts CC or seen by the Inspector. We have been informed by the Programme Officer that this is due to an administrative error on the part of Nottinghamshire CC, which has now been partly remedied, but await confirmation of the final outcome. Given the nature and substantive concerns we raised in our representations duly made which the county council failed to register, the inspector may wish to consider whether the MIQs need to be revised. We would draw your attention to the approach of other inspectors in recent Minerals and Local Plan Examinations (e.g. East Riding Minerals Plan and Northumberland Local Plan) where climate change points were raised as relevant matters in the MIQs**. This Hearing Statement should be read alongside these two sets of representations and the separate hearing statement for MM3 (MIQ42).

2. This Hearing Statement addresses the Inspector's Matters, Issues and Question ("MIQ") 42 and also provides some additional commentary on Policy MP12 (re implied flexibility provided by the inspector in the PO's email[1]).

[1] Email dated 8/4/20 – *"He responded to say he didn't really mind and would be flexible".*

MIQ42. Please comment on any implications for Policy MP12 arising from the judgement that quashes paragraph 209(a) of the Framework.

3. This statement refers to separate appendices which show both our final policy amendments and justify our arguments for such policy changes. These include:

- **Appendix 1:** Final proposed policy changes
- **Appendix 2:** Cumbria Minerals and Waste Plan
- **Appendix 3:** Lancashire Minerals Plan (IR)
- **Appendix 4:** North Yorkshire Minerals and Waste JP Main Mods and 4a) 500m buffer letter
- **Appendix 5**: East Riding and Kingston Upon Hull Minerals Plan Inspector's Report and 5a) Main modifications
- **Appendix 6:** Statement of Common Ground between Friends of the Earth and Northumberland CC
- **Appendix 7:** Letter regarding Talk Fracking Judgement and deletion of para 209(a)

RESPONSE TO MIQ

MIQ42. Please comment on any implications for Policy MP12 arising from the judgement that quashes paragraph 209(a) of the Framework.

4. In response to the above, **Appendix 7** incudes a copy of a letter we sent to the Notts CC planning policy team on 12th June 2019 (which we also sent to all minerals planning authorities in England). It details possible implications for local plan making as a result of the Talk Fracking judgement.

5. While the letter we refer to above was less specific regarding Policy MP12, we note that despite raising the implications of the Judgement last year, the publication version of the plan failed to include a revised approach to oil and gas policy MP12, citing there was *"no justifiable reason in planning policy terms to separate shale gas from other hydrocarbon development." (para 4.108).* Friends of the Earth finds it difficult to understand that despite the deletion of para 209a - the result of which the NPPF no longer provides in-principle support for unconventional hydrocarbons nor states any requirement to *"put in place policies that facilitate their exploration and extraction"* - no substantive change was deemed necessary to the policy wording to account for this significant change in national policy.

6. The policy and justification should reflect the diminished weight attributable to planning for fracking exploration/production, a position that is surely reinforced given the government's overall policy stance towards fracking has changed significantly (re the current moratorium).

Seismicity

7. Our previous October submission detailed the very specific impacts of hydraulic fracturing, compared to conventional hydrocarbon extraction, as supported by evidence (see previous reps). **Appendices 2,4, and 5** also detail alternative approaches taken by other minerals planning authorities to oil and gas policies, with North Yorkshire, East Riding and Cumbria and for example, including separate conventional and unconventional policies based on unknown risks of hydraulic fracturing – including induced seismicity.

8. The lumping together of conventional and unconventional drilling and extraction in policy MP12 however assumes no such difference in likely risks or subsequent impacts since the draft policy was first drafted. We would highlight the obvious risk of induced seismicity that was unfortunately realised last August at the Preston New Road Fracking site in Lancashire; when a 2.9ML event[2] led to the Government's moratorium on high volume fracking which remains in force.

9. The application of the moratorium is a pertinent example of the precautionary principle being engaged correctly, following realisation that scientific evidence at the time of the applicant's submission was unable to predict with any certainty earthquake activity that might result from hydraulic fracturing.[3] How this point on induced seismicity, as well as other likely impacts can continue to be ignored in the draft policy wording is hard to understand – especially when other authorities – such as North and East Yorkshire – have taken much more evidence based and precautionary approaches – while maintaining positively worded policies.

Proposed 500m buffer

10. To save repetition, we refer to our previous representations as to our principal concerns on specific planning impacts of hydraulic fracturing. These link to noise; landscape and visual

[2] See our October representations - pgs 7,12, 13, 14, 16

[3] The BEIS website states: *"it is not currently possible to accurately predict the probability or magnitude of earthquakes linked to fracking operations"*. https://www.gov.uk/government/news/government-ends-support-for-fracking

impacts; highway capacity/safety; air quality; disturbance[4] seismicity and other impacts linked to 24-hour drilling and operation of sizeable industrial forms of development in the countryside (see submission dated 11th October 2019). Such detail both contextualises and justifies the overriding need for a 500m surface buffer from sensitive residential receptors in this plan.

11. By way of example of where such an approach has been deemed appropriate, the Inspector examining the North Yorkshire Minerals and Waste Joint Plan recently confirmed that the proposed 500m set-back policy in that plan will now stand, subject to a main modifications consultation and nuanced detail in her final report - see **Appendix 4a**. The Inspector's reasoning directly relates to the above judgement and further justifies the imposition of a 500m buffer in **this** plan:

'I have considered all the representations concerning the Stephenson judgement and the quashing of NPPF 209a. Due to the uncertainties arising from the scientific evidence, particularly over methane emissions from hydraulic fracturing, and the consequential uncertainties over the potential impact this could have on air quality in the vicinity of nearby receptors, I am content that the retention of the 500m buffer zone in the Plan is sound.

12. Our suggested final amends to draft policy MP12 (**Appendix 1**) reflect these above points.

Cumulative Climate Change

13. We consider policy MP12 should incorporate more specific requirements to take account of cumulative impacts, including climate change (as suggested in our other hearing statement on MIQ40). We consider the primary cumulative impacts from hydraulic fracturing to be:

- Greenhouse gas emissions (emissions arising from burning to hydrocarbons as well as fugitive methane emissions);
- Highway safety and capacity (construction traffic as well as gas and waste vehicles);
- Landscape and visual (perceptual visual impacts of the rigs, compounds, security fencing and 24-hour lighting, as well as actual physical landscape impacts linked to possible loss of tree cover, field systems and other key physical features);

[4] Linked to protected species linked to the Conservation of Habitats and Species Regulations 2017

- Air quality (methane, NO2 from diesel generator emissions powering lights, pumps, rigs etc.);

- Groundwater and soil quality.

13. Our view is that this non-exhaustive list of potential cumulative effects should be included to render the NMP sound; especially as other types of development, such as renewable energy proposals, are required to demonstrate compliance against stringent cumulative tests (eg landscape and visual impact). The need to consider cumulative effects is also required during EIA screening more generally for Schedule 2 developments, which hydraulic fracturing schemes can be considered in certain instances (re Schedule 2).

14. Our suggested amendments to MP12 in this regard are at **Appendix 1**.

Magnus Gallie MRTPI
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APPENDICES

Appendix 1 – Proposed Friends of the Earth Policy Changes (Final)

Attached separately

Appendix 2 – Cumbria Minerals and Waste Plan – Inspector's Report extract – Policy DC 13

Attached separately

Appendix 3 – Policy DM2 of the Lancashire Minerals and Waste Local Plan

Attached separately

Appendix 4 – North Yorkshire Minerals and Waste Joint Plan – Extract from Schedule of Draft Main Modifications – (10 April 2018); and

Appendix 4a) - Inspector's update letter (October 2019)

Attached separately

Appendix 5 – East Riding and Kinston Upon Hull Joint Minerals Plan – Inspector's Report

Appendix 5a) Main modifications

Attached separately

Appendix 6 – Joint Statement of Common Ground – FoE and Northumberland CC – Feb 2020

Attached separately

Appendix 7 - Letter regarding Talk Fracking Judgement and deletion of para 209(a)

Attached separately

Appendix 1 – Proposed Policy Changes

Friends of the Earth England Wales and Northern Ireland

SO3: Addressing climate change

Minimise and mitigate the impact of mineral developments on climate change **[INSERT] with the aim of helping achieve compliance with the government's 2050 net zero GHG target**. ~~encouraging~~ **[INSERT] This will be achieved by ensuring** efficient ways of working**,** including reductions in transport and onsite machinery emissions. **[INSERT] The 'great weight' attached to mineral extraction should be balanced against the need for compliance with the binding 2050 target and climate change considerations within the NPPF.**

[INSERT] All minerals proposals must reduce existing and future **[INSERT] vulnerability** ~~flood risks linked to, and aid in~~ by **[INSERT] ensuring adequate** adaptation to climate change through good quarry design and operation, water management, location of plant and appropriate restoration, particularly for quarries in the Trent Valley flood plain. **[INSERT] Minerals proposals must** contribute to climate change adaptation by relinking fragmented habitats and creating new areas of habitat to allow the migration and dispersal of species. **[INSERT] Tree planting led restoration of minerals sites, where appropriate, would help meet the UKs net zero 2050 target (as per the CCC's recommendations) and will be encouraged[2].**

Policy SP3 – Climate Change

All minerals development, including site preparation, operational practices and restoration proposals ~~should~~ **[INSERT] must** minimise their impact on the causes of climate change for the lifetime of the development. Where applicable development ~~should~~ **[INSERT] must** assist in the reduction of vulnerability and provide resilience to the impacts of climate change by:

a) Being located, designed and operated to help reduce greenhouse gas emissions, withstand unavoidable climate impacts and move towards a low-carbon economy;

[INSERT] b) For hydrocarbon extraction, applications should specifically address the potential for cumulative impacts of development upon climate change and, where appropriate, propose such mitigation and adaptation measures as may be available.

c~~b~~) Avoiding areas of vulnerability to climate change and flood risk. Where avoidance is not possible, impacts should be fully mitigated;

d~~c~~) Developing restoration schemes which will contribute to addressing future climate change adaptation, including through biodiversity and habitat creation, carbon storage and flood alleviation.

[INSERT] e) Proposals should demonstrate how they will have a net zero impact on climate change.

Policy MP12: Oil and Gas

[INSERT] Conventional

1. Exploration and appraisal of **[INSERT] conventional** oil and gas will be supported, provided the site and equipment:

a. Are not located in a protected area other than in exceptional circumstances where **[INSERT] both site infrastructure and associated impacts** does not compromise the reasons for the designation and the need for development can be demonstrated; and
b. Are located where this will not have an unacceptable environmental impact.

2. The commercial production of **[INSERT] conventional** oil and gas will be supported, provided the site and equipment:

a. Are not located in a protected area other than in exceptional circumstances where this does not compromise the reasons for the designation and the need for development can be demonstrated; and
b. Are located at the least sensitive location taking account of environmental, geological and technical factors.

3. Proposals at each stage must provide for the restoration and subsequent aftercare of the site, whether or not oil or gas is found.

[INSERT] Unconventional

1. Exploration and appraisal of unconventional oil and gas (including all volumes of fracking activity) will be supported, provided the site and equipment:

a. Are not located at the surface of protected areas (including SSSIs, European Protected and Ramsar sites);
b. Are located at the least sensitive location taking account of environmental, geological and technical factors;
c. Avoid harm to the environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment including (but not limited to) noise, dust, visual intrusion, transport, and lighting, air quality, induced seismicity, historic and built environment and the water environment can be minimised, and/or mitigated to an acceptable level;
d. Are located at least 500m away from the nearest residential property. This distance may be reduced where justified on a case by case basis;

In addition:

e. No unacceptable impacts would arise from the on-site storage or treatment of hazardous substances and/or contaminated fluids above or below ground;
f. Hydraulic fracturing in Groundwater Source Protection Zones 2 and 3 will not be permitted unless it can be demonstrated there will be no unacceptable impacts on groundwater. Hydraulic fracturing will not be permitted above 1,200 metres in Groundwater Protection Zone 1; and
g. Restoration and aftercare of the site to a high-quality standard would take place at the earliest opportunity (in accordance with Policy DM12) whether or not oil or gas is found. The Mineral Planning Authority may require provision of a financial guarantee, appropriate to the scale, nature and location of the

development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development.

h. Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

2. The commercial production of unconventional oil and gas (including all volumes of fracking activity) will be supported, provided the site and equipment:

a. they accord with (a-h) above;
b. no unacceptable impacts would arise from the transport, by vehicle or other means, of oil/gas, water, consumables, and wastes to or from the site;
c. Proposals will only be acceptable if they can demonstrate a net zero impact on climate change.

Introduction Section: Policy MP12

Coal bed methane

4.100. Coal bed methane extraction involves removing methane directly from the coal seam without mining the coal. The industry is most developed in the USA, whilst in the UK and Europe it remains in its infancy. **[INSERT] Coalbed methane is obtained by drilling into a coal seam, lowering the local pressure and collecting the gas that is released as a result. The gas extraction process does not detrimentally affect the physical properties of the coal or prejudice it being worked at some later date by conventional mining methods. Methane can be extracted from coal seams that would be unsuitable or uneconomic to mine. Alternatively, it can be used to remove gas before mining, helping to reduce methane hazards associated with coal mining. Unlike underground coal mining, extraction of the gas does not cause subsidence of the land surface.** Interest is however developing…

Shale gas

4.102. Vast quantities of methane exist in many shale deposits worldwide and recent technological advances have now made it economically possible to exploit them. The technology and exploitation of shale gas is most advanced in the USA where it has gone through a period of very rapid development and is now exploited on a very large scale. **[INSERT] In 2013 the BGS suggested** the UK also has a significant, but largely untested potential shale gas resource: in Nottinghamshire, such potential shale gas resources are thought to exist in deeply buried shale deposits found in the far south and north of the County. **Research published this year by the University of Nottingham and the British Geological Survey (BGS)[24] however found that these previous BGS figures estimated the UKs shale gas resource as opposed to the actual reserve. Previous estimates suggested that UK shale gas could potentially provide up to 50 years' worth of current gas demand, however the latest University of Nottingham research has found it more likely to correspond to less than 10 years of supply at current demand. It is therefore questionable whether further shale exploration/ extraction is able to meet the UK's energy needs or benefit the economy as previously thought.**

[INSERT] 4.103 Shale gas extraction involves vertical and horizontal drilling to reach the shale rock formation. A mixture of water, sand and additives is then pumped under high pressure into the bore hole to fracture the rock (a process known as 'fracking'). The gas trapped in the rock is then released and can be collected. **[INSERT] 4.104 Exploratory drilling and hydraulic fracking of this resource has slowly progressed in the UK,**

with operations having been banned in 2011 due to a 2.3ML seismic event at Preese Hall, Lancashire – leading to a subsequent moratorium by BEIS (then DECC). Since being lifted in 2012[25], further fracking operations have gained consent, with works commencing in 2017, again in Lancashire and exploratory drilling in South Yorkshire, Derbyshire and here in Nottinghamshire. Since commencing hydraulic fracturing, the Preston New Road in Lancashire scheme has led to significant instances and levels of induced seismicity, resulting in a 2.9ML quake event for residents around the site. This has again led to a suspension of operations until further notice (instigated by the Oil and Gas Authority - OGA).

Justification

4.108. It is considered ~~that there is no~~ **[INSERT] that there <u>are</u> justifiable reasons in planning policy terms to provide more prescribed policy detail to address the exacerbated impacts of hydraulic fracturing** ~~separate shale gas from other~~ within **[INSERT] the** hydrocarbon **[INSERT] policies** ~~development~~…

[INSERT] While separate legislation ~~also~~ identifies certain requirements in relation to protected groundwater areas or other protected areas[3], **[INSERT] the policy framework provides additional safeguards linked matters such as groundwater, distances, restoration (et al) to ensure NCC's areas are protected from the range of impacts of fracking (both AHF and non AHF)**.

Other Minor Corrections:

Para 3.4: Planning applications that accord with the policies in this Local Plan (and, where, relevant, with policies in other plans which form part of the development plan) will be approved unless material considerations indicate otherwise. **[INSERT] The presumption however does not apply in certain instances*, nor does it change the statutory status of this development plan as the starting point for decision making.**

Such as where a project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

Para 3.6: All new mineral development proposals will be expected to be planned from the outset **[INSERT] with a view to minimising greenhouse gas emissions and** to avoid increased vulnerability to the range of impacts resulting from climate change and care will need to be taken to ensure any potential risks can be managed through suitable adaptation measures.

Para 5.5 **– Error: refers to the 2011 EIA regulations, when 2017 regs are now in force (re legal compliance/consistency).**

Para 5.58 **– Error: refers to Conservation of Habitats and Protected Species Regs 2010 (which are super-ceded by the 2017 regs (re legal compliance/consistent).**

The Planning Inspectorate

Report to Cumbria County Council

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 29 June 2017

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Cumbria Minerals and Waste Local Plan

The Plan was submitted for examination on 8 September 2016

The examination hearings were held between 29 November and 14 December 2016

File Ref: PINS/H0900/429/13

Abbreviations used in this report

BGS	British Geological Survey
CLESA	Calder Landfill Extension Segregated Area
GDF	Geological Disposal Facility
ha	Hectare
HAW	Higher Activity Waste
HLW	High Level Waste
HRA	Habitats Regulations Assessment
HWRC	Household Waste Recycling Centre
ILW	Intermediate Level Waste
LAA	Local Aggregate Assessment
LDS	Local Development Scheme
LLW	Low Level Waste
MM	Main Modification
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SD	Submission Document
tpa	tonnes per annum
VLLW	Very Low Level Waste

Non-Technical Summary

This report concludes that the Cumbria Minerals and Waste Local Plan [the Plan] provides an appropriate basis for the planning of the County's minerals and waste, provided that a number of Main Modifications [MMs] are made to it. Cumbria County Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Inserting details of superseded policies;
- Explaining the Plan's remit with respect to new National Park designations;
- Expanding on the overall strategy and strategic objectives;
- Providing more quantitative and explanatory details on waste arisings, capacity and minerals provision;
- Providing more policy support for certain developments;
- Adjusting minerals and waste strategies;
- Amending Development Control Policies;
- Adding triggers for review and monitoring provisions for radioactive waste;
- Adjusting allocations policies.

Introduction

1. This report contains my assessment of the Cumbria Minerals and Waste Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Cumbria Minerals and Waste Local Plan of April 2016 [the Plan] is the basis for my examination. This is the version that was published for consultation. It does not contain the modifications included within the August 2016 version, some of which go beyond what would fall within the category of additional amendments that the Council has the power to make without consultation. As the August version did not undergo public consultation, I have considered the more substantial changes within it as proposed main modifications [MMs].

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.

4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal [SA] of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications where these are necessary for clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Cumbria Minerals and Waste Local Plan Policies Map Parts 1-6 as set out in Submission Documents SD2-SD15.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.

However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs on the Main Modification webpage. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Main Modification webpage incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regards to strategic, cross-boundary matters.

9. Details of how the Council has met this duty are set out in the *Statement of Compliance with the Duty to Co-operate,* the *Statement of Consultation* and the Council's written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters. Strategic minerals and waste themes, informed by the findings of core evidence base documents, were ascertained for discussion.

10. The evidence demonstrates that the Council has worked closely with neighbouring minerals and waste authorities, and other planning authorities in the North West and North East of England, as well as some further afield where a strategic relationship was identified. Also, the Lake District National Park Authority, the Yorkshire Dales National Park Authority, and the six District Councils within Cumbria, namely Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland were invited to comment on all aspects of the Plan during all consultation stages.

11. Also evident is the effective relationship the Council has established and maintained with all relevant bodies listed in Regulation 4 of the Town and Country Planning (Local Planning)(England)Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. The Council has been responsive to discussions and suggestions, which have all been taken into account, and have often influenced the content of the Plan.

12. With respect to strategic minerals matters, the Council is a member and active participant of the North West Aggregates Working Party. This comprises minerals planning authorities and representatives of the minerals industry, and meetings are also attended by representatives from the Department for Communities and Local Government and the Environment Agency. The advice of this co-ordinating group has been taken into account in Plan preparation.

13. Furthermore, the Council prepared its third Local Aggregates Assessment jointly with the Lake District National Park Authority. Of particular significance is the engagement with the Yorkshire Dales National Park Authority with regard to high specification road stone, which is a nationally important material that occurs both within the National Park, and within parts of the administrative area of Cumbria controlled by the Council.

14. With respect to waste management, the Council is a member of the North West Waste Network, whose membership consists of waste planning authorities, and which is regularly attended by the Environment Agency. The Council used this forum to identify strategic movements of waste to and from Cumbria that have the potential to impact on waste management facility provision in Cumbria or that of other waste planning authorities. As a result, 50 waste planning authorities were identified for contact. Whilst Scotland is not specifically covered by the Duty to Co-operate, the Council has liaised and co-operated with relevant Scottish authorities, given their geographical links and potential cross boundary issues.

15. As regards the radioactive waste management industry, the Council is a key stakeholder and meets regularly with operators and regulators to discuss the future management of radioactive waste arising from the decommissioning of nuclear facilities. The Council is a member of the Local Government Association's Nuclear Legacy Advisory Forum, which is a subscription based group of waste planning authorities. The Council is a regular contributor and attendee of its Radioactive Waste Planning Group. This has provided a forum to discuss strategic radioactive waste management issues, sharing best practice and developing radioactive waste policies during Plan preparation.

16. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

17. The geographical area of Cumbria contains the Lake District National Park and part of the Yorkshire Dales National Park. However, these National Park Authorities are minerals and waste planning authorities in their own right. Therefore, the Plan only covers the areas of Cumbria that are outside the National Parks.

18. Extensions to these National Parks were made by Variation Order and confirmed by the Secretary of State on 23 October 2015. Transfer of functions occurred on 1 August 2016 and the respective National Park Authorities then became the minerals and waste planning authorities for the newly designated areas with responsibility for preparing their own minerals and waste plans. These extensions included land that was previously within the administrative area of Cumbria County Council.

19. Pending the adoption of their own plans, the National Park Authorities will use Cumbria County Council's adopted development plan, whose minerals and waste policies will remain extant in the relevant extension areas. This will continue until the National Park Authorities either choose to adopt the Cumbria

Minerals and Waste Local Plan (the subject of this examination) for the new designations, or they review their own plans to include the extensions.

20. There are no Plan allocations within the extensions. However, in order to clarify the geographical extent of the Plan and ensure it is effective, new text is proposed setting out the background to the National Parks extensions and illustrating in Appendix 1 the new areas covered as proposed in **MM2a** and **MM2b.** Furthermore, in order to ensure the Plan is sound, a corresponding change will be required to the Policies Map.

Main Issues

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Vision, Overall Strategy and Strategic Objectives reflect the key challenges facing the County.

22. The key challenges facing the County informed the SA, which underpins the Vision, Overall Strategy and Strategic Objectives and generally, these issues are appropriately reflected in the Plan. However, there is little reference to radioactive waste. Whilst most of the challenges relating to general waste also relate to radioactive waste, there are some which are specific to radioactive waste and should be addressed.

23. The management of radioactive waste is of particular local significance in Cumbria, as well as being of national importance, and consequently it should be specifically referenced in the overall strategy. Without this, the approach is not effective. Consequently, **MM3** is proposed, which inserts a distinct overall strategy relating specifically to radioactive waste.

24. Whilst it is the Council's intention to aim for net self-sufficiency in managing waste, as promoted by the National Planning Policy for Waste [NPPW], this is not clearly reflected in the Strategic Objectives. Therefore, to ensure compliance with national policy **MM4** is proposed, which sets out the Plan's aim of net self-sufficiency.

25. Subject to the identified modifications, I am satisfied that the Vision, Overall Strategy and Strategic Objectives reflect the most appropriate strategic approach for the Plan's administrative area. On this basis, I find this part of the Plan to be sound.

Issue 2 – Whether the strategic waste policies provide sufficient opportunities for appropriate waste management facilities to be developed to meet any identified capacity gaps.

26. The *Cumbria Waste Needs Assessment 2015* provides an appropriate assessment of waste needs within the County. It considers arisings data taken from reliable sources, namely the Council's Waste Services teams (for Local Authority Collected Waste), and from the Environment Agency's Waste Data Interrogator (for Commercial and Industrial; Construction, Demolition

and Excavation) and Hazardous Waste Data Interrogator (for Hazardous Waste).

27. Growth models are used to establish projected growth across all main waste streams over the Plan period and different assumptions applied to provide sensitivity testing. Movements of waste, including through transfer stations and across borders, are analysed to estimate waste managed in the County, and potential capacity gaps are identified by taking forward what is considered to be the most realistic scenario. I find this to be a robust evidence base for supporting the Plan's waste strategies contained in policies *SP2* & *SP3*.

28. The NPPW states that Local Plans should consider the extent to which existing capacity satisfies identified need. To do this effectively, the Plan should refer to figures on waste arisings and capacity. This enables a proper understanding of the scale of need and provision to be made. The Plan does not adequately do this.

29. The Plan should set out details of existing waste management capacity to establish the baseline against which the need for new facilities is assessed. This is not adequately addressed. Therefore, **MM5a** and **MM5b** are proposed, which insert a table and explanatory text on existing waste management capacity in Cumbria by facility type (excluding landfill – dealt with below).

30. There are no figures in the Plan on the quantities of waste arisings for the main waste streams likely to be managed over the Plan period, or how such figures have been calculated. Therefore, **MM6a** and **MM6b** are proposed, which link information in the *Waste Needs Assessment* and provide context for a new table setting out projected waste arisings at intervals throughout the Plan period.

31. Whilst the Plan gives details of current void-space for landfill and identifies a capacity gap, it does not give forecast figures for the amount of waste that is likely to require landfilling. In order to understand how the identified capacity gap arises **MM14a** and **MM14b** are proposed, which set out text and a table for non-inert landfill of projected arisings and void-space requirements at intervals throughout the Plan period.

32. Also proposed are **MM15a** and **MM15b**, which make similar modifications for inert landfill and provide background details of extant and expected planning applications at landfill sites. So that they are not considered in isolation, it is also explained that an estimated 25% of non-inert landfill capacity is taken up by inert waste.

33. In order to provide information on landfill sites and capacity likely to come forward during the Plan period and to ensure proper waste management in accordance with national policy, **MM8** is proposed.

34. To make best use of existing landfill capacity before considering additional capacity, thereby minimising environmental impacts, the policy approach in *Policy SP3 Waste capacity* was intended to give priority to time extensions at existing landfills. However, this distinction is not actually made in the Policy, which is, therefore, not effective. Consequently, **MM18** is proposed, which treats applications for time extensions more favourably than additional capacity.

35. The *2014 Waste Needs Assessment* indicates that some new agricultural capacity for the recycling of agricultural waste should be provided, although it recognises that most of the material would be similar to commercial and industrial waste and so the capacity could be provided at facilities handling those wastes. However, the Plan does not make clear how agricultural waste has been accounted for and, therefore, appears inconsistent with national policy by not assessing this waste stream. Nonetheless, I understand that the Environment Agency has recently stopped recording data on agricultural waste separately, and it is now combined with commercial and industrial waste. Consequently, by explaining this in proposed **MM17**, the Plan properly deals with agricultural waste.

36. The Plan indicates that there are no significant gaps in provision for sewage/wastewater treatment, but refers to the 5 year Asset Management Programme for the statutory undertaker (United Utilities), which identifies a need for a new wastewater treatment works as part of a major capital scheme to upgrade the West Cumbria water supply network. This entire scheme recently gained planning permission and, therefore, all capacity requirements are fully met. Therefore, in order to be consistent with national policy, the up-to–date capacity position should be set out. This is achieved by **MM17**.

37. Sites that operate under an exemption from the environmental permitting regime, and which are not obliged to report on the amount of waste they handle, could have an impact on waste management capacity. The Plan does not include waste handled under exemption within the assessed waste management figures and without some explanation of what type of waste this is and why it has been excluded, the Plan is unjustified. Therefore, **MM9a** and **MM9b** are proposed to assist in understanding the role exemptions play, by providing details of the principal exemptions in the County by type and number, together with reasoning as to why it is appropriate not to include exemptions in the figures.

38. Whilst the key conclusions from the 2015 *Waste Needs Assessment* are set out in the Plan, they are erroneously preceded by reference to and details from the 2014 *Waste Needs Assessment,* which is confusing and unjustified. Therefore, **MM10** and **MM11** are proposed to update the text and properly reference the 2015 *Waste Needs Assessment*.

39. Furthermore, the key conclusions make reference to a need for additional composting facilities if a time extension were not granted to an existing facility. However, there is no indication of the capacity gap that would need addressing. Therefore, to comply with national policy, **MM12** and **MM16** are proposed, which identify capacity requirements for composting and cross reference this to explanatory text.

40. The key conclusions also refer to a need for thermal waste treatment capacity of up to 120,000tpa. However, planning permission has recently been granted for a thermal facility with capacity of up to 195,000tpa. Therefore, to reflect the updated capacity position and to comply with national policy, **MM13** is proposed.

41. The NPPW indicates that waste planning authorities should aim for net self-sufficiency in managing waste. Therefore, the Plan should provide details of

waste imports and exports. Whilst quantities of waste for export have been set out, there is no corresponding detail for imports. Consequently, **MM7** is proposed to provide the relevant import figures, and from which the balance of imports and exports can be shown.

42. In summary, I find that subject to the identified modifications, the Plan's strategic waste policies provide sufficient opportunities for appropriate waste management facilities to be developed to meet identified capacity gaps, and are sound.

Issue 3 – Whether the strategic radioactive waste policies provide adequate direction for the management of radioactive waste and sufficient opportunities for the development of appropriate waste management facilities to meet any identified capacity gaps.

43. As with other types of waste, to be consistent with national policy, the Plan should consider the extent to which existing capacity for managing radioactive waste satisfies identified need. However, for Cumbria, a greater than local need will have to be considered. Cumbria has by far the largest concentration of nuclear waste management facilities in the UK and they are of national importance, taking waste from around the UK.

44. The NPPW states that waste planning authorities should consider the need for additional waste management capacity in facilities of greater than local significance to reflect any identified national requirements. Therefore, the need to provide for large amounts of imported radioactive waste must be taken into account.

45. There are significant uncertainties about the volumes of radioactive waste arisings and when they will occur over time, and the quality of the data in the Radioactive Waste Inventory, from which much of the information is derived, requires improvement. Nonetheless, the best possible estimates of projected arisings should be reflected in the Plan. Whilst the Plan deals with both local and national requirements, setting out some data on arisings and capacity for various levels of radioactive waste types, the figures are not sufficiently comprehensive.

46. Therefore, to comply with national policy, more detail is required. Accordingly, **MM20** is proposed, which gives data and corresponding explanations for radioactive waste arisings, movements and capacity for Very Low Level Waste (VLLW), Low Level Waste (LLW), Intermediate Level Waste (ILW) and High Level Waste (HLW). Furthermore, **MM19** is proposed to correct figures on conditioned and unconditioned waste.

47. Proposals for the management of radioactive waste should comply with national strategies for radioactive waste management, as well as other national waste policy. Specifically, it should be clear that the Plan conforms to strategies produced by the Nuclear Decommissioning Authority. The Plan does not adequately reference these waste strategies and this is unjustified. Therefore, **MM21, MM22** and **MM25** make the appropriate references within *Policy SP4 Transparent decision making* and *Policy SP6 Higher activity radioactive wastes treatment, management and storage,* as well as in the accompanying text.

48. In accordance with the proximity principle promoted in the NPPW, the Plan requires decommissioning wastes to be managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable. However, there is insufficient direction on what may be considered a "rigorous" assessment, rendering this part of the Plan ineffective. Therefore, **MM24** is proposed, which provides the appropriate guidance.

49. Government policy is to eventually dispose of Higher Activity Waste [HAW] in a Geological Disposal Facility [GDF]. Once a suitable site has been found and a GDF implemented, this will have a significant impact on how HAW is managed in Cumbria and elsewhere. At present, it is envisaged that site investigations will take another 15 to 20 years and, therefore, implementing a GDF is most likely to occur some considerable time beyond the Plan period. Consequently, no policy direction relating to a GDF has been included in the Plan. However, in the event that the situation changes, so as to affect radioactive waste management within the Plan period, an appropriate trigger for review is proposed by **MM67**.

50. Currently, spent nuclear fuels, uranics and plutonium are not classified as waste and, therefore, although they are included in national policy for the long-term management of HAW via a GDF, they are currently beyond the remit of the Plan. However, it is possible that national policy on their classification will change in time. Therefore, to ensure that the Plan remains consistent with national policy and effective, the re-classification of these materials as waste is proposed as a trigger for review as set out in **MM67**.

51. The Plan does not specifically provide for the management of any radioactive waste that might be generated from the proposed Moorside nuclear power station. However, no application for development consent has yet been made for this potential facility. Should consent be granted, the earliest Moorside is expected to generate radioactive waste is 2030. This is considered to be outside the timeframe of the Plan. However, to account for radioactive waste being produced sooner, and to ensure its effective management, this eventuality is included as a trigger for review in **MM67**.

52. Subject to the above modifications, the strategic radioactive waste policies (*SP4 to SP6*) provide sufficient direction for the management of radioactive waste and sufficient opportunities for development of appropriate waste management facilities to meet identified capacity gaps. Consequently, I find this part of the Plan, as modified, to be sound.

Issue 4 – Whether the strategic minerals policies provide for a steady and adequate supply of all appropriate and economically viable mineral types within the County, and their safeguarding.

53. In general, the minerals chapter, containing strategic policies *SP7* to *SP11*, sets out a suitable, comprehensive strategy for minerals provision, identifying strategic locations for new minerals development of varying types, where appropriate. However, there are a few shortcomings, as discussed below.

54. The National Planning Policy Framework (NPPF) requires a "steady and adequate" supply of minerals to be planned for. However, in this respect the wording used in strategic policies *SP7 Minerals provision and safeguarding*,

and *SP10 Industrial limestones* do not reflect national policy. Therefore, **MM35** and **MM36** are proposed to amend this wording.

55. Whilst the chapter includes information on reserves, landbanks and requirements, it does not adequately set out and explain the scale of minerals provision that is likely to be required over the Plan period. Although sales figures and winnable reserves will be subject to on-going change, making it difficult to be precise about requirements, it is nonetheless important for the Plan to broadly identify the quantity of minerals likely to be needed at the start of the Plan period. This provides some certainty of requirement for the identified supply then to meet and can be used as a basis for designating areas for future potential development. Without this, the Plan is ineffective because there is insufficient information on the scale of minerals provision that it seeks to deliver.

56. For sand, gravel, crushed rock and high/very high specification roadstone, the annual Local Aggregates Assessment [LAA] is the main tool for providing details of supply and demand and hence for indicating potential need. Therefore, **MM27a** and **MM27b** make the link with the most recent LAA, and provide tables setting out requirements for the Plan period whilst explaining how figures will change over time with market demand and permitted reserves.

57. The NPPF states that provision should be made for landbanks of "at least" 7 years for sand and gravel and "at least" 10 years for crushed rock. However, the Plan has omitted the words "at least" and, therefore, does not accord with national policy. **MM26** and **MM28** add these words to the text.

58. With respect to gypsum, there are three main types that are mined for different products and uses, and it is important to ensure that an adequate supply of each is maintained as far as possible. Therefore, information on landbanks for the three types should be included in the Plan. However, this information is absent, thereby making this part ineffective. Consequently, **MM29a** and **MM29b** are proposed which give a broad indication of the scale of the different reserves and predicted requirements along with explanatory text.

59. There is only one brickworks within Cumbria and this is a small scale, specialist family run business that produces bricks for Listed Buildings and Conservation Areas and takes its brickmaking clay from the adjacent mudstone quarry. I understand that it is difficult to estimate the landbank at this adjacent mudstone quarry due to the very varied extraction rates experienced over the years. Nonetheless, to be effective a best estimate should be contained within the Plan. **MM30** explains historical extraction rates and from this provides a range of time periods over which the landbank of reserves might last.

60. It is possible that the 25 year landbank required by the NPPF for brick clay supplies might not be met. However, the circumstances of these specialised operations and the policy commitment identifying an Area of Search for possible future supplies, justifies the approach taken in the Plan.

61. Whilst industrial grade limestone is quarried in Cumbria no significant quantities are used for cement primary, and instead it has a range of uses

such as iron/steel making, paper making, pharmaceuticals and agriculture. Consequently, the 25 year landbank requirement within the NPPF does not apply. Nonetheless, in order to ensure a steady and adequate supply, more detail is needed in the Plan about supply and demand. **MM31** provides details about which quarries supply industrial limestone, their reserves and recent sales figures from which landbanks are estimated.

62. The winning, working and processing of building stone, makes a significant contribution to Cumbria's economy and represents an important aspect of rural enterprise and diversification of farm and other rural businesses. It has a variety of uses and is integral to maintaining the distinctive character of many areas and the historic environment. Yet none of the strategic policies makes provision for the supply of building stone (with the exception of slate), and this does not accord with the national policy requirement of positive planning. Therefore, **MM33a** and **MM35** are proposed to provide policy support and context for the supply of building stone.

63. Moreover, in order to ensure that the wide range of building stone types are positively planned for, **MM33b** inserts a table listing, stone types, stone quarries and their scale, and other information. Some of these quarries also produce aggregates from their waste rock and, similarly, in the interests of positive planning, this should be recognised in the Plan. This is proposed by **MM32**.

64. Policy *SP7 Minerals provision and safeguarding* covers two important and distinct strategies which are, as the title suggests 1) the provision of minerals and 2) safeguarding. The two strategies should be set out in two separate policies as, in its combined form *SP7* attempts to cover too much and is unjustified. Therefore, **MM35** is proposed to separate them out.

65. The NPPF requires Minerals Safeguarding Areas [MSAs] to be identified for specific minerals resources of local and national importance. The Plan does not on the face of it appear to safeguard building stone resources, although the rocks from which building stones are quarried (igneous rock, limestone and sandstone) are actually safeguarded, thereby safeguarding the building stone. Nonetheless, this is not clear from the Plan, which does not explain this link, making it ineffective.

66. Similarly, in order to comply with national policy, it must be clear that, as well as aggregates, all significant industrial minerals are safeguarded, along with existing, planned and potential infrastructure and plant. The range of minerals and facilities to be safeguarded is not sufficiently apparent from the Plan, rendering this part ineffective. Therefore, **MM34** and **MM35** are proposed, which make appropriate additions to the range.

67. Furthermore, the Policy will only be sound if the corresponding Policies Map is altered to clearly set out what resources the MSAs cover. Therefore, for igneous rock, limestone and sandstone it should indicate that aggregates, high/very high specification road-stone and building stones are covered, and that limestone encompasses both aggregate and industrial limestone. Existing building stone quarries that are safeguarded should also be identified.

68. In summary, subject to the above modifications, the strategic minerals policies provide for a steady and adequate supply of all appropriate and economically

viable mineral types within the County, and their safeguarding. I therefore find the modified minerals strategies to be sound.

Issue 5 – Whether the other Strategic Policies provide appropriate direction for the operation and development of existing and proposed minerals and waste facilities.

69. Other strategic policies (*SP1* and *SP12* to *SP17*) cover a comprehensive and appropriate set of matters pertinent to minerals and waste development in the County. However, there are a few modifications required to some strategies to ensure soundness, as identified below. The remainder of the strategic policies are sound without modification.

Policy SP14 Environmental Assets

70. This policy contains a section on how to consider potential impacts on heritage designations. However, the wording does not conform to the NPPF and is, therefore, not consistent with national policy. Accordingly, **MM37** is proposed which appropriately amends the wording.

Policy SP15 Restoration and aftercare

71. Although the Policy is aimed mainly at restoration and "aftercare", the title refers to "afteruse". Therefore, so as to avoid confusion and to ensure its effectiveness, the title should refer to "aftercare". Also, it lists a set of measures that should be taken into consideration when devising schemes. However, not all restoration and aftercare schemes will require all of these measures to be taken into account and, therefore, the policy is unjustifiably inflexible. Accordingly, to ensure flexibility the policy should make clear that such measures will be considered "*where appropriate"*. These changes are proposed by **MM38**.

Policy SP16 Section 106 planning obligations

72. The policy and its supporting text indicate that financial guarantees may be required in some circumstances, which are not explicitly referred to as being exceptional. This does not accord with the Planning Practice Guidance [PPG], which makes clear that such guarantees should only be required in exceptional circumstances. The PPG also advises that financial guarantees should not be required where an operator is contributing to an established mutual funding scheme. Therefore, to be consistent with national policy, **MM39** and **MM40** are proposed, which reflect the PPG advice.

73. Subject to the above identified modifications, these policies provide appropriate direction for the operation and development of existing and proposed minerals and waste facilities. Consequently, I find this modified section of the Plan to be sound.

Issue 6 – Whether the Development Control Policies reflect a balanced and comprehensive approach to development control that accords with national policy.

74. The development control policies (*DC1* to *DC22*) cover an appropriate range of development control matters and are sound without modification, apart from those discussed below, which can be made sound by amendment.

Policy DC2 General Criteria

75. *Policy DC6 Cumulative environmental impacts* deals with cumulative effects from multiple sources. Therefore, it is unnecessary and unjustified to duplicate the requirement within *Policy DC2.* Consequently, **MM41** is proposed to remove the duplication.

76. The Plan does not provide for the protection of ambient air quality, which is an increasingly important environmental consideration that should be taken into account in accordance with the PPG. Therefore, and particularly in light of the recent *ClientEarth* judgement[1], **MM42** is proposed to accord with national policy.

Policy DC4 Quarry Blasting

77. The British Standard 6472-2:2008 *Guide to evaluation of human exposure to vibration in buildings* Part 2: *Blast-induced vibration* gives guidance on human exposure to blast-induced vibration in buildings and is applicable to blasting operations associated with mineral extraction. It sets what is considered to be satisfactory maximum daytime magnitudes of vibration in the range of 6 to 10mm/second peak particle velocity. Due to natural variations within the rock mass and other factors outside the shot firer's control, it is common practice to require only 95% of blasts to be below these limits to give some flexibility.

78. In Cumbria explosives are used infrequently at quarries. Therefore, in order to get a 95% confidence in blasting velocities, records going back five years would need to be considered. Blasting techniques have improved significantly since then and, consequently, the old data could potentially distort the confidence level. Accordingly, instead of a 95% confidence level, the Plan provides for a regression line model to be developed and maintained. The evidence suggests that this accounts better for exact blast conditions and reduces the influence of unknown factors to a minimum.

79. On this basis the policy requires ground vibration, attributable to quarry blasting, not to exceed peak particle velocities of 6mm/second at sensitive properties. This is at the lowest end of the British Standard range and provides no flexibility, as the 95% confidence is not reflected.

80. Whilst improved blasting techniques may generally be able to stay below this maximum, there could still be exceptional circumstances when this was not possible, regardless of the use of regression line modelling. Therefore, in order to justify the policy it should be more balanced by introducing some

[1] ClientEarth v SoS EFRA, [2016] EWHC 2740 (Admin)

flexibility. This is achieved by proposed **MM43,** which allows for exceedances in justified circumstances.

Policy DC6 Cumulative environmental impacts

81. This policy sets out a non-exhaustive list of factors to take into account when considering applications. However, not all applications will require all of these factors to be taken into account, rendering the policy unjustifiably inflexible. Therefore, to ensure flexibility and proportionality of evidence the policy should make clear that such factors will be considered "*where appropriate"* as set out in **MM44**.

Policy DC8 Renewable energy use and carbon reduction on existing minerals and waste sites

82. Subsequent to the Written Ministerial Statement of 18 June 2015, wind turbine development should only take place in an area identified as suitable in a Local or Neighbourhood Plan, and when the planning impacts identified by affected local communities have been fully addressed. The Plan does not reflect this and, therefore, in order to comply with national policy, **MM45** is proposed.

Policy DC9 Criteria for waste management facilities

83. Currently, Cumbria's non-radioactive hazardous waste is generally exported over the county border to facilities in neighbouring areas. This is because Cumbria does not have any significant non-radioactive hazardous waste management facilities, but is able to use other authorities' facilities that are specialist and larger than local in scale. Whilst the 2015 Waste Needs Assessment considers that the need for non-radioactive hazardous waste management within Cumbria is low, in the interests of self-sufficiency, as promoted by the NPPW, the County should plan positively for any suitable non-radioactive hazardous waste proposals that might come forward.

84. The Plan does not adequately support hazardous waste development because it states that there is no requirement for additional hazardous waste capacity. Consequently, **MM46** and **MM48** are proposed, which delete this statement and make it clear that, should a hazardous waste scheme come forward, it would be considered against policy *DC9's* criteria for waste management facilities.

85. In the justification text under "*Waste Management Development*" reference is made to development criteria in policies *SP5* and *SP6* for radioactive waste. The text then goes on to indicate that no other development control policies specific to these wastes are necessary. This could be interpreted as other development control policies not applying to radioactive waste, which would render this section ineffective. Therefore, **MM47** is proposed, which removes this statement.

86. *Policy DC9* sets out key criteria to be considered for each facility type and generally includes a requirement that there be no unacceptable impacts on housing, business uses or other sensitive land uses. However, this requirement has been inadvertently omitted from two facility types and needs to be added in to ensure the policy is effective. Consequently, **MM49** is proposed to rectify this.

Policy DC10 Criteria for landfill and landraise

87. Strategic *Policy SP3 Waste capacity* states that proposals for landfill capacity must not undermine the waste hierarchy. Therefore, it is unnecessary and unjustified to duplicate the requirement within *Policy DC10.* Consequently, **MM50** is proposed to remove the duplication.

Policy DC12 Criteria for non-energy minerals development

88. Whilst the Plan designates Areas of Search, it does not provide any more policy support for applications within these areas than for those in undesignated areas. However, the authority has confirmed that Areas of Search are where it would expect to see future development taking place and where it would give policy support. Consequently, in order to be effective, **MM52** is proposed which gives policy support to proposals within Areas of Search.

89. Policy DC12 includes a criterion requiring cumulative impacts to be considered. However, cumulative impacts are already comprehensively covered in *Policy DC6 Cumulative environmental impacts.* Therefore, this duplication is unnecessary and unjustified. Consequently, **MM52** is proposed to remove it.

90. The supporting text on criteria for non-energy minerals discusses potential uses for building stone, emphasising conservation, repair to heritage assets and local vernacular buildings. Satisfying "need" should not be limited to demonstrating a requirement for a particular type of use, as the stone could be needed for a wide range of applications, including internal decoration and outside walling. However, the text could be construed in this restrictive way and, therefore, a wider approach is required to justify this section.

91. Furthermore, there is no mention of the stone products/processing industry, which can bring significant economic benefits to the County and should be recognised. Not to do so is unjustified. Accordingly, **MM51** proposes more supportive, comprehensive text to include other building stone uses and the stone products/processing industry.

Policy DC13 Criteria for energy minerals

92. This policy does not adequately test the potential effects on the community of energy minerals development and, therefore, protective criteria should be added as appropriate. Furthermore, given the potential for energy minerals development to impact on climate change, a specific reference to this consideration should be included. Without this, the policy is unjustified.

93. With respect to commercial exploitation of hydrocarbons, the policy requires "provision" to be made for mitigation of adverse impacts. However, without qualification "provision" could be strictly construed as including what may be considered to be "inadequate provision", rendering the policy ineffective. Therefore, to avoid uncertainty over policy compliance, the reference should be amended to "appropriate provision".

94. Furthermore, the policy does not fully reflect the PPG guidance on underground coal mining. Therefore, to accord with national policy, the list of impacts to be considered should be extended to include potential hazards of

old mine workings, the treatment and pumping of underground water and the monitoring and preventive measures for potential gas emissions.

95. Accordingly, **MM54** is proposed to deal with the above matters.

96. The supporting text to the policy refers to NPPF paragraph 14 and purports to set out its requirements. However, it is inaccurate. Therefore, to be compliant with national policy, **MM53** is proposed.

Policy DC15 Minerals safeguarding

97. The British Geological Survey's *Mineral safeguarding in England: good practice advice* states that MSAs should usually cover the whole resource and not be curtailed by other planning considerations. However, Millom and Barrow slag banks have not been safeguarded although, in practice, they are unlikely to be developed as they fall within nature and environmental designations. In any event, they are not considered to be economically viable and, this negates the need for safeguarding. Nonetheless, in order to justify this approach, the Plan should provide text to explain why these slag banks have been omitted from safeguarding. **MM55** is proposed to achieve this.

98. The supporting text also indicates that, contrary to the BGS's *good practice advice,* the building stone MSA has been removed. Without further explanation, this is unjustified. However, the Council has explained that in actual fact, the resources from which building stones are obtained, namely the igneous rocks, limestones and sandstones, are all safeguarded and, therefore, not unduly at risk of being sterilised. On this basis, and subject to further reasoning being set out as proposed in **MM56**, this approach is sound.

Policy DC16 Biodiversity and geodiversity

99. This policy sets out a list of matters to consider. However, not all applications will require all of these matters to be taken into account, rendering the policy unjustifiably inflexible. Therefore, to ensure flexibility and proportionality of evidence the policy should make clear that such matters will be considered "*where appropriate"*. Furthermore, the wording of the policy assumes it is likely there will be an impact on biodiversity/geodiversity, which is not intended and is unjustified. This can be rectified by removing the word "likely" and inserting "potential". **MM58** is proposed to deal with both of these amendments.

100. NPPF paragraph 117 requires planning policies to identify and map components of local ecological networks, which the Plan does not do. However, within Cumbria, biodiversity details are held by the Cumbria Biodiversity Data Centre which is currently identifying networks of natural habitats and mapping biodiversity opportunities, amongst other things. This is an iterative process. Therefore, subject to the Plan identifying where this information can be obtained, the Council has justified its approach. **MM57** is proposed, which adds explanatory text and makes the link.

Policy DC17 Historic environment

101. The wording of this policy does not accord with the NPPF. Therefore, to ensure consistency with national policy, **MM59** is proposed.

Policy DC21 protection of soil resources

102. The supporting text to this policy makes reference to a national strategy that is now outdated. Therefore, to ensure that up-to-date guidance is taken into account and the policy accords with national policy, **MM60** is proposed.

Policy DC22 Restoration and aftercare

103. The Policy aims to control restoration and "aftercare" as opposed to "afteruse". However, the title in the Plan refers to "afteruse" and is confusing. Therefore, to be effective, it requires amending to "aftercare" and this is proposed by **MM62**.

104. The supporting text refers to Best and Most Versatile Agricultural Land being restored to a similar standard. However, this might not take into consideration its longer term capability and opportunities for enhancement, where appropriate, as advised by the PPG. Therefore, to be consistent with national policy, **MM61** is proposed.

105. In summary, subject to the identified modifications, the development control policies reflect a balanced and comprehensive approach to development control that accords with national policy. Accordingly, I find this part of the Plan, as modified, to be sound.

Issue 7 – Whether the provisions for implementation and monitoring are effective and adequately identify triggers for review.

106. This chapter of the Plan does not adequately cover radioactive waste arisings and radioactive waste management and, therefore, is ineffective. In order to properly address these matters they need to be specifically referred to in the text and the tables. An indication of the relevant organisations involved and the underpinning documents used for monitoring radioactive waste should be included. This is achieved by **MM63, MM64, MM65** and the cross reference proposed by **MM20** in the radioactive waste chapter.

107. During the hearing discussions a number of triggers were identified that could necessitate a full or partial review of the Plan, but which were not included in the Plan, rending this part ineffective. Therefore, to ensure comprehensive monitoring, amendments are proposed to the text and another schedule added so that all relevant matters are covered as set out in **MM66** and **MM67**.

108. Subject to these modifications, the provisions for implementation and monitoring are effective and adequately identify triggers for review. I therefore, find this modified part of the plan to be sound.

Issue 8 – Whether the broad areas and locations identified for potential minerals and waste development are justified.

109. The site allocations policies and accompanying Policies Map identify sites and areas of land that are required to implement the Plan's strategic policies for managing waste and working and safeguarding minerals. The allocations have gone through appropriate SA and the *Site Assessments* documents for each of the six Cumbrian districts (Allerdale, Barrow, Carlisle City, Copeland, Eden and South Lakeland) set out guidance for developers on constraints and other

significant matters, to which an appropriate link is made within the Plan. Infrastructure requirements have been assessed and funding adequately addressed for critical infrastructure for at least the next five years.

110. Subject to the amendments discussed below, the broad areas and locations identified for potential minerals and waste development are justified. Consequently, I find the Plan's allocations to be sound, as modified.

Waste Management Allocations

111. *Policy SAP1 Household waste recycling centres (HWRCs)(sites of around 0.5.to 1.0 ha)* allocates two HWRC for which a need has been identified. These are Lillyhall industrial estate in Allerdale Borough to replace the HWRCs in Workington and Frizington, and land adjacent to Kendal Fell Quarry in South Lakeland District to replace the HWRC at Canal Head. These allocations are in suitable geographical locations to meet need. Furthermore, from the *Site Assessments* documents and other submitted evidence, it is apparent that these sites would not result in undue adverse impacts, subject to satisfactory development control at application stage.

112. However, the Policy simply lists the sites and does not give them policy support. Therefore, to be effective, **MM68** is proposed, which provides support to appropriate applications on the identified sites.

113. *Policy SAP2 Waste treatment and management facilities (sites of around 2 to 4 ha)* lists seven industrial estates within which an identified need for three additional facilities could be sited. Whilst more sites have been allocated than are needed, this is in order to provide choice and flexibility, as not all sites would be suitable for all facilities and some may not come forward. The *Site Assessments* documents and other evidence demonstrate that these sites are appropriate for allocation.

114. However, the Policy simply lists the estates and does not give them policy support. Furthermore, there is no indication of which sites might be suitable for what facilities. Therefore, to be effective, more support for appropriate applications, and direction to potential developers should be provided. Accordingly, **MM69a**, **MM69b** and **MM70** are proposed, which provide this support and guidance within the Policy and accompanying text and, whilst avoiding spurious accuracy, insert a table of suitable facility types for each location.

115. The identified sites are not intended to act as a restriction to other suitable sites that may come forward and, therefore, to add further flexibility, the supporting text also identifies broad locations for additional waste management provision. These broad locations are industrial estates that, based on their character, are most likely to come forward with sites, although the Plan indicates that this does not preclude other unlisted sites being considered. The identified broad locations have the potential to accommodate appropriate waste management facilities and are industrial estates from where it is considered any of a number of individual sites would be suitable.

116. It is not clear from the Plan what status is intended for these broad locations and this makes the reference to them ineffective. Therefore, **MM71** and **MM72** are proposed, which insert a new section into *Policy SAP2* giving policy

support to appropriate applications within the identified estates, and adding explanatory text. A corresponding amendment will also need to be made to the Policies Map to illustrate the modifications and ensure the soundness of this policy.

Radioactive Waste Management Allocations

117. There is one policy dealing with radioactive waste allocations and that is *Policy SAP3 Radioactive wastes treatment, management, storage and disposal.* Given the local and national importance of radioactive waste management facilities in Cumbria, the first part of the policy appropriately safeguards four existing facilities.

118. The second part of the policy allocates three sites for additional radioactive waste capacity, all of which are within Copeland Borough Council's administrative area. Additional capacity for LLW to satisfy identified need is provided by the Low Level Waste Repository allocation (CO35). The Repository is a national facility, which has been taking LLW from around the country for many decades and is the most appropriate location to site further provision.

119. The other two allocations relate to radioactive waste produced at Sellafield. Sellafield has its own onsite facility for the disposal of VLLW/Low Activity LLW, namely the Calder Landfill Extension Segregated Area [CLESA]. However, there are specific radioactive waste types that cannot be accommodated at the CLESA. Therefore, Sellafield has the potential to export some of this waste for disposal to Lillyhall landfill (which is safeguarded in part one of *Policy SAP3*) and across the County boundary to permitted landfill sites.

120. The remaining capacity at the CLESA is not likely to last throughout the Plan period, thereby generating the need for an additional disposal facility. The proposed CLESA-2 is intended to meet this need either on site or nearby. Sellafield is currently undergoing decommissioning and the site complex currently has many spatial constraints. Having undertaken a feasibility study, it is understood that there is no capacity within the Sellafield complex at present to site CLESA-2, although there are possible locations on adjacent land, owned by the Nuclear Decommissioning Authority. A strategic assessment of this adjacent land by the Council has not highlighted any major planning constraints.

121. Consequently, two allocations have been made. One is on the Sellafied site (CO36) to provide a range of waste management needs that might arise, and to accommodate CLESA-2 if this becomes feasible. The other (CO32) is adjacent to Sellafield to accommodate CLESA-2 if needed, and for potential storage of wastes linked to the approved Sellafield decommissioning strategy. Allocation CO32 could be linked into the Sellafield site and the existing internal rail and/or road systems extended. The allocation also accords with the Nuclear Decommissioning Authority's decommissioning strategy. On the evidence before me, both CO36 and CO32 are sustainable and the approach taken is justified.

122. Concerns have been raised about allocation CO32, and in particular the large area of the site (56ha). However, I am told that only parts of the site would be developed due to environmental constraints, although determining which

parts are suitable would need further investigation and would best be dealt with at application stage. However, to justify the policy, the approach taken to allocating CO32 should be better explained in the Plan, indicating clearly that CO32 would only accommodate CLESA-2 if it could be robustly demonstrated that it was not feasible to use land within CO36 or an existing disposal route. Consequently, **MM23**, **MM73**, **MM74** and **MM75** are proposed, which set out in *Policy SAP3* criteria to be met to gain planning permission on CO32, along with further explanation in the accompanying text.

Minerals Allocations and Safeguarded Infrastructure

123. There are two minerals allocations policies. The first is *Policy SAP4 Areas for minerals*, which identifies Preferred Areas, Areas of Search and a safeguarded site for secondary aggregates. There are no defined sites allocated because insufficient certainty over identifying viable resources has not resulted in any being put forward by operators. Therefore, in order to maintain a steady and adequate supply, Preferred Areas and Areas of Search have been designated. This approach accords with NPPF paragraph 145, third bullet point.

124. Preferred Areas reflect areas of known mineral resources of unknown viability, but where planning permissions might reasonably be anticipated. Areas of Search are broader areas where there is less qualitative or quantitative evidence at locations put forward by operators, but where, nonetheless, planning permissions could be granted. The Plan does not adequately explain the significance of these areas and, therefore, **MM78** and **MM79** are proposed to *Policy SAP4* and its supporting text.

125. Planning permission has recently been granted for the whole area covered by the Area of Search at land adjacent to Kirkby Slate Quarry (M14) and, therefore, it is no longer an Area of Search. Consequently, to be effective M14 should be removed from *Policy SAP4*. This is achieved by **MM80**. A corresponding amendment to the Policies Map will also be required to ensure the policy is sound.

126. *Policy SAP4* does not include any designations for building stone and the accompanying text implies that there is no requirement for building stone. As there certainly is a requirement, the accompanying text could be misleading and, therefore unjustified. Accordingly, to give more support to potential building stone applications, **MM77** is proposed to amend the accompanying text.

127. The Preferred Area on land adjacent to Roosecote sand and gravel quarry near Barrow-in-Furness (M27) lies adjacent to existing gas terminals, and recent engineering works have led to consolidation of gas processing close to M27. This may impact on the deliverability of any future sand and gravel site in this Preferred Area, although this will not be clear until the Health and Safety Executive have fully assessed the situation.

128. There is likely to be a significant need for sand and gravel in this part of Cumbria during the Plan period and there are limited options for new sand and gravel sites within the area. Therefore, Preferred Area M27 is of considerable importance to the maintenance of a steady and adequate supply of these aggregates. Nonetheless, health and safety must be ensured and if undue risks were identified, a review should be triggered. Consequently, in the

interests of effectiveness, the situation should be explained, and an appropriate trigger added to the Plan's monitoring section. This is achieved by **MM76** and **MM67**.

129. The second policy is *Policy SAP5 Safeguarding of existing and potential railheads and wharves*, which lists infrastructure that is required to be safeguarded by the NPPF. However, the policy is simply a list without any explanation of its significance and is, therefore, ineffective. Consequently, **MM82** is proposed, which explains the significance of the policy.

130. Furthermore, one of the facilities, a potential rail sidings near Millom (M31), should be removed as the site is apparently to be restored to agriculture. **MM82** is, therefore, proposed to remove the site from *Policy SAP5* and **MM81** provides explanatory text. To ensure the Policy's soundness, a corresponding amendment will be required to the Policies Map.

Assessment of Legal Compliance

131. Regulation 8(5) of the Town and County Planning (Local Planning) (England) Regulations 2012 requires the Plan to identify superseded policies from the adopted development plan. There is no indication in the Plan of what policies it supersedes. Therefore, to ensure legal compliance, **MM1a** and **MM1b** are proposed detailing the superseded policies.

132. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. Subject to the identified modifications I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme [LDS]	The Cumbria Minerals & Waste Local Plan has been prepared in accordance with the Council's LDS, which came into force in August 2016; the consultation on the MMs has introduced slight delay to the timetable.
Statement of Community Involvement [SCI] and relevant regulations	The SCI was adopted in January 2006. An Addendum Report to the SCI was prepared in August 2016, to provide an update on legislative and policy changes in the 10 years since the SCI was adopted. Consultation on the Plan and the MMs has complied with SCI requirements.
Sustainability Appraisal [SA]	SA (incorporating Strategic Environmental Assessment) was undertaken on the submitted Plan in April 2016 and was carried out on the MMs in February 2017. The SA was carried out in an iterative manner, with its recommendations having been incorporated into the Plan as it progressed. The SA is adequate.
Habitats Regulations Assessment [HRA]	The Habitats Regulations Assessment, undertaken in April 2016, sets out why Appropriate Assessment is not necessary. This position has been endorsed by Natural England.

National Policy	The Cumbria Minerals & Waste Local Plan complies with national policy, subject to the proposed MMs.
2004 Act (as amended) and 2012 Regulations.	The Cumbria Minerals & Waste Local Plan complies with the Act and the Regulations, subject to the proposed MMs.

Overall Conclusion and Recommendation

133. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in this report.

134. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Cumbria Minerals and Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Elizabeth C Ord
Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix

In response to comments submitted during the Regulation 19 consultation on the Local Plan (May to July 2016), a number of modifications were proposed when the Plan was submitted to the Planning Inspectorate for examination. Following the Hearing sessions of the Plan's examination (November/December 2016), further modifications were proposed and consulted upon, in order to ensure consistency with national policy, to make factual changes or to add clarity to the Plan.

1. A table of **Main Modifications** is set out in paragraph and policy order:

   - deleted text is shown as red, with a line through the words, e.g. ~~strikethrough~~
   - new text is shown in green

2. An **Annex 1** is provided, to illustrate map and table additions or amendments – this is cross referenced to the table of Main Modifications

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
MM1a	1	Paragraph 1.5	Insert new sentence "…..consultations in 2009 to 2011. For a list of all the superseded MWDF policies, and the MWLP policy replacements, see Appendix 1."
MM1b	203	Appendix 1	Insert new Appendix 1, listing the superseded and replacement policies. (*see Annex 1 to this Table of Main Modifications for new Appendix*)
MM2a	1	Following paragraph 1.6	Insert new paragraphs 1.7, 1.8 and 1.9, to read: "*New National Park designations* 1.7 Extensions to the Yorkshire Dales and Lake District National Parks, by Variation Order, were confirmed in writing by the Secretary of State on 23 October 2015. The extension areas are shown on the map in Appendix 2; apart from a small area of land between Kirkby Lonsdale and Ingleton on Leck Fell, which lies in Lancashire, all of the extension areas fall within the county of Cumbria. 1.8 Following the transfer of functions on 1 August 2016, the respective National Park Authorities became the Local Planning Authority for the newly designated areas, with responsibility for determining all applications for planning permission and Listed Buildings consent, as well as the responsibility for preparing a Local Plan, which would include minerals and waste planning policy. Both the Lake District National Park Authority (LDNPA) and Yorkshire Dales National Park Authority (YDNPA) will use existing, adopted development plan policies in the extension areas, i.e. the adopted policies of South Lakeland District Council, Cumbria County Council, Lancaster City Council and Lancashire County Council, as appropriate. However, the National Parks have indicated that the statutory implications of National Park designation, as outlined in the NPPF, will be a material consideration in their determination of applications in these areas. 1.9 Whilst the National Park Authorities are now the minerals and waste planning authorities in the extension areas, the adopted development plan document for Cumbria County Council will remain the extant minerals and waste policy for those new areas that fall in Cumbria. This will continue until either: a) the YDNPA and LDNPA choose to adopt the Cumbria Minerals and Waste Local Plan for the relevant extensions or b) the YDNPA and LDNPA review their own Local Plans, to include the extension areas."

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			There will be consequent changes to the Policies Map Part 1, and to Insert maps E and F; these will identify the new areas designated as National Park.
MM2b	203	Appendix 2	Insert new Appendix 2, showing the new areas designated as National Park on a map. (*see Annex 1 for new Appendix*)
MM3	9	Box 2.2 overall strategy	Insert new bullet points at the end of the Box, to read: • As for conventional wastes, radioactive waste arisings in the county will be minimised, as will its unnecessary import, ensuring that the right facilities are built in the right place at the right time; the full range of the radioactive waste industry's management, movements and facilities will be supported, as long as they do not have any significant adverse environmental, social or economic impacts in the county. • The appropriate long term, safe storage facilities for higher activity radioactive wastes are provided, until a suitable disposal route is available.
MM4	10, 11	Box 2.3 Strategic Objectives	Add text into Objective 4, on the aim for net self-sufficiency in waste management. • that whilst aiming for net self-sufficiency in waste imports and exports, waste will be managed as near as practicable to where it is produced**,** without endangering people's health and without harming the environment.
MM5a	16	Paragraph 3.15	Amend paragraph, to read: "It is evident that current waste tonnages were being accommodated in 2014, and there are no immediate capacity gaps for Cumbria; there could indeed be spare capacity in the existing Cumbria waste facilities. Table 3.3 provides details of known capacity (excluding landfill, which is provided in Table 3.7) at built facilities across Cumbria at the end of 2014; when available landfill capacity is added to this figure, the total capacity available exceeds that required to manage all the waste that arose. Furthermore, the Waste Data Interrogator for calendar year 2015 indicates that there is a further 300,000 tonnes of capacity available[2]. The potential need for additional waste facilities during the lifetime of the Local Plan was examined in terms of

[2] The 2015 WDI was released during the MWLP examination, but data in the Local Plan and Waste Needs Assessment are based on the 2014 WDI

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			waste growth, changes in imports and exports, increased diversion from landfill and a corresponding need for new built facilities for recycling or recovery. Possible closures of facilities were also considered."
MM5b	16	Following paragraph 3.15	Insert new Table 3.3: Waste capacity (tonnes) in Cumbria by facility type – 2014 (*see Annex 1 for new Table*) There will be consequent changes to the numbering of the Tables that follow in chapter 3.
MM6a	18	Following paragraph 3.22	Insert new paragraph 3.23, to read: "The scenario taken forward by the needs assessment is the realistic scenario. All three scenarios use the same growth assumptions for LACW, C&I and hazardous wastes, with differing options for CD&E waste. The realistic scenario is considered the most appropriate, as this accounts for expected changes in the levels of Excavation waste and Construction & Demolition waste; the growth in excavation waste is closely linked to planned major infrastructure in the county. Although exact figures are not yet known, there is some indication that around 2.5 million cubic metres of excavation spoil may arise as a result of developments such as new nuclear build and the associated upgrade of the National Grid network under the North West Coast Connections project; such forecasts and the estimated timescales for the projects are incorporated into the modelling for this WNA. In respect of C&D waste, the realistic scenario assumes some growth, but that materials are re-used, recycled or used onsite in place of primary aggregates, and thus assumes lower levels of waste generation. Table 3.4 shows projected arisings at 5 year intervals over the Plan period." There will be consequent changes to the numbering of the paragraphs that follow in chapter 3.
MM6b	18	Following new paragraph 3.23	Insert new Table 3.4: Predicted waste arisings in Cumbria 2015 to 2030 (tonnes) (*see Annex 1 for new Table*)
MM7	18	Table 3.3	Update Table 3.3 to show information from 2010 to 2014 for waste imports and exports to/from Cumbria. Table 3.3: Cumbria R~~r~~ecorded waste exports and imports (in tonnes) ~~from Cumbria 2006~~2010 to 2014 (excluding ~~to~~ Scotland) (*see Annex 1 for updated Table*)
MM8	22	Following paragraph 3.38	Insert new paragraph 3.39, to read: "Bennett Bank will continue to accept non-inert waste until December 2017, after which, capacity will be

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			reserved for inert waste for restoration purposes; this will cease by December 2018, when restoration should be complete. Additional inert voidspace of 850,000m^3 will be created at Goldmire, with landfilling due to commence during 2017. Capacity at Flusco is expected to come on stream later in the Plan period and will provide at least 240,000m^3, following extraction of limestone. Further development at Roan Edge is currently subject to a planning application, which is due to be determined in 2017; if permitted, this would increase the existing voidspace to around 510,000m^3."[3]
MM9a	24	Following paragraph 3.46	Insert new paragraph 3.47, to read: "In addition to waste managed at licensed sites, exemptions[3] also play a role in managing Cumbria's waste. Information provided by the Environment Agency shows that there were over 23,000 simple waste management exemptions issued in the county in 2014; Table 3.10 provides details on reported exempt activity (by number) at sites across Cumbria. Almost two-thirds of the exemptions relate to agricultural activities only, which allow storage or disposal of wastes on the holding where the wastes arose and**,** therefore**,** do not need to be taken into account in the needs assessment. Although it is recognised that infrastructure provided at sites that have been issued with exemptions make some contribution to local waste management capacity, it is not possible to identify this accurately. However, it is assumed that this route of waste management will continue and will provide capacity equivalent to existing levels."
MM9b	24	Following new paragraph 3.47	Insert new Table 3.10: Overview of principal waste exemptions (*see Annex 1 for new Table*)
MM10	24	Paragraph 3.47	Replace paragraph with up-to-date information, to read: "~~The 2014 WNA report provided a summary of total capacity required 2013-2030 for the principal types of waste management functions~~ [4]~~, a summary of additional built waste facilities that may be required, and estimates of landfill void capacity throughout the Plan period. Tables provided predictions under the "Best" case and "Pragmatic" case scenarios at 2015, 2020, 2025 and 2030. The capacity gaps estimated for the principal waste management functions were also detailed for both the Best and Pragmatic cases.~~Section 10

[3] Exemptions provide a simplified licensing structure for waste activities with limited environmental risk, occurring typically on a very small scale for specific purposes. Exemptions have to be renewed every 3 years, which also indicates that they tend to occur on a one-off basis or over a limited period.

[4] ~~Evidence Base document reference LD267: Table 11.1, Cumbria County Council Waste Needs Assessment, Urban Vision, December 2014~~

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			of the 2015 Waste Needs Assessment provides a summary of the capacity requirements over the Plan period. Appendix B, Tables B4 to B6 of the 2015 WNA, provide a detailed breakdown of waste growth and waste minimisation initiatives over the Plan period, and the requirements for managing waste that result from this. The needs assessment concludes that the capacity requirements identified are deliverable over the Plan period."
MM11	25	Paragraph 3.48	Amend the first sentence of this paragraph, to read: "The key conclusions from these tables in the ~~2014~~2015 WNA are as follows:"
MM12	25	Paragraph 3.48	Amend the fourth bullet of this paragraph, to read: • A need for additional composting facilities for C&I waste and LACW would arise in 2020 **if a time extension were not to be granted for an existing facility**. The existing consent would, however, automatically be extended if the adjacent landfill were to be granted a time extension. Should the consent not be extended, a capacity gap in the order of 57,000 tonnes would occur for treating compostable waste arising in Cumbria, increasing to up to 85,000 tonnes, if waste that is currently imported is also included.
MM13	25	Paragraph 3.48	Amend the final bullet of this paragraph, to read: • There is a current requirement for thermal waste treatment capacity in the county, **which is likely to reach a maximum of almost 120,000tpa in 2020 and diminish thereafter**. A permission was granted late 2016 which, when built, will provide for up to 195,000tpa, more than sufficient capacity to meet this need.
MM14 a	25	Paragraph 3.50	Add new sentence at the end of this paragraph, to read: "Table 3.11 provides details of the anticipated tonnages and voidspace for the realistic scenario, which the Plan is seeking to deliver."
MM14 b	25	Following paragraph 3.50	Insert new Table 3.11: Non-inert landfill requirements in Cumbria 2015 to 2030 (*see Annex 1 for new Table*)
MM15	26	Paragraph 3.56	Add new text and split this paragraph into two, to read:

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a			"3.56 Ongoing provision for inert landfill at Roan Edge would require a time extension early in the Plan period; an application for a 15 year time extension to 2031 was submitted in October 2016. Although still awaiting supporting data, a further application is expected for a physical extension at Roan Edge, which together with the current voidspace will provide around 510,000m^3 capacity. ~~but t~~There is ~~an additional 1,413,000m^3 of inert capacity with~~ planning consent for inert landfill capacity at Flusco (at least 240,000m^3) and at Goldmire Quarry (850,000m^3); they are both reliant on mineral extraction to provide the voidspace~~, though inert material for bunding has begun import at Goldmire~~. After some years of prior extraction and engineering preparation, Goldmire will become operational in 2017; Flusco will come on stream later in the Plan period. Thackwood landfill is no longer operational, but recent pre-application talks indicate that it may be restored with inert material, though the volume would be very small. The operator of Derwent Howe inert landfill is currently developing a scheme to cap and landscape this site, which is also no longer operational. 3.57 It is considered that an overly restrictive policy approach to new inert landfill should be avoided, whilst ensuring that inert landfill capacity to meet specific needs, if and when they arise, do not undermine the waste hierarchy. It is also important to recognise the role that non-inert landfill plays in managing inert waste; this is clear when looking at how inert waste to landfill was disposed of in 2014, which indicated that just 10% went to inert landfill with the remaining going to non-inert sites. In addition, the Environment Agency estimate that 25% of the capacity of non-inert sites will be taken up by inert waste; therefore, the capacity needs for inert waste disposal should not be considered in isolation. Table 3.12 provides details of the anticipated tonnages and voidspace for the realistic scenario, which the Plan is seeking to deliver."
MM15 b	27	Following paragraph 3.56	Insert new Table 3.12: Inert landfill requirements in Cumbria 2015 to 2030 (*see Annex 1 for new Table*)
MM16	27	Paragraph 3.59	Amend paragraph, to read: "The need for composting sites identified in paragraph 3.48, arises from the potential closure of one 25,000tpa composting facility adjacent to the Thackwood landfill site, and one 75,000tpa facility that is adjacent to Hespin Wood landfill. The temporary planning consent for the latter development is directly linked to the continued operation of the Hespin Wood landfill site, which has a permission end date of 2020, and would automatically be extended if a time extension for the landfill site were to be granted. If it were granted, no further composting sites would be required in the Plan period. If not, one additional site of ~~7~~85,000tpa

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			capacity would be sufficient."
MM17	29	Paragraph 3.66	Amend this paragraph and split into two, to read: "3.66 The 2014 WNA did not identify any current or predicted gaps in provision for agricultural waste. Data is no longer specifically collected on agricultural waste by the Environment Agency; thus all arisings that leave farms and enter the Waste Data system, are recorded and managed as C&I waste. Any requirement would, therefore, be addressed by those facilities in place to deal with the C&I waste stream. 3.67 The WNA did not identify any ~~or~~ significant gaps in provision for sewage waste (wastewater treatment). United Utilities (UU), the statutory undertaker for wastewater in Cumbria, confirms that their latest 5-year Asset Management Programme (AMP6) identifies the need for a new wastewater treatment works (WwTW) as part of a major capital scheme to upgrade the West Cumbria water supply network. The entire scheme gained planning permission in November 2016, and the~~proposed~~ WwTW at Bridekirk ~~would~~ will connect a new clean water transfer main from Thirlmere and a new treated water transfer main to an existing service reservoir. However, there will be associated decommissioning of a number of WwTWs and pumping stations, so the amount of wastewater needing treatment will not increase significantly. Capacity requirements~~Progress~~ will be kept under review, but currently, all requirements are fulfilled."
MM18	31	Policy SP3 Waste capacity	Amend the Landfill section of this policy, to read: "**Landfill** Time extensions for existing landfill facilities will be considered favourably if they are necessary: • to meet a capacity need identified in this Plan; or • to achieve acceptable restoration contours; or • to maintain an integrated network of a range of appropriate and necessary waste management facilities across the county. Proposals for additional inert or non-inert landfill capacity will be considered if they are necessary to meet a capacity need identified in this Plan, or if it can be demonstrated that there is a need for the development and that it would not undermine the waste hierarchy.

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			~~Time extensions for existing landfill facilities will be considered if they are necessary:~~ ~~• to meet a capacity need identified in this Plan; or~~ ~~• to achieve acceptable restoration contours; or~~ ~~• to maintain an integrated network of a range of appropriate and necessary waste management facilities across the county.~~
MM19	39	Paragraph 4.14	Amend the text on Sellafield in this paragraph, to read: "Sellafield: 1,770m^3 HLW (100% of UK total), in 5,626 packages 69,600m^3 ILW (73% of UK total)~~, in 47,569 packages~~ conditioned and unconditioned[5] 3,450m^3 LLW (5% of UK total) 1,080m^3 VLLW (92% of UK total)"
MM20	39	Following paragraph 4.18	Insert new paragraphs 4.19 to 4.24, to read: "*Capacity to manage the volumes of radioactive waste* 4.19 Unlike conventional wastes (discussed in chapter 3), the County Council cannot aim for net sufficiency in the management of radioactive wastes, other than for HLW; this arises only at Sellafield, from the reprocessing of foreign and domestic spent fuel, and is repatriated or safely stored on site, awaiting a disposal route. It is planned to export high level vitrified waste to a Geological Disposal Facility circa 2089. Assuming all HLW from overseas spent fuel has been exported, a total of around 7,500 HLW containers are expected to be stored in an engineered facility on the Sellafield site; storage capacity in this Vitrified Product Store is 7,960 containers. 4.20 The majority of the ILW safely stored at Sellafield is generated internally, with additional, smaller volumes of wastes from Harwell and Winfrith; altogether over the Plan period, it is anticipated that these will amount to approximately 17,000m^3. There may also be a few hundred cubic metres of waste generated during the decommissioning of storage vaults at LLWR, and the potential for around 1,000m^3 of plutonium contaminated material (PCM) generated at Aldermaston. There are a range of engineered ILW stores at

[5] The UK total number of conditioned ILW packages is 54,129, of which 47,569 (88%) are at Sellafield

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			Sellafield, designed specifically for the different waste types (e.g. PCM, beta gamma) and packaging (e.g. drums, concrete boxes); both the current and future planned stores have adequate capacity for ILW management until a disposal route is available. It is planned to export ILW to a Geological Disposal Facility circa 2089. 4.21 Sellafield currently has the capacity to manage all of its LLW arisings, which are forecast to be around 80,000m^3. On site capabilities include handling, segregation and measurement; metals recycling; and a supercompaction plant. Off-site capabilities include metals recycling (both within and outside the county), incineration (outside the county) and disposal to the LLWR. The Repository has planning permission for disposal of LLW until 2055, in the current vaults (8, 9) as well as future vaults (9a, 10, 11); excluding the waste already emplaced in vaults 8 and 9, this provides an overall capacity of around 263,000m^3. Imports of LLW into the county over the Plan period are estimated to be around 135,000m^3; exports are estimated to be approximately 37,800 m^3. This figure is based on extrapolation of current volumes of wastes transferred from Sellafield to alternative routes such as incineration, metal decontamination/melting and VLLW disposal. Therefore, there is sufficient capacity at the Repository over the Plan period. 4.22 Sellafield Ltd anticipate generation of some 96,000m^3 of VLLW over the Plan period; two thirds of this volume (61,000m^3) is planned to be disposed of to its on-site landfill facility, Calder Landfill Extension Segregated Area (CLESA). The remaining 35,000m^3 is expected to be consigned as VLLW for disposal at an authorised landfill, which is likely to be outside of the county. The CLESA facility at Sellafield, which can only accept the site's own VLLW, has a total capacity of 120,000m^3 and a remaining capacity of 63,000m^3. It is estimated that the CLESA will be full by 2025, but it is planned that a successor will be developed. 4.23 Large volumes of VLLW arise annually at nuclear sites, which are generally sent for disposal to permitted landfill, if suitable, at the earliest opportunity after they are generated. For example, in 2015/16 6092m^3 VLLW from waste producers across the UK was disposed to suitably permitted landfill sites and, additionally, 3736m^3 was disposed by Sellafield to the CLESA. There is one permitted commercial landfill site in the county that is able to accept VLLW – the FCC Environment site at Lillyhall. The planning permission allows disposal of VLLW at the site until 2029, with a limit of 26,000m^3 annually; to date, none has been disposed of to Lillyhall. It is difficult to forecast the volume of VLLW that might be imported into the county during the Plan period, since VLLW would only be imported if it was to be disposed of to the Lillyhall facility. It is considered that there is sufficient capacity to manage or dispose of VLLW in the county over the Plan period.

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			4.24 Paragraph 17.7 considers the implementation and monitoring framework for the Local Plan, and expects that one of the main documents to be used to provide evidence on the Plan's performance will be the UK Radioactive Waste Inventory, which is updated every 3 years. The annual Authority Monitoring Report will also provide an opportunity to monitor radioactive waste facilities the capacity to manage the wastes and progress. The monitoring framework will include triggers concerning radioactive waste, which would indicate when a full or partial review of the Plan may be required." There will be consequent changes to the numbering of the paragraphs that follow in chapter 4.
MM21	42	Paragraph 4.28	Insert new sentence at the beginning this paragraph, to read: "Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management specifically, in the latter case including those produced by the Nuclear Decommissioning Authority. The County Council would…."
MM22	42	Policy SP4 Transparent decision making	Add a new bullet at the end of policy SP4 as follows: • "the proximity principle • the national strategy for managing radioactive wastes"
MM23	44	Paragraphs 4.35 and 4.36, new following paragraph	Amend the final two sentences of paragraph 4.35, to read: "The CLESA has a remaining capacity of approximately 70,000m^3, so it is expected~~scheduled~~ to be full around 2025. Sellafield Ltd is, therefore, already carrying out feasibility studies into where CLESA-2 may be located~~; this will be a future on or near site disposal facility~~." Amend paragraph 4.36, to read: "Sellafield Ltd is also working on a Development of Sellafield Decommissioning Strategy, which will set out a critical path of what activities have to occur when and where, in order to carry out an effective and efficient decommissioning programme. The site currently has many spatial constraints, so the strategy will look at all the NDA-owned land adjacent to Sellafield, for its potential to accommodate the temporary ~~clean waste~~ storage of non-radioactive inert wastes arising solely from the Sellafield site, subject to any covenants or

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			special provisions that would restrict this suggested use of the land. Non-radioactive inert wastes are generated from the~~such as~~ construction, demolition or excavation activities on Sellafield, which fall under the legal definition of waste; they would be retained for restoration purposes on the Sellafield complex, rather than importing large volumes of inert wastes for this purpose, in the future.~~wastes. Both the CLESA-2 work and the decommissioning strategy work, tie in with the Local Plan's site allocation CO32 land adjacent to Sellafield (see chapter 18), and this will have to provide a more flexible approach for Sellafield's future needs than solely for the disposal or storage of radioactive wastes.~~" Insert new paragraph 4.37, to read: "The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 (see chapter 18). This has been allocated to take account of the likely needs identified in paragraphs 4.35 and 4.36, to provide the opportunity for use of this land, in the event that Sellafield Ltd has demonstrated, after rigorous assessment, that it is not feasible to use land within the Sellafield site (allocation CO36), in accordance with Policy SP4, or that it is not feasible to utilise an existing disposal route."
MM24	44	Paragraph 4.39	Amend the last sentence of this paragraph, to read: "The County Council recognises that the nuclear industry operators will undertake that rigorous assessment, in the form of the optioneering process to assess the available management options for radioactive waste, which is then reviewed by the regulators. Also part of the rigorous assessment, ~~but~~ the Council would wish to see clear evidence of how those management decisions ~~are~~ have been formulated, in order for the Council to safeguard, through planning decisions, the interests of Cumbria's communities and environmental assets."
MM25	48	Policy SP6 Higher activity radioactive wastes	Add a new bullet at the beginning of Policy SP6 as follows: • "that it conforms to national policies and strategies for HAW; and • compliance with….."
MM26	53	Paragraph 5.18	Amend paragraph 5.18 as follows: "…national policy requires landbanks of at least 10 years for crushed rock and at least 7 years for sand and gravel (calculated on 10-year rolling averages and other relevant local data) to be maintained throughout the Plan period."

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MM27 a	53	Following paragraph 5.18 and Table 5.2	Insert new paragraph 5.19, to read: "The Cumbria Local Aggregates Assessment (LAA) provides an annual assessment of the demand for, and supply of, aggregates. Chapter 3 of the 2015 LAA discusses options for forecasting future demand; the options presented were based on different ways of looking at past sales and forecasting future demands based on those past sales. Tables 5.3 to 5.5 provide a summary of the requirements based on the options considered. However, it should be noted that the LAA will be updated annually and these figures are likely to change in the future, in accordance with market demand and permitted reserves. Any planning application should be based on the most up-to-date LAA and not the figures presented here." There will be consequent changes to the numbering of the paragraphs that follow in chapter 5.
MM27 b	53	Following new paragraph 5.19	Insert three new Tables: Table 5.3: Requirements for sand and gravel Table 5.4: Requirements for limestone Table 5.5: Requirements for High/Very High Specification Aggregates (*see Annex for new Tables*) There will be consequent changes to the numbering of the Tables that follow in chapter 5.
MM28	61	Paragraph 5.56	Amend paragraph 5.56 as follows: "….are required to ensure that at least a 7-year landbank remains in place throughout the Plan period."
MM29 a	62	Following paragraph 5.61	Insert new paragraphs 5.62 and 5.63, to read: "5.62 The reserves at Birkshead mine can be split into three separate types, each with a separate product and use (see Table 5.10). The reserves of the mill rock and plaster grade gypsum have been estimated based on the results of exploratory boreholes and anticipated recovery factors (the pillar sizes and hence extraction rate is based on the depth of working). The reserves of mill rock were reassessed in 2016, following the decision to make significant capital investment of £6.5 million at Birkshead; new cutting equipment should enable access to areas of the mine with steeper gradients, to extract greater reserves than previously calculated. 5.63 In the Table, the 'sufficient until' dates are based on projected outputs. This is a very broad indication of likely requirements over the Plan period, as any number of changes in circumstances could impact on these

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			figures – for example, another recession or the under performance of the new equipment."
MM29 b	62	Following new paragraph 5.62	Insert new Table 5.10: Birkshead Mine gypsum reserves at 31 December 2015 (*see Annex 1 for new Table*)
MM30	63	Paragraph 5.64	Add text to paragraph 5.64 and split into two paragraphs, to read: "5.64 National policy requires mineral planning authorities to plan for a 25-year landbank for **brick clay**; however, this is not a practical option in Cumbria. Output from High Greenscoe Quarry has significantly reduced due to the recession and a planning permission to extend the life of the permission to 2028 was approved in 2013. On current extraction rates and remaining permitted reserves, a very rough estimate of the landbank is 37 years. There is, however, a very varied extraction rate of mudstone year-on-year. In the 10-year period between 2007 and 2016, days worked have ranged from 12 to 41; at no point has it reached the permitted 66 days. If the quarry were to extract the maximum amount required to produce bricks at full capacity (10.5 million bricks), then on current reserves, the landbank may only last 12.5 years. If, however, production were to fall back to their lowest levels, the landbank could last for 82 years. 5.65 Whilst it is difficult to predict the rate of extraction and life of existing or proposed resources, a strategic policy commitment to identify site(s) to enable continued extraction of brick-making mudstones, and to identify an area next to the existing quarry as a strategic area (policy SP9~~8~~), have been included. Brick clay is included as a Mineral Safeguarding Area in policy SP8~~7~~."
MM31	63	Paragraph 5.65 and following new paragraph	Amend paragraph 5.65, to read: "Some aggregate quarries also market high purity industrial grade limestone; but these are not included in the figures for~~of~~ sales of aggregates. Although currently inactive, ~~T~~the most notable of these quarries is Shap Fell, which used to supply~~ies~~ the steel industry's lime kilns at the nearby Hardendale Works; there is a current planning application for a further 5.2 million tonnes of industrial limestone that would, if approved, provide around seven years stock of permitted reserves, which although a very low stock, would take advantage of the adjacent kilns~~and may potentially be required for other associated industrial facilities~~. Stainton Quarry, near Barrow, has an international market for industrial limestones that are used in pharmaceuticals and paper-making; here, the industrial grade limestone lies below that extracted for aggregates. Two other quarries are known to dedicate a small percentage of their limestone reserves for industrial uses, in their case, agricultural purposes. ~~Policy SP10 aims to conserve industrial limestone resources for such purposes,~~

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			~~to reflect current national policy.~~" Insert new paragraph 5.66, to read: "The broad estimate of the permitted reserves of industrial limestone, outside the National Park, is 1.85 million tonnes with all the quarries having an end date of 2042. Looking at sales for these four quarries, based on current sales levels, the 1.85 million tonnes could last around 140 years; based on both 3-year and 5-year rolling averages, it could last around 120 years. It is not considered that their scale of production warrants a Preferred Area or an Area of Search for industrial minerals alone; all these quarries are located within the general limestone Mineral Safeguarding Area and, therefore, the Mineral Consultation Area. Policy SP10 aims to maintain a steady and adequate supply of industrial limestone throughout the Plan period, to reflect current national policy."
MM32	65	Paragraph 5.72	Insert new text at the end of this paragraph, to read: "….and limestone; the other nine quarries do not produce aggregates from their waste, as their waste rock is usually stored on site, for its future or progressive restoration."
MM33 a	65	Following paragraph 5.72; paragraphs 5.73 and 5.74; following new paragraphs	Insert new paragraph 5.73, to read: "5.73 The winning, working and processing of building stones make an important contribution to the minerals sector and the economy of Cumbria; they are also important for rural enterprise and diversification of small farms or other businesses. Building stones are used in existing buildings for restoration, conservation and extensions, as well as for new building, decorative and memorial work. Their use is integral to the distinctive character and historic environment of Cumbria and further afield. It is vital to ensure that a steady and adequate supply of building stones is available so that the local character of the county is maintained. The Plan provides a positive and flexible policy framework to support investment in appropriate sites, facilities and skills." Amend paragraph 5.73 and split over two paragraphs; insert new paragraphs 5.75, 5.76 and 5.78: "~~5.73~~5.74 Table 13 in Appendix 2~~1~~ shows that 11 of the operational building stone quarries have planning consents that expire during the Plan period. Due to the often small scale, slow and intermittent nature of the

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			building stone quarries in Cumbria, it is not anticipated that there will be a need for additional quarries during the Plan period. It is more likely that time extensions and small scale physical extensions will be sought, but all applications, for whatever use of the stone, will be considered on their own merits, in accordance with Policy DC2 and the criteria set out in Policy DC12. 5.75 Policy SP9 identifies the Wray Castle slate formation around Kirkby Slate Quarry, which has an international market and is of a much larger scale than all the other building stone quarries, as a strategic area for further supplies of slate, outside the National Park. However, the quarry was granted planning permission in November 2016, giving it a permitted area of 111 hectares, and reserves that now equate to around 1.4 million tonnes of workable stone/slate. Processing occurs at Kirkby Slate Quarry for all of Burlington's building stone quarries, whilst sales from all their quarries are quoted as 100,000 to 110,000 tonnes per annum, in the form of tiles, paving, walling, lintels, construction and landscaping materials, internal polished products and aggregates. To get an idea of scale, the next largest building stone quarry is 8.5 hectares, at Flinty Fell Quarry. 5.76 Excluding Kirkby Slate, the average size of a building stone quarry in Cumbria, outside the National Parks, is 2 hectares. The volume of permitted reserves range from 5,000 to 1,000,000 tonnes, though this does not include calculation of waste rock that is often retained on site for restoration, which can range from 10 to 80% of the total extracted. Sales per annum also have a wide range; of the known sales figures, this is between 0 and 10,000 tonnes. For some building stone quarries, only the maximum permitted sales are known, but site monitoring often shows that these maximums are not reached. Of course, low sales can change and in most cases are shown to be rising since the recession, but because of this situation, the majority of planning permissions since 2007 for the building stone quarries have been time rather than physical extensions. 5.77 Development control policy DC12 supports national planning policy to maintain supplies of building stone, whether required for the repair of national and, potentially, international heritage assets, ~~and also~~ to maintain Cumbria's local architectural distinctiveness, or for a wide range of other uses. All ~~P~~proposals ~~at building stone quarries that are unrelated to historic assets or local vernacular,~~ will be assessed using the criteria for non-energy minerals in policy DC12. 5.78 Apart from slate, current building stone operations are located within the limestone and sandstone Mineral Safeguarding Areas; there are no operations using igneous rock for building stone purposes. The full

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			range of building stones will be safeguarded from non-minerals development by the igneous, limestone and sandstone Mineral Safeguarding Areas, and thus the Mineral Consultation Area. Table 5.11 overleaf, provides an overview of the current building stone quarries in Cumbria, outside the National Parks; Part 2 of the Policies Map, Mineral Safeguarding Areas, identifies their locations. ~~5.74 No need for additional building stone quarries is anticipated, due to the often slow and intermittent use of such quarries. However, policy SP8 identifies the Wray Castle slate formation around Kirkby Slate Quarry, which has an international market, as a strategic area for further supplies of slate, outside the National Park.~~" There will be consequent changes to the Policies Map Part 2, Mineral Safeguarding Areas, to add identification of current building stone quarries.
MM33 b	66	New Table in Building Stones section	Insert new Table 5.11: Building Stone Quarries in Cumbria (outside the National Parks) (*see Annex 1 for new Table*)
MM34	67	Paragraph 5.78	Amend the first sentence of this paragraph, to read: "The Mineral Safeguarding Areas, identified in policy SP8~~7~~ and on the Policies Map, are for: sand and gravel, hard rock (including aggregates, high specification aggregates, industrial minerals and building stones), shallow coal and fire clay, brick clay, gypsum and slate resources."
MM35	77	Policy SP7 Minerals provision and safeguarding	Amend and add text in Policy SP7; split policy into two policies. "**Policy SP7 Minerals provision ~~and safeguarding~~** Provision for potential further mineral working will be made by identifying Preferred Areas and/or Areas of Search:- • to enable a landbank at the Local Aggregates Assessment level of at least seven years sales for sand and gravel and at least ten years for crushed rock to be maintained throughout the Plan period; • for ~~continued quarrying~~ a steady and adequate supply of nationally important very high specification roadstone and regionally important high specification roadstone; • for ~~continued quarrying~~ a steady and adequate supply of brickmaking mudstones; • for ~~continued quarrying~~ a steady and adequate supply of slate; ~~and~~

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			• for ~~continued extraction~~ a steady and adequate supply of gypsum; and • for a steady and adequate supply of building stone. **Policy SP8 Minerals safeguarding** Mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments by identifying:- • existing and potential railheads and wharves to be safeguarded; • Mineral Safeguarding Areas for the indicative sand and gravel and hard rock resources (including aggregates, high specification aggregates, industrial minerals and building stones), shallow coal and fireclay resources; • Mineral Safeguarding Area for identified resources of brick clay; • Mineral Safeguarding Areas for the remaining gypsum resources; • Mineral Safeguarding Area for identified resources of slate; • Mineral Safeguarding Area for identified resources of secondary aggregates; • Mineral Consultation Area, which covers the resources within all the Mineral Safeguarding Areas." All references in the Plan to Policy SP7 and new Policy SP8 will require amendment. There will be consequent changes to the numbering of the Policies that follow.
MM36	78	Policy SP10 Industrial limestones	Amend the first sentence of this policy, to read: "To ensure a steady and adequate supply, ~~A~~any proposal for the extraction of high purity limestone should demonstrate that it is primarily for non-aggregate uses."
MM37	100, 101, 102	Policy SP14 Environmental assets	Amend the final two sections of this policy, to read: "**Heritage designations** ~~Major~~ In general, development proposals that ~~adversely impact~~ substantially harm or totally destroy the Outstanding Universal Value of a World Heritage Site~~s, Scheduled Monuments, Registered Historic Battlefields, Registered Historic Parks and Gardens, Listed Buildings and Conservation Areas~~, or the

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			significance of a designated heritage asset, or their settings, will only be granted planning permission ~~in exceptional or wholly exceptional circumstances (in accordance with paragraph 132 of the National Planning Policy Framework) and~~ where it can be demonstrated that ~~there~~ they are necessary to achieve substantial public benefits that outweigh the harm or loss (in accordance with NPPF paragraph 133). Where development proposals cause less than substantial harm to the Outstanding Universal Value of a World Heritage Site or the significance of a designated heritage asset, or their setting, the harm will be weighed against the public benefits of the proposals (in accordance with NPPF paragraph 134)." "**Environmental assets not protected by national, European or international legislation** Where not otherwise…… • ……offsetting actions Where not otherwise protected by national, European or international legislation, the effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect, directly or non-directly, non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Non-designated heritage assets of national importance are treated as designated assets."
MM38	103	Policy SP15 Restoration and afteruse	Amend Policy SP15 as follows: "**POLICY SP15 Restoration and ~~afteruse~~ aftercare**" "….of this Plan. Where appropriate, ~~T~~this should include consideration….."
MM39	105	Following paragraph 10.7	Insert new paragraph 10.8, to read: "In accordance with chapter 27, paragraph 48 of PPG (ID:27-048- 20140306), where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, no financial guarantee, even in the exceptional circumstances set out in Policy SP16, will be sought."
MM40	105	Policy SP16	Amend policy, to read:

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		Section 106 planning obligations	"Where it is not possible to achieve the necessary control or outcome through the use of planning conditions, the County Council will require appropriate mitigation to be secured through Section 106 planning obligations that ensure that development proposals:- 1. Secure long term management of relevant environmental assets. 2. Only where one of the following exceptional circumstances applies, ~~P~~provide financial guarantees, including with parent companies, where appropriate for restoration works, except where a national industry guarantee fund will remain in place: • very long-term new projects, where progressive reclamation is not practicable, such as an extremely large limestone quarry; or • where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; or • where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. 3. Provide necessary infrastructure such as highway and transport improvements, flood and surface water management schemes and green infrastructure."
MM41	117	Policy DC2 General criteria	Amend policy to remove following text: "~~b. the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality have been taken into account;~~"
MM42	117	Policy DC2 General criteria	Insert new criterion b., to read: "b. the proposal would not give rise to significant adverse impacts upon local air quality, particularly within an Air Quality Management Area (AQMA) designated by the district authority;"
MM43	119	Policy DC4 Quarry blasting	Amend second paragraph of this policy, to read: "Generally, ground vibration attributable to quarry blasting shall not exceed peak particle velocities of 6mm/second in any direction at sensitive properties, unless robust justification is provided."

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MM44	121	Policy DC6 Cumulative environmental impacts	Amend first paragraph of this policy, to read: "Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Where appropriate, ~~C~~considerations will include:"
MM45	124	Policy DC8 Renewable energy use and carbon reduction on existing minerals and waste sites	Insert a new bullet as bullet number 6, to read: • in the case…….operations of the site: and • proposals involving one or more wind turbine will need to demonstrate that: ▪ the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and ▪ following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and, therefore, the proposal has their backing; and
MM46	125	Paragraph 14.5 and following new paragraph	Amend this paragraph, to read: "~~No requirements for additional~~ The 2015 Waste Needs Assessment considers waste managed in Cumbria, rather than locally arising as was assessed in the 2014 WNA, and thus the identified need for hazardous waste management is low. ~~capacity in Cumbria have been identified in the Waste Needs Assessment for this Local Plan, and, t~~Therefore, no Site Allocations ~~are included in the Plan~~ and no development control policies specific to hazardous waste are proposed in the Plan." Insert new paragraph 14.6, to read: "Hazardous waste facilities are considered specialist and tend to be larger than local in scale; therefore, it is more appropriate that they are developed in locations that are easily accessible from major road or rail networks. This would limit the areas in Cumbria where such facilities could be developed. Currently, hazardous waste tends to be exported over the county border to facilities in neighbouring areas; however, this does not mean that such facilities should not be developed locally. Policy DC9 provides the criteria by which hazardous waste development should be considered, if any proposals were forthcoming. Facility types a., b., d., e. and f. could handle all major waste streams including hazardous. The only additional criteria for hazardous waste would be the exclusion of sites located in areas of high flood risk; of the locations for waste management facilities identified in SAP2, those that would be suitable for processing hazardous waste are not

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			located within such flood risk areas." There will be consequent changes to the numbering of the paragraphs that follow in chapter 14.
MM47	125	Paragraph 14.6	Amend the second sentence of this paragraph, to read: "~~No additional development control policies specific to these wastes are considered necessary, but i~~If a proposal came forward on a nuclear site, all relevant development control policies would be used to determine the application; unlike conventional waste streams, no specific development control policy has been prepared for radioactive wastes."
MM48	126, 127, 128	Policy DC9 Criteria for waste management facilities	Amend first paragraph of this policy, to read: "Proposals for waste management facilities for all waste streams excluding radioactive, will be permitted subject to the locational and other criteria set out in the table below."
MM49	126, 127, 128	Policy DC9 Criteria for waste management facilities	Amend Policy DC9 as follows: Add "If no unacceptable impacts on housing, business uses or other sensitive land uses" into Key Criteria for facility types e. and g.
MM50	129	Policy DC10 Criteria for landfill and landraise	Amend first paragraph of policy, to read: "Proposals for additional landfill capacity will only be permitted if they comply with Strategic Policy SP3 Waste capacity, and will be required to demonstrate the measures that have been taken to ~~drive the wastes up the waste hierarchy, to~~ reduce waste road miles, and to have comprehensive landfill gas management systems, including electricity generation where viable."
MM51	131	Paragraph 15.4	Amend paragraph, to read: "Policy DC12 relates to aggregates, industrial minerals, building stones, gypsum and any other non-energy producing minerals. 'Building stone' is used generically to cover all uses for building stones, whether for internal decoration, outside walling, etc.; the term 'dimension' stone' is often used by the industry. As well as

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			consideration under the criteria in the policy, building stone quarries are highlighted in the second part of the policy for particular, smaller scale roles. Cumbria represents an area of highly varied geology, and the various rock types present have been used extensively to construct its unique assemblage of vernacular stone buildings and, in some cases, have been exported to markets located much further afield (both national and international); this is reflected in the flexible approach in DC12, to the need for stone with very specific characteristics. Therefore, Cumbria's building stone quarries have a unique role to play in the conservation and repair of heritage assets or in the matching of stone in local developments. This policy would equally apply to applications associated with the stone products/processing industry within Cumbria, outside the National Parks."
MM52	131	Policy DC12 Criteria for non-energy minerals development	Amend policy, to read: "Proposals for non-energy minerals development inside both the identified Preferred Areas and the identified Areas of Search, will be permitted if they do not conflict with other policies in this Plan. Proposals for non-energy minerals development outside both the Preferred Areas and Areas of Search, whether a physical or time extension to an existing site or a new site, will be considered on their individual merits. Criteria to be considered are: a. the need for the specific mineral; b. economic considerations; c. positive and negative environmental impacts (including a strategic approach); ~~d. the cumulative impact of proposals in an area;~~ ~~e~~d. land stability."
MM53	132	Paragraph 15.6	Amend paragraph, to read: "The determination of planning applications for oil and gas minerals is based on NPPF paragraph 14, which is incorporated into this Local Plan as Strategic Policy SP1; it requires that ~~consent is granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Plan taken as a whole~~ development proposals that accord with the development plan are

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			approved without delay. Only where there are no policies relevant to the application or where relevant policies are out of date, does the policy require that the Council grant permission, unless material considerations indicate otherwise. Such a decision would need to take 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 if specific policies in that Framework indicate that development should be restricted. The Government states that unconventional gas development can benefit the economy by "improving security of supply, creating jobs, growth and investment, and supporting the transition to a low carbon economy at the least cost"."
MM54	135, 136	Policy DC13 Criteria for energy minerals	Amend Policy DC13, to read: "Proposals for energy minerals developments that conform to the Strategic and other Policies of this Local Plan will be supported subject to the following criteria: **Exploration and appraisal of hydrocarbons** Planning permission will be granted for proposals for exploration and appraisal of oil and gas resources provided that: a. the site and equipment is sited at a location where it can be demonstrated that it will not have any unacceptable social and environmental impacts; and b. the proposal provides for appropriate baseline monitoring prior to commencement of development; and c. the impacts of the development have been considered in relation to impact on climate change; and ~~c~~d. the timely restoration and subsequent aftercare of the site, whether or not oil or gas is found. **Commercial exploitation of hydrocarbons** Planning permission will be granted for proposals for commercial exploitation of oil and gas, provided that: a. a full appraisal programme for the oil or gas field has been completed; b. the proposed location is the most suitable, taking into account social, environmental, geological and technical factors; c. the cumulative impacts of the development of the gas field and essential associated infrastructure have

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			been assessed; ~~and~~ d. appropriate provision is made for mitigation or compensation for significantly adverse ~~impacts on the~~ environmental and ~~communities~~social impacts; and e. the impact of the development has been considered in terms of contributing to the mitigation of climate change. Combined planning applications for more than one phase will only be considered if all relevant information, including environmental information, to support the full extent of the application is provided. **Underground Coal Gasification** The criteria set out above in this policy, for exploration and appraisal and commercial exploitation, will also apply to proposals for onshore surface works or ancillary development to support offshore Underground Coal Gasification (UCG). Where a UCG proposal follows a planning permission for coal extraction only, a separate planning application will be required for development related to UCG. **Coal** Planning applications for coal extraction will only be granted where; • the proposal would not have any unacceptable social or environmental impacts~~is environmentally acceptable~~; or, if not • it can be made so by planning conditions or obligations; or, if not • it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. For underground coal mining, potential impacts to be considered and mitigated for will include the effects of subsidence including: the potential hazard of old mine workings; the treatment and pumping of underground water; monitoring and preventative measures for potential gas emissions; and the disposal of colliery spoil. Provision of sustainable transport will be encouraged, as will Coal Mine Methane capture and utilisation." "Notwithstanding the fact that these environmental designations are, in effect, safeguarding these two slag
MM55	137	Paragraph 15.26	Add a final sentence to the end of this paragraph, to read:

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			banks, previous trials to use the slag as a secondary aggregate have shown them not to be economically viable."
MM56	137	Paragraph 15.27	Amend the last sentence of this paragraph, to read: "In the meantime, it was decided to remove the specific building stone MSA; however, the resources from which building stones are or may be obtained in the future (igneous rock, limestone and sandstone), are safeguarded through the relevant Mineral Safeguarding Areas and, therefore, the Mineral Consultation Area."
MM57	141	Following paragraph 16.5	Insert new paragraphs 16.6 and 16.7, to read: "16.6 NPPF paragraph 117 requires planning policies to identify and map components of the local ecological networks. As set out in paragraph 8.11 of the Plan, within Cumbria, the detailed representation of current knowledge of the county's biodiversity is held by the Cumbria Biodiversity Data Centre (CBDC). Its evidence base includes species and habitat statements, habitat targets, planning considerations and enhancement opportunities. Further work for the biodiversity evidence base will include identifying the networks of natural habitats required by national policies, mapping biodiversity opportunities and defining the landscape features that are of major importance for migration, dispersal and genetic exchange. This is an iterative process that will continue to inform the policy and thus any necessary updates. 16.7 In a two-tier authority area such as Cumbria, it is considered that the local ecological networks can be better mapped at the District scale; the CBDC data is available to all relevant Councils. For further information, reference should be made to all District and Borough Council draft or adopted Policies Maps." There will be consequent changes to the numbering of the paragraphs that follow in chapter 16.
MM58	142	Policy DC16 Biodiversity and geodiversity	Amend the first bullet of this policy, to read: "Proposals for minerals and waste developments, including ones for ROMP applications and time extensions, will be required to identify, where appropriate:- • ~~their likely~~ any potential impacts on important biodiversity and geological conservation assets, as defined in the Strategic Policies, and on any functional ecological and green infrastructure networks; and"
MM59	143, 144	Policy DC17 Historic	Amend Policy DC17 as follows:

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		environment	"~~In accordance with NPPF paragraphs 126 to 141:~~ Minerals and waste management developments, including restoration and afteruse, will, where necessary, preserve and, where appropriate, enhance Cumbria's heritage assets and their settings. Any such p~~P~~roposals ~~for waste management developments or mineral developments~~ that would result in harm to, or total loss of, the significance of a designated heritage asset or its setting (or a~~n un~~ non-designated heritage asset of national significance, or its setting) ~~that is demonstrably of equivalent importance to a designated heritage asset, or its setting~~, or the Outstanding Universal Value of a World Heritage Site, will only ~~not~~ be permitted ~~unless~~ where it can be clearly demonstrated that public benefits outweigh the harm, and that the harm is necessary to achieve those ~~public~~ benefits. ~~, in cases of less than substantial harm to the significance of assets, or substantial public benefits, in cases of substantial harm to the significance of assets.~~ ~~Any proposals that cause substantial harm to the outstanding universal value of the Frontiers of the Roman Empire – Hadrian's Wall World Heritage Site, a Scheduled Monument, a grade I or II* Listed Building, the Solway Moss Registered Battlefield or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area, will only be permitted in exceptional circumstances.~~ Any proposals that affect a non-designated heritage asset or its setting will be judged on the significance of the heritage asset, ~~and~~ the scale of the harm and the public benefits of the proposal. Where a development proposal affecting archaeological sites is acceptable in principle, the preservation of the remains in situ will be the preferred solution. Where in situ preservation is not possible or justified, the development will be required to make adequate provision for excavation and recording before or during development. ~~Any heritage asset and its setting, whether designated or not, that is harmed by a proposal, will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County's Historic Environment Record.~~ All development p~~P~~roposals that will have an impact on any heritage asset or its setting (including where there is potential for unknown archaeological assets), whether designated or not, should be accompanied by

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			an assessment of the significance of the heritage asset and its setting, and how that significance will be affected by the proposed development. The level of information required will be proportionate to the ~~asset's~~ significance of the asset and to the scale of impact of the proposal, and may require, where necessary, an archaeological desk based assessment and field investigation. The recording of the loss of, or harm to, any heritage assets (where justified), and any supporting information, will need to be made publically accessible in the County's Historic Environment Record."
MM60	151	Paragraph 16.38	Amend paragraph 16.38 as follows: "Soils are a vital, natural resource, that form the foundation of much of the county's landscape, land use and wildlife interests and serve a wide range of essential functions. Soils are also a "carbon sink" that can either sequester or emit carbon, depending on their condition and temperature. ~~The Soil Strategy for England sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.~~The Natural Environment White Paper[6] emphasises the importance of natural resource protection, including the conservation and sustainable management of soils. This covers the protection of Best and Most Versatile agricultural land, as well as safeguarding soils in order to achieve a range of important ecosystem services and functions, such as food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife."
MM61	153	Paragraph 16.49	Amend the first sentence of this paragraph, to read: "Whilst s~~S~~ites on the Best and Most Versatile agricultural land should usually be restored, where practicable and appropriate, to retain its longer term capability~~a similar standard~~, though the proposed afteruse need not always be for agriculture. In appropriate situations, other uses will be encouraged that contribute to the movement from a net loss of biodiversity towards achievement of net gains in biodiversity resources, required by Strategic Policy SP14".
MM62	155	Policy DC22 Restoration and	Amend the title of Policy DC22 as follows:

[6] The Natural Environment White Paper, The Natural Choice: securing the value of nature, Defra, June 2011

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
		afteruse	"**POLICY DC22 Restoration and ~~afteruse~~ aftercare**"
MM63	156	Paragraph 17.4	Add a final bullet point to this paragraph, to read: • radioactive waste arisings and management methods.
MM64	157	Paragraph 17.7	Amend paragraph, to read: "Monitoring data will be drawn from a wide range of sources, but ~~three~~ four main documents will be used to provide evidence on the Plan's performance. Firstly, the annual Local Aggregates Assessment will give a rolling picture of aggregate reserves and associated landbanks. Secondly, the Waste Needs Assessment gives a snapshot in time of the quantity of waste arising in the county, as well as the capacity of the waste management network to deal with that waste. Thirdly, the UK Radioactive Waste Inventory gives a snapshot in time of radioactive wastes and nuclear materials. Fourthly, the ~~A~~annual Authority Monitoring Report assesses the overall performance of the Plan in terms of:"
MM65	157	Table 17.1	Amend table to include organisations, roles and responsibilities concerning the implementation of the Plan with regard to radioactive wastes *(see Annex 1 for amended table)*
MM66	158	Paragraphs 17.9, 17.10, 17.11	Amend paragraphs, to read: "17.9 A monitoring schedule has been prepared (see Appendix 3), which shows how the Plan will be monitored in relation to its policies. However, the County Council will also seek to monitor other elements relating to the Local Plan and its implementation, including site allocations, national infrastructure projects, time extensions to permissions at key facilities, minerals and waste production and their cross-border movements, although recognising that, at present, the availability of this information is limited. Therefore, a further monitoring schedule is set out as Table 17.2, which shows how the Plan will be monitored in relation to these non-policy events. 17.10 The policy monitoring schedule sets clear objectives, with, where possible, targets and indicators that are Specific, Measurable, Achievable and Realistic and, where appropriate, Time bound (SMART). ~~The matrix will~~; it also identifies~~y~~ trigger points at which it is appropriate to address any issues emerging. The non-policy monitoring schedule is simpler, consisting of a non-exhaustive list, but also sets out triggers, of

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			which there is a very wide range; generally, these non-policy triggers form Contextual Indicators. These measure background events and circumstances that have a bearing on policy performance – the social, economic and environmental context in which the Plan and its policies operate. 17.11 As set out in paragraph 17.7, the monitoring process involves preparation of the annual Authority Monitoring Report, the annual Local Aggregates Assessment and the biennial Waste Needs Assessment, all of which use data gathered from planning permissions, site monitoring visits, case officers, nationally available data, etc., as well as reference to the UK Radioactive Waste Index. These ~~Annual Monitoring R~~reports will highlight any implementation problems, and the need for the strategic approach, policies or site allocations to be reviewed. 17.12~~1~~ The Local Plan is intended to be a robust document, suitable for setting the direction of development locally for the next 15 years. Nevertheless, changing conditions may be so significant as to require a review or partial review of the Local Plan, including, potentially, a call for new minerals or waste sites. This latter example, may only take the form of a public consultation on alternative sites and then an Addendum to the Plan; however, every circumstance will be different and judged on its impacts at the time of arising." There will be consequent changes to the numbering of the paragraphs that follow in chapter 17.
MM67	159	Following paragraph 17.11	Insert new Table 17.2: Non-policy monitoring schedule (*see Annex 1 for new Table*)
MM68	164	Policy SAP1 HWRCs	Insert a sentence at the beginning of this policy, to read: "Appropriate applications at the following sites will be supported:"
MM69 a	164	Paragraph 18.5	Amend this paragraph, to read: "In accordance with Policy SP3, Policy SAP2 identifies seven sites to accommodate a need for three additional facilities during the Plan period, as predicted by the Waste Needs Assessment. The sites may be required for mixed recycling, materials recovery, transfer stations or thermal treatments (Energy from Waste). It is not considered that all the sites allocated would be suitable for the whole range of waste management facilities; an indication of which sites are suitable for what uses is set out in Table 18.X~~included in the Site Assessments document~~. The table excludes: HWRCs, as these are covered within SAP1; landfill, as no such

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			sites are allocated; and composting, because i~~t~~f a replacement composting facility is required for either Hespin Wood or Thackwood, as discussed in paragraph 3.59, that may require an alternative location to be considered under policy DC9 (Criteria for waste management facilities)."
MM69 b	164	Following paragraph 18.5	Insert a new Table 18.1: Suitability of waste facility types (*see Annex 1 for new Table*)
MM70	164	Policy SAP2 Waste treatment and management facilities	Insert a sentence at the beginning of this policy, to read: "The following sites are identified as suitable, in principle, for waste management facilities, in line with the waste facility types listed in Table 18.1. Proposals on the allocated sites for other facility types, not listed within the table, shall be assessed against Policy DC9."
MM71	164	Policy SAP2 Waste treatment and management facilities	Insert a new section at the end of this policy, to read: "**Broad Areas** The following existing industrial estates have the potential to support further waste management provision, if facilities are appropriate to the type and scale of estate, and proposals conform to other relevant policies of the Plan: BRO1 Lillyhall Industrial Estate, Workington BRO2 Sowerby Wood Estate, Barrow BRO3 Park Road Estate, Barrow BRO4 Gilwilly Industrial Estate, Penrith BRO5 Kingmoor Park Rockcliffe Estate, Carlisle"
MM72	164	Paragraph 18.6	Amend this paragraph, to read: "It is acknowledged that it may be possible to demonstrate a need for additional waste treatment or management facilities on unallocated sites and, therefore, it is not intended to use policy SAP2 restrictively. The Broad Areas were identified as industrial areas, where waste facilities already exist, where waste arises from existing industries or where waste could be used as a resource; the list set out in SAP2 is not

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			exhaustive, as opportunities for additional or improved waste management provision may come forward at other, new or existing, employment or industrial estates. ~~Such~~Any proposals on unallocated sites will be considered against ~~if they conform to~~ all other relevant policies in this Plan, and if they would meet an identified need in a timely manner." In order to comply with national policy, the Broad Areas will be added to the Policies Map, Part 1 Site Allocations.
MM73	167	Paragraphs 18.18 and 18.19	Amend paragraph 18.18, to read: "The CLESA at Sellafield is licenced only to take Sellafield's VLLW and LA-LLW; it has a remaining capacity for disposal of approximately 70,000m^3, which means that it is ~~due to close~~expected to be full around 2025. There has been some assessment undertaken on the capability of the 280ha Sellafield complex to accommodate facilities for managing LLW from its own decommissioning activities. Firstly, Sellafield Ltd has carried out a feasibility study into where a future on or near site disposal facility (CLESA-2) may be located, and it is anticipated that a more detailed scoping study will commence during FY 2017/18. ~~It is understood that the initial~~ The conclusion ~~is that there is no capacity within that complex at present, but there are possible sites on adjacent land to the east, owned by the Nuclear Decommissioning Authority. To reflect this, a strategic assessment of land adjacent to Sellafield (site allocation CO32) was carried out by the County Council in a site allocations deliverability study. This did not highlight any major planning constraints.~~of that study or any future assessments will determine the opportunity or otherwise to accommodate CLESA-2 within the Sellafield complex (site CO36). Where it has been demonstrated by rigorous assessment that it is not feasible to use land within CO36 in accordance with Policy SP4, or to utilise existing disposal routes, then consideration may be given to the use of land outwith CO36. ~~18.19~~Secondly, Sellafield Ltd is working on the Development of Sellafield Decommissioning Strategy (see paragraph 4.42~~36~~) as the site currently has so many spatial constraints." Amend the rest of paragraph 18.19,to read: "~~As the site currently has so many spatial constraints, it is likely that an additional LLW disposal facility will be developed near to Sellafield, rather than onsite, within the Plan period. However, p~~Policy SAP3 safeguards the Sellafield complex for continued LLW treatment (such as supercompaction) and management (i.e. consignment to appropriate treatment, storage or disposal facilities~~routes~~), as well as continued HAW treatment (such as vitrification) and storage, in site allocation CO36. The policy also identifies the Sellafield

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			complex as an area of~~for~~ potential consideration ~~of~~for additional capacity for the disposal or storage of a range of radioactive wastes, subject to planning permission, should a proposal come forward within the Plan period."
MM74	167, 168	Paragraphs 18.21, 18.22, 18.23	Amend these paragraphs, to read: "18.21 The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 to provide the opportunity for use in the event that it has been demonstrated, after rigorous assessment, that it is not feasible to utilise existing disposal routes or to use land within CO36, in accordance with Policy SP4. As part of the rigorous assessment, Sellafield Ltd will need to demonstrate how they are meeting the requirements of Policy SAP3. ~~As well as the potential for this~~ Subject to meeting the requirements of policies SP4 and SAP3, site allocation ~~(~~CO32~~) to be considered~~ is identified for the potential development of ~~a~~ CLESA-2 and~~, it also has~~ the potential for temporary long or short-term storage of non-radioactive inert wastes arising during the demolition or excavation stages of decommissioning, linked to an approved Sellafield site decommissioning strategy. The non-radioactive inert wastes would be used in association with the phased restoration of site CO36, in accordance with the decommissioning strategy.~~Furthermore, it is intended that there is a flexible approach to this allocation, whereby any needs identified by Sellafield Ltd. for space to temporarily store clean waste, arising during the demolition or excavation stages of decommissioning, could also be accommodated.~~ 18.22 To reduce the wider impacts (such as noise, visual and transport) of any development on CO32, t~~T~~here is potential for this land to the east of Sellafield to be accessed from within the existing Sellafield nuclear licensed site~~, thus reducing wider impacts and allowing for integration or expansion of existing, suitable installations and/or facilities. Policy SAP3 identifies this site allocation for potential consideration of additional capacity for radioactive waste disposal or storage, should a proposal come forward within the Plan period~~. 18.23 It is considered that the Low Level Waste Repository, the Sellafield complex and land adjacent to it, can provide adequate capacity for the treatment, management, storage and/or disposal of appropriate levels of radioactive waste or non-radioactive inert wastes within Cumbria, subject to planning permission, throughout the Plan period."
MM75	168	Policy SAP3	Amend this policy, to read:

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		Radioactive wastes treatment, management, storage and disposal	"Unless it can be demonstrated that it is no longer required, the capacity for the treatment, management, storage and/or disposal of currently permitted radioactive wastes will be safeguarded over the Plan period at the following existing sites: • Sellafield complex (including former Windscale site) • Low Level Waste Repository • Lillyhall~~Studsvik~~ metal processing complex (Cyclife) • Lillyhall landfill The following sites are considered to be suitable locations for additional capacity, subject to the granting of planning permission: ~~CO32 Land adjacent to Sellafield~~ CO35 The Low Level Waste Repository, near Drigg CO36 Land within Sellafield Subject to the granting of planning permission, the following site is considered to be a suitable location to provide additional capacity for: - the temporary storage of non-radioactive inert wastes from the Sellafield complex (CO36); - the temporary treatment, management and/or storage of appropriate levels of lower activity radioactive waste from CO36; - the disposal of lower activity radioactive waste from CO36 that would previously have been disposed in CLESA. Proposals for development on the following site will be required to demonstrate that: • there is a clear need that cannot be met within CO36, or via the use of other existing disposal routes; • how the need is to be met; • the use of any part of CO32 is proportionate in terms of scale, timescale and footprint; • direct access is provided from site CO36, where appropriate.

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			CO32 Land adjacent to Sellafield"
MM76	169	Following paragraph 18.26	Insert new paragraph 18.27, to read: "The existing Roose Quarry and the proposed Preferred Area for its future extension (M27) lie adjacent to existing gas terminals. Recent engineering work at the terminals has led to consolidation of gas processing at the north terminal, which in conjunction with the Rivers Terminal is closest to M27, and this work is likely to have increased the potential impact of any incident at the terminal on land within M27. The results of the new safety case for gas processing, being prepared for the Health & Safety Executive, are not scheduled for issue until 2017. Whilst it is acknowledged that this consolidation, and perhaps future operations on the terminals estate, may impact upon the feasibility of M27 to be worked for sand and gravel, the County Council consider that this is an important site that will help to provide an adequate and steady supply of this mineral over the Plan period; therefore, the site has been retained as a strategic allocation. However, a clear and robust monitoring framework has been developed, which would trigger a review of the Local Plan, if necessary, once the information becomes available regarding the feasibility of the site for future minerals extraction. Any review of the Plan could lead to the removal of this site or to the consideration of a smaller area, as appropriate." There will be consequent changes to the numbering of the paragraphs that follow in chapter 18.
MM77	169	Paragraph 18.29	Amend paragraph and title, to read: *Slate and other building stones* Other than for slate, there are currently no specific allocations of ~~Policy SP7 does not include a requirement for~~ Preferred Areas and/or Areas of Search for ~~all~~ local building stones, ~~as the detailed evidence required to support such an exercise is not available.~~ within Policy SP7. ~~does, however, require t~~The sole allocation of an Area of Search ~~such areas specifically for slate,~~ is to ensure the steady and adequate supply of slate~~its continued quarrying~~, and also requires a Mineral Safeguarding Area for identified resources of this mineral. Policy SP9~~8~~ identifies the area around Kirkby Slate quarry as a strategic location for this resource within the Plan area; however, following planning permission granted in November 2016, ~~and~~ policy SAP4 no longer ~~accordingly~~ identifies an Area of Search at the quarry. Proposals for other building stone quarries will be supported where they meet the criteria set out in Policy DC12 of the Plan.

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
MM78	170	Following paragraph 18.33	Insert new paragraph 18.34, to read: "Policy SAP4 identifies both Preferred Areas and Areas of Search for a range of quarries in Cumbria, which will enable a steady and adequate supply of these minerals over the Plan period. As set out in paragraph 5.84, the Preferred Areas are areas of known resources, where planning permission might reasonably be anticipated; such areas may also include essential operations associated with mineral extraction. Areas of Search are broader areas, where knowledge about mineral resources may be less certain, but within which planning permissions for particular sites could be granted, particularly if there is a potential shortfall in supply."
MM79	170	Policy SAP4 Areas for minerals	Insert new sentence at the beginning of this policy, to read: "To enable a steady and adequate supply of minerals: Preferred Areas are identified where there are known mineral resources; Areas of Search are identified where knowledge of the mineral resource is less certain."
MM80	170	Policy SAP4 Areas for minerals	Remove site allocation M14, to read: "~~M14 land adjacent to Kirkby Slate Quarry, near Kirkby-in-Furness~~" There will be a consequent change to the Policies Map, Part 1 Site Allocations.
MM81	172	Paragraph 18.38	Amend paragraph, to read: "Policy SAP5 identifies ~~two~~one potential railhead~~s~~, AL32 ~~and M31~~. The site~~former~~ was put forward during the MWDF process, in connection with the transport of coal. However, the associated coal site was rejected, but the potential railhead retained, as the large manufacturing companies located nearby could use a railhead for import of materials or export of products or waste. ~~Site M31 at Salthouse near Millom, previously had a temporary planning permission, tied to the life of Ghyll Scaur Quarry, for an aggregate loading facility for the quarry; if necessary, this facility could be reinstated, after due consideration of any submitted planning application.~~"
MM82	173	Policy SAP5 Safeguarding of existing and potential railheads and	Add introductory paragraph, to read: "The following existing and potential railheads and wharves are safeguarded, in line with paragraph 143 of the NPPF."

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
		wharves	Remove following allocation: "~~M31 Salthouse, near Millom, potential sidings for Ghyll Scaur Quarry~~" There will be a consequent change to the Policies Map, Part 1 Site Allocations.

ANNEX 1
Tables and Maps Associated with Main Modifications

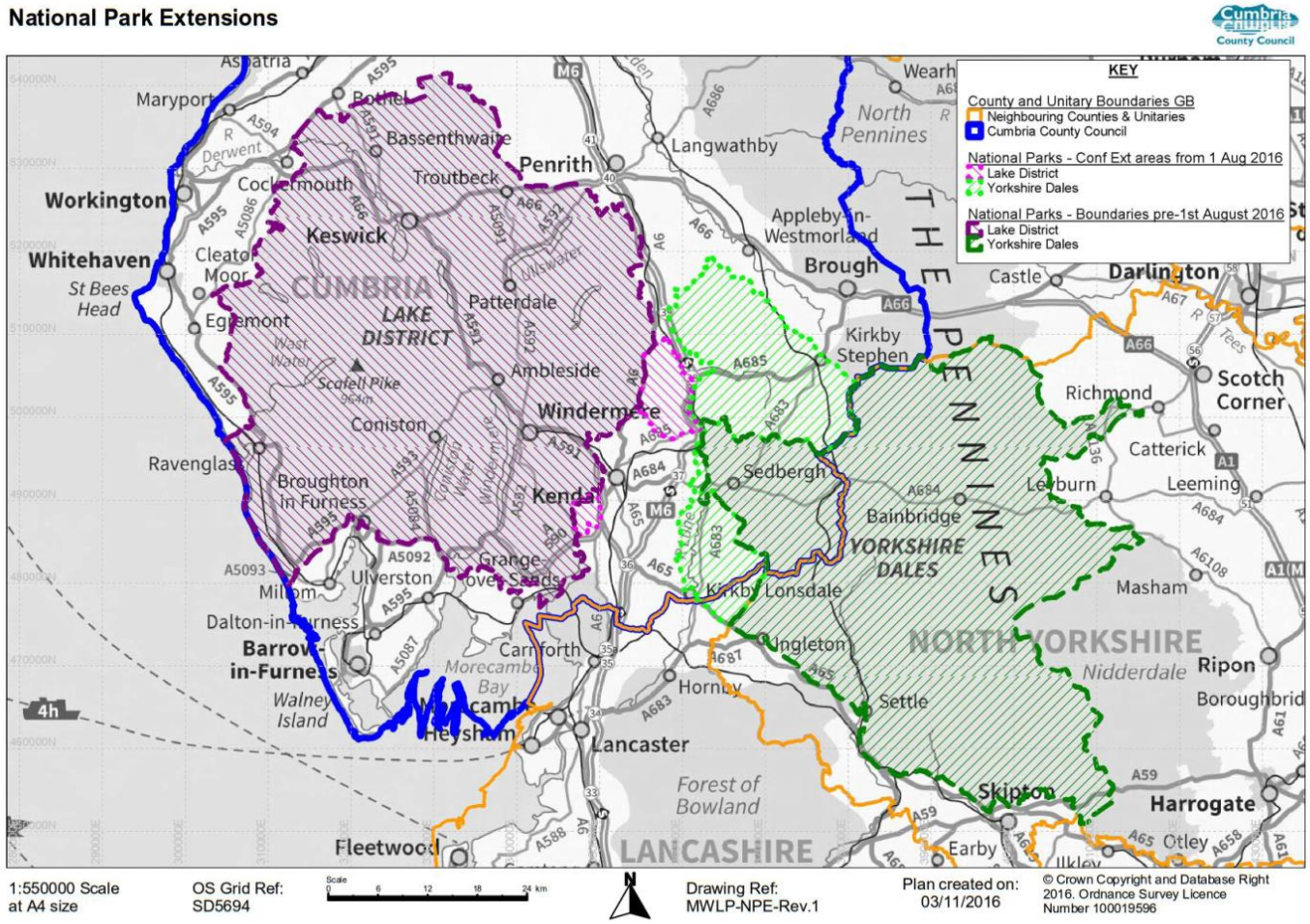
Main Modification MM1b

New **Appendix 1: List of superseded MWDF policies and replacement MWLP policies**

MWDF 2009	Title	MWLP 2016 replacement
CS1	Sustainable Location and Design	SP13 Climate change mitigation and adaptation
CS2	Economic Benefit	SP14 Economic benefit
CS3	Community Benefits	deleted
CS4	Environmental Assets	SP15 Environmental assets
CS5	Afteruse and Restoration	SP16 Restoration and aftercare
CS6	Planning Obligations	SP17 Section 106 planning obligations
CS7	Strategic Areas for New Developments	SP9 Strategic areas for new mineral developments
CS8	Provision for Waste	SP2 Provision for waste
CS9	Waste Capacity	SP3 Waste capacity
CS10	High and Intermediate Level Radioactive Wastes Storage	SP6 Higher activity radioactive wastes treatment, management and storage
CS11	High and Intermediate Level Radioactive Waste Geological Disposal	deleted
CS12	Low Level Radioactive Waste	SP5 Development criteria for low level radioactive waste sites
CS13	Supply of Minerals	SP7 Minerals provision
CS14	Minerals Safeguarding	SP8 Minerals safeguarding
CS15	Marine Dredged Aggregates	SP10 Marine dredged aggregates
CS16	Industrial Limestones	SP11 Industrial limestones
CS17	Building Stones	DC12 Criteria for non-energy minerals development
CS18	Oil and Gas and Coal Bed Methane	DC13 Criteria for energy minerals
DC1	Traffic and Transport	DC1 Traffic and transport
DC2	General Criteria	DC2 General criteria
DC3	Cumulative Environmental Impacts	DC6 Cumulative environmental impacts
DC4	Criteria for Waste Management Facilities	DC9 Criteria for waste management facilities
DC5	Criteria for Landfill	DC10 Criteria for landfill and landraise
DC6	Criteria for Non-Energy Minerals Development	DC12 Criteria for non-energy minerals development
DC7	Criteria for Energy Minerals	DC13 Criteria for energy minerals
DC8	Applications for New Conditions	DC14 Review of Mineral Permissions

DC9	Minerals Safeguarding	DC15 Minerals safeguarding
DC10	Biodiversity and Geodiversity	DC16 Biodiversity and geodiversity
DC11	Historic Environment	DC17 Historic environment
DC12	Landscape	DC18 Landscape and visual impact
DC13	Flood Risk	DC19 Flood risk
DC14	The Water Environment	DC20 The water environment
DC15	Protection of Soil Resources	DC21 Protection of soil resources
DC16	Afteruse and Restoration	DC22 Restoration and aftercare
DC17	Planning Obligations	SP17 Section 106 planning obligations

Main Modification MM2b – new **Appendix 2**



Map showing the new areas designated as National Park

Main Modification MM5b

New **Table 3.3: Waste capacity (tonnes) in Cumbria by facility type – 2014**

Facility Type	Available capacity
Biological Treatment	122,545
Civic Amenity Site	46,777
Car Breaker	6,193
Composting	84,502
Use of waste in Construction	12,708
Deposit of waste to land (recovery)	48,228
Hazardous Waste Transfer	82,565
Hazardous Waste Transfer/Treatment	94,329
Inert Waste Transfer/Treatment	184,686
Metal Recycling	30,541
Non-Hazardous Waste Transfer	192,720
Non-Hazardous Waste Transfer/Treatment	85,205
Physical Treatment	380,917
Physical-Chemical Treatment	5,545
Use of waste for Reclamation	44,586
Vehicle Depollution Facility	2,694
WEEE treatment facility	1,205
Total Capacity	**1,425,945**

source: EA WDI 2014

Main Modification MM6b

New **Table 3.4: Predicted waste arisings in Cumbria 2015 to 2030 (tonnes)**

	Baseline 2014	2015	2020	2025	2030	2015-2030
LACW	266,212	268,422	279,748	291,551	303,853	4,572,733
Commercial	284,896	286,719	296,013	324,266	353,650	5,020,336
Industrial	304,489	306,611	317,447	329,041	345,483	5,188,080
Non-inert total	**855,597**	**861,752**	**893,207**	**944,858**	**1,002,986**	**14,781,150**
Construction & Demolition	383,988	387,828	407,611	428,403	428,403	6,627,957
Excavation	473,486	482,956	533,222	747,872	642,223	9,743,592
Inert waste total	**857,474**	**870,784**	**940,833**	**1,176,275**	**1,070,626**	**16,371,550**
Hazardous waste – average last 5 years	16,659	20,600	20,600	20,600	20,600	329,600
All totals in tonnes	**1,729,730**	**1,753,136**	**1,854,640**	**2,141,733**	**2,094,212**	**31,482,299**

source: Waste Needs Assessment 2015, Appendix B, Table B4

Main Modification MM7

Updated **Table 3.3: Cumbria recorded waste exports and imports (tonnes) 2010 to 2014 (excluding Scotland)**

Movements	~~2006~~	~~2007~~	~~2008~~	~~2009~~	2010	2011	2012	2013	2014
Exports	~~40,696~~	~~41,422~~	~~65,527~~	~~141,178~~	249,248	260,742	175,041	178,936	187,343
Imports			~~340,847~~		213,462	206,866	323,927	318,558	288,735
Balance					-35,786	-53,876	148,886	139,622	101,392

source: EA Waste Data Interrogators, 2014

Main Modification MM9b

New **Table 3.10: Overview of principal waste exemptions (number)**

Reported exempt activity	Agricultural only	Agricultural and Non-agricultural	Non-agricultural only
Aerobic composting and associated pre-treatment	504	169	18
Burning waste as a fuel in a small appliance	513	230	16
Burning waste in the open	2388	662	66
Cleaning or spraying relevant waste	501	163	12
Deposit of plant tissue under a Plant Health notice	826	-	-
Deposit of sludge from dredging inland waters	1870	497	30
Sorting and de-naturing of controlled drugs for disposal	-	-	120
Spreading of waste or plant matter	1808	750	39
Storage of sludge	-	-	268
Storage of waste	347	195	48
Storage of waste in a secure place	472	245	91
Treatment of sheep dip	222	-	-
Treatment of waste wood by chipping, etc.	1066	418	30
Use of mulch	254	179	18
Use of waste for a specified purpose	1572	730	211
Use of waste in construction	1235	1289	419
Other activities	1502	970	316
TOTAL number of exemptions	**15,080**	**6,497**	**1,702**

source: Environment Agency 2014

Main Modification MM14b

New **Table 3.11: Non-inert landfill requirements in Cumbria 2015 to 2030**

Year	2015	2020	2025	2030	2015-2030
tonnes of non-inert waste to landfill	140,290	145,411	153,820	163,283	1,580,031
assumed voidspace requirement m^3	140,000	145,000	154,000	163,000	1,580,000

source: Waste Needs Assessment 2015 (tonnes to m^3 conversion assumed 1:1 ratio)

Main Modification MM15b

New **Table 3.12: Inert landfill requirements in Cumbria 2015 to 2030**

Year	2015	2020	2025	2030	2015-2030
tonnes of inert waste to landfill	167,646	184,815	257,262	221,743	3,365,966
assumed voidspace requirement m^3	112,000	123,000	172,000	148,000	2,244,000

source: Waste Needs Assessment 2015 (tonnes to m^3 conversion assumed 1.5:1 ratio)

Main Modification MM27b

New **Table 5.3: Requirements for Sand and Gravel**

Scenario	Sales Levels (Million tonnes – Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 7-year landbank (Mt)
1: 10 year rolling average	0.63	14.60	2029	5.3
2: Stabilise at 2014 sales	0.70	13.53	2028	6.4
3: rise in pre-recession average sales	0.80	11.50	2026	9.2

source: Cumbria Local Aggregates Assessment, 2015

New **Table 5.4: Requirements for Limestone**

Scenario	Sales Levels (Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 10-year landbank (Mt)
1: 10 year rolling average	2.26	42.59	2057	0
2: Stabilise at 2014 sales	1.90	50.66	2065	0
3: rise in pre-recession average sales	2.75	35.00	2050	0
4: rise to highest pre-recession sales	3.00	32.09	2047	0

source: Cumbria Local Aggregates Assessment, 2015

New **Table 5.5: Requirements for HSA/VHSA**

Scenario	Sales Levels (Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 10-year landbank (Mt)
1: 10 year rolling average	0.62	17.71	2032	<1.0
2: Stabilise at 2014 sales	0.38	28.90	2043	0
3: rise in pre-recession average sales	0.73	15.04	2030	1.0
4: rise to highest pre-recession sales	0.80	13.73	2028	3.0

source: Cumbria Local Aggregates Assessment, 2015

Main Modification MM29b

New **Table 5.10: Birkshead Mine gypsum reserves at 31 December 2015**

	RESERVES at 31.12.2015	SUFFICIENT UNTIL	COMMENT
mill rock	4.03 million tonnes	2038	suitable for plasterboard manufacture (high gypsum/low chloride)
plaster	0.80 million tonnes	2029	plaster (higher chloride content)
cement rock	not quantified	beyond 2042	used to delay the setting time of cement to make it possible to work/deliver in ready mix vehicles (low gypsum content)

source: British Gypsum, 2016

Main Modification MM33b

New **Table 5.11: Building Stone Quarries in Cumbria (outside the National Parks)**

Quarry	Size (hectares)	End Date	Estimated Sales (tonnes)	Last Permission	Attributes	Uses
LIMESTONE						
Baycliff Haggs	1.8	2042	30,000 tpa max 500 (2013) 3,000 (2012)	2012 – boundary amendment	- Urswick Formation - buff coloured with light coffee mottling - often polished for interior use - dense texture, durable	- floors - interior fittings - walling - rock armour
Pickering	2.1	2023	2,000 tpa max 50 (2015) 25 (2014) 550 (2012)	2013 – time extension	- Salterwath Formation - dark blue, weathers to pale grey - dense, easily takes a polish that gives a rich chocolate brown - fine grained, durable, good resistance to acid rain	- Commonwealth war graves (primary use) - load bearing masonry

Rooks	0.7	2017	2,000 tpa max 700 (2015) 800 (2014) 550 (2012) 70% rock = waste	2007 – time and physical extension	- Salterwath Formation - colour varies with finish, from light grey to dark brown/black - possible white crystal inclusions - very dense and durable	- masonry - flooring - walling
Snowhill 1	0.5	2017	50,000 tpa max 40 (2014)	2014 – increase aggregate use	- Eskett Formation - white/light, mottled	- walling - building - armour stone
SANDSTONE						
Snowhill 2	1	2020	on demand 0 (2013, 2011)	2015 – time extension	- grey to brown - very localised use	- walling
Birkhams	1.7	2030	5,000 tpa average 60-80% rock = waste	2015 – time extension	- St Bees Formation - red-plum in colour with darker variations through it - fine grained, consistent texture	- interior cladding - masonry - walling - detailed carving - heritage restoration
Bowscar	5.7	2042	8-11,000 tpa average 65% rock = waste	2015 – physical extension	- Penrith Formation - light pink in colour - high quartz content making it sparkle - medium grained, hard wearing and consistent texture	- walling - cladding - paving - heritage restoration
Crag Nook	4.3	2042	1,000 tpa average 900 (2011) 1,000 (2010)	2012 – ROMP	- Penrith Formation - salmon pink in colour - medium (occasional coarse) grain - resistant to abrasion and weathering	- heritage restoration - vernacular building
Flinty Fell	8.5	2024	8,500 tpa average	2010 – physical extension	- Stainmore Formation - grey to white in colour - some with heavy iron staining - fine to medium grained - very hard (used for stone arches in the Nenthead lead mines)	- building stone - roofing - walling - distinctive colour for local and heritage restoration (e.g. Durham Cathedral)

Grange	2.7	2028	3,750 tpa average	2015 – time extension	- St Bees Formation - red in colour - fine grained, consistent texture	- heritage restoration - vernacular building
Lambhill	1.5	2021	7,500 tpa average	2010 – time extension	- Whitehaven Formation - buff/brown in colour with a silver heart - fine grained, textured	- masonry - walling - cladding - paving
Leipsic	1.2	2022	1,000 (2011)	2012 – time extension	- Stainmore Formation - buff to red in colour - fine to medium grained - very hard	- building - paving
Mousegill	1	2016	3,000 tpa average	2006 – restart	- Stainmore Formation - buff/grey in colour - very localised use	- walling - paving
Red Rock Canyon	1	2025	500 tpa average	1999 – start	- Penrith Formation - red in colour - medium grained, hard wearing and consistent texture	- flagstones - flooring - walling
Scratchmill Scar	3.6	2031	20,000 tpa max 2,750 (2015) 7,000 (2014)	2015 – time extension	- Penrith Formation - consistent salmon red colour - enhanced by sparkle of quartz grains - coarse to medium grained	- heritage restoration - vernacular building
West Brownrigg	3.4	2021	500 (2015) 5,500 (2014) 50% rock = waste	2011 – time extension	- Penrith Formation - consistent salmon red colour - coarse to medium grained	- heritage restoration - vernacular building
SLATE						
Kirkby Slate	111	2050	100,000 tpa average	2016 – time and physical extension	- Wray Castle formation - blue/grey in colour - often polished for interiors	- floors - interior fittings - roofing - architectural

source: Cumbria County Council

Main Modification MM65

Amend **Table 17.1: Roles and responsibilities involved in implementing the Plan**

Organisation	Role	Responsibilities
County Council	apply Plan policies	Assess suitability of mineral and waste applications against Plan policies and priorities
	regulate/monitor	Inspect operating mineral and waste sites periodically Monitor Plan performance annually
	performance delivery	Support/promote waste reduction initiatives through the planning system Support/promote a steady and adequate supply of minerals through the planning system Co-operate with all the following organisations, as well as adjoining or more distant Councils
District/Borough/ City Councils	apply Plan policies	Identify applications affecting safeguarded sites and areas, mineral safeguarding areas and strategic areas
Landowners	infrastructure delivery	Propose new minerals and waste sites in sustainable areas and sites that deliver capacity requirements
Waste industry	infrastructure delivery	Propose new waste sites in sustainable areas and sites that deliver capacity requirements Prioritise management of locally arising waste in local, rather than more distant, facilities
Minerals industry	infrastructure delivery	Propose new minerals sites in sustainable locations that deliver a steady and adequate minerals supply
The Environment Agency	regulate/monitor	Advise on planning applications according to the nature of the proposal Assess applications for Environmental Permits Inspect operating waste sites periodically Collect and publish information about waste movements for use in Plan monitoring Regulate nuclear and non-nuclear industry sites Regulate radioactive waste disposal
	performance delivery	Promote waste reduction initiatives

The Health and Safety Executive	regulate/monitor	Advise on planning applications according to the nature of the proposal
Other statutory bodies (e.g. Natural England)	regulate/monitor	Advise on planning applications according to the nature of the proposal
Nuclear Decommissioning Authority	implement/monitor	Implement Government policy on the long term management of radioactive waste Ensure that radioactive wastes are safely managed Develop the LLW Strategy on behalf of Government Own assets of a number of the UK's nuclear licensed sites
Office for Nuclear Regulation	regulate/monitor	Regulate nuclear licenced sites Regulate adherence to nuclear site licence conditions Regulate radioactive waste storage

Main Modification MM67

New **Table 17.2: Non-policy monitoring schedule**

Contextual Indicator	Trigger for review of the Plan	Action
Social, Economic or Environmental		
National Park extension areas in Cumbria	a - Yorkshire Dales National Park Authority and/or Lake District National Park Authority adopt the Cumbria Minerals and Waste Local Plan for the new National Park areas b - YDNPA and/or LDNPA prepare and adopt their own MWLP covering the new National Park areas	a – addendum note to be added to Cumbria MWLP b – addendum note to be added to Cumbria MWLP
HSE Safety Report for Barrow Gas Terminals	a – site allocation M27 (Roose sand quarry) falls wholly within an incident effect zone, that would preclude future sand and gravel extraction	a – M27 becomes unavailable and future mineral extraction will be directed to M12 b – if sufficient resource lies outside the zone, future

	b - site allocation M27 falls partly within an incident effect zone c – site allocations M27 and M12 (new sand and gravel quarry at Roose) fall partly within an incident effect zone d - site allocations M27 and M12 fall wholly within an incident effect zone	mineral extraction will be directed to that part of M27 c - if sufficient resource lies outside the zone, future mineral extraction will be directed to that part of M27 or M12 d – incorporate data into LAA; partial review, with call for site(s) and public consultation
Landbank for industrial minerals	any changes to sales and/or reserves of industrial minerals that would significantly alter the current 120-year landbank	incorporate data into LAA; partial review, with call for site(s) and public consultation
Nationally Significant Infrastructure Projects		
Moorside new nuclear power station	a – significant increase in demand for aggregates during construction b – significant increase in excavation wastes arising during construction, that may need management facilities and/or disposal routes c – radioactive waste arising from new operations, that may need management facilities and/or disposal routes	a - incorporate data into LAA; consider whether a call for site(s) and public consultation is required b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a call for site(s) and public consultation is required c - consider whether a call for site(s) and public consultation is required; may result in full or partial review
Geological Disposal Facility (GDF)	a - site is chosen within Cumbria, construction work begins, significant increase in demand for aggregates b - site is chosen within Cumbria, construction work begins, significant increase in excavation wastes arising c - site is chosen outside Cumbria, Higher Activity Waste movements begin	a – incorporate data into LAA; consider whether a full or partial review is required b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a full or partial review is required c - consider whether a full or partial review is required
Other NSIPs in Cumbria	a – significant increase in demand for aggregates during construction	a - incorporate data into LAA; consider whether a call for site(s) and public consultation is required

	b – significant increase in excavation wastes arising during construction, that may need management facilities and/or disposal routes	b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a call for site(s) and public consultation is required
Planning permissions		
Time extensions	a – currently operating non-inert and inert landfills are not granted a time extension, resulting in loss of landfill capacity	a - incorporate data into WNA; consider whether a call for site(s) and public consultation is required; may result in full or partial review
	b - currently operating composting facilities are not granted a time extension, resulting in loss of composting capacity	b - incorporate data into WNA; consider whether a call for site(s) and public consultation is required
Energy from Waste	planning permission at site allocation CA31 (Kingmoor Park East) not implemented, resulting in thermal waste treatment capacity gap	incorporate data into WNA; future capacity to be directed to other suitable site allocations (AL3, AL8, AL18)
National policy changes		
Naturally Occurring Radioactive Materials	radioactive waste arising from industrial operations, that may need management facilities and/or disposal routes	consider whether a call for site(s) and public consultation is required; may result in full or partial review
Spent fuels and exotic spent fuels	if policy changes and they come to be regarded as a waste, management facilities or disposal routes may be needed	consider whether a call for site(s) and public consultation is required; may result in full or partial review
Plutonium and uranium	if policy changes and they come to be regarded as a waste, management facilities or disposal routes may be needed	consider whether a call for site(s) and public consultation is required; may result in full or partial review

Main Modification MM69b

New **Table 18.1: Suitability of waste facility types**

Site Ref	Site Name	Authority	Waste Facility Type		
			Materials recovery/mixed recycling facility (MRF) and transfer stations accepting non-putrescible waste only	Transfer stations accepting putrescible waste	Thermal treatment (EfW)
AL3	Oldside	Allerdale	√	√	√
AL8	Lillyhall Waste Treatment Centre	Allerdale	√	√	√
AL18	Port of Workington	Allerdale	√	-	√
CA11	Willowholme	Carlisle	√	√	-
CA30	Kingmoor Road recycling centre	Carlisle	√	-	-
CA31	Kingmoor Park East	Carlisle	-	-	√
CO11	Bridge End Industrial Estate	Copeland	√	-	-

source: Cumbria County Council

Lancashire Minerals & Waste Local Plan

Joint Lancashire Minerals and Waste Local Plan

Site Allocation and Development Management Policies - Part One

September 2013

2.2 Development Management

Policy DM2 - Development Management

Development for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that all material, social, economic or environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels. In assessing proposals account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

In accordance with Policy CS5 and CS9 of the Core Strategy developments will be supported for minerals or waste developments where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that the proposals will, where appropriate, make a positive contribution to the:

- Local and wider economy
- Historic environment
- Biodiversity, geodiversity and landscape character
- Residential amenity of those living nearby
- Reduction of carbon emissions
- Reduction in the length and number of journeys made

This will be achieved through for example:

- The quality of design, layout, form, scale and appearance of buildings
- The control of emissions from the proposal including dust, noise, light and water.
- Restoration within agreed time limits, to a beneficial afteruse and the management of landscaping and tree planting.
- The control of the numbers, frequency, timing and routing of transport related to the development

Justification

2.2.1 Minerals and waste developments are vital to the economy of Lancashire, either by supplying raw materials to manufacturing processes or by treating the wastes produced as a byproduct of manufacturing or other business or commercial activity; they also provide jobs for a wide range of skill sets, from manual handling to process engineering. They are essential for the nation's prosperity, infrastructure and quality of life. However, they have the potential to cause disruption to local communities and the environment due to the nature of their operations, in common with other heavy industries. These impacts can often be addressed through the sensitive design and operation of the facility. Planning conditions will be imposed, where appropriate, to ensure this.

2.2.2 Such conditions may indeed enable development to take place where it would otherwise be necessary to refuse planning permission. Conditions will be attached to planning permission to control how development takes place, to minimise disturbance to the environment, and to ensure the satisfactory working and reclamation of the site. To ensure certainty, transparency and to

speed up negotiations the Minerals and Waste Planning Authority has produced model planning conditions. In certain situations the Minerals and Waste Planning Authority may choose to impose conditions on planning permissions restricting permitted development rights or imposing stand off distances for certain high impact operations or sensitive locations.

2.2.3 A balance needs to be struck between the social, economic and environmental impacts of, and the need for, the development. Thus, if the adverse impacts of operations cannot be reduced to acceptable levels through careful working practices, planning conditions or legal agreements, then the operation will not be permitted.

2.2.4 The impact of a development can be positive or negative; short, medium or long term; reversible or irreversible; permanent or temporary. In assessing the acceptability of an impact the following criteria will be relevant:

- Sensitivity of receptor: different receptors (residents; designated areas of historic, landscape or biodiversity value; plants and animals; businesses) respond to environmental changes or disturbances in different ways. Certain locations or land users have an enhanced sensitivity to certain impacts, for example locations that can be viewed from a designated heritage asset will need to be dealt with more sensitively when considering visual or landscape impacts, as they may affect elements of the asset's setting.
- Magnitude of impact: this is the severity of an impact and could be measured subjectively or in relation to statutory threshold values. It is influenced by the following:
    - Proximity to receptor: the effects of many impacts tend to reduce with distance, though this distance is dependent on the nature and scale of the impacts, for example large dust particles will largely deposit within 100m of their source.
    - Frequency of impact: impacts can arise persistently, or erratically and unpredictably. The frequency of an impact, relative to the ability of the receptor to tolerate or recover from the impact, is important when considering the impact's magnitude.
    - Duration of impact: impacts associated with the construction phase of a proposal have a much shorter duration relative to the impacts associated with the operation of a proposal.

2.2.5 The significance of an impact is predicted through an evaluation of the above, allowing the Minerals and Waste Planning Authority to determine whether any demonstrable harm will be caused. For example noises associated with the frequent movement of skips could be severe in a suburban neighbourhood, but on an industrial estate it would not necessarily be out of character for the area. Further guidance on the sensitivity of receptors can be found in national policy.

2.2.6 In order to minimise the social, economic and environmental impact of minerals and waste sites it is essential that high standards of management are maintained throughout the operational life. The Minerals and Waste Planning Authority will seek to ensure that sites are developed in the least intrusive way to minimise disturbance. To achieve this current best practice in all aspects of site operation should be used. The following paragraphs outline those points which the Minerals and Waste Planning Authority would expect operations to address in order to satisfy this policy, and gives some idea as to what evidence should be submitted in support of a planning application. Further information on supporting information can be found on the Minerals and Waste Planning Authority's Validation Checklist.

Visual

2.2.7 The visual impact of a site can result from prominent rock faces, soil, overburden and stockpile mounds, plant and machinery, litter or fences, hardstandings and buildings. In addition, the height of such developments can have safety implications for airports. The degree of visual impact depends on a number of factors such as the topography of the area, the scale of the development and its proximity to residents and other sensitive land uses.

2.2.8 Careful consideration of the siting of the development, the method of working and the layout and design of the site will be required to mitigate any visual impact. The visual impact of operations can be minimised in a number of ways: a site location which respects existing topography and features of importance; a method, phasing and direction of working which takes account of views into the site and is chosen as the least intrusive; phased working and progressive restoration to minimise the amount of land being worked at any one time; careful siting and design of buildings and plant, location and height of stockpiles, and siting of internal haul roads and conveyors. All plant and buildings should: where practicable be grouped to prevent the creation of an unsightly sprawl of development and to facilitate screening; be kept as low as practicable to minimise visual intrusion; be of an appropriate colour, cladding or suitable treatment to reduce visual impact; be satisfactorily maintained to preserve their external appearance, exercise a restrained use of lighting to minimise light spill onto neighbouring properties, and glare. It is important that those engaged with the development of waste facilities embrace all aspects of good design practice. Applicants are directed to the Defra publication "Designing Waste Facilities - a guide to modern design in waste" for guidance on improved standards of design in the delivery of waste management facilities.

2.2.9 Effective screening can improve the appearance of mineral and waste sites by hiding visually intrusive elements of the operation and softening the hard, unnatural lines of plant and buildings, especially on the skyline. Screening can be achieved by high quality landscape treatment such as planting trees and shrubs, constructing earth bunds or utilising the natural ground contours of the site. As much use as possible should be made of suitable existing trees and hedgerows since growth is slow and new trees are unlikely to be adequate for screening purposes for many years. Advance planting can help overcome this problem and should be undertaken wherever possible. This is particularly relevant for long term, phased sites.

Noise

2.2.10 Noise pollution has a number of sources such as lorry traffic, plant and machinery, blasting and soil stripping operations. The degree of noise impact depends on distance from noise sensitive land uses, the nature and lay of the land and the times at which operations are carried out.

2.2.11 The effects of noise can be reduced if its reduction is planned at the outset and is taken into account in the layout and nature and sequence of working. Examples include: the maintenance of acceptable distances between the operation and noise sensitive land uses; the avoidance of severe gradients on haul roads; use of alternatives to reversing beepers; the use of conveyors rather than trucks; the use of acoustic fencing or baffle mounds. Other methods include the fitting of silencers, the housing and cladding of fixed plant and machinery, the use of rubber liners on certain sections of plant and the maintenance of such measures. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

Odour

2.2.12 Unpleasant odours can arise from the tipping, storage, sorting, treatment or transportation of wastes, either from the decomposition of biodegradable wastes or off-gassing from chemical wastes, or from the treatment process.

2.2.13 Odour emissions can be reduced and properly controlled by careful planning and management. For example the production of odours can be minimised by ensuring correct storage of wastes, odour emissions can be reduced by containing malodorous operations in buildings or appropriate vessels, operating buildings at negative pressure, and including odour scrubbers on air extraction systems. Correct operation of the waste management processes should reduce or prevent most odour production, and at the design stage the benefits of locating features with odour creation potential away from and downwind of residential properties and other sensitive land uses should be explored. Odour is also addressed by other legislation, implemented by the District Councils and Unitary Authorities or Environment Agency. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

Dust

2.2.14 Problems of dust and consequent air pollution can arise from soil stripping, blasting, crushing and screening operations, stockpiling and the movement of materials. The severity of the problem will vary according to the time of year, moisture in the soil, temperature, humidity and wind direction.

2.2.15 Dust emissions can be reduced and properly controlled by careful planning and management. Examples include: locating features with dust creation potential (such as stockpiles) away from and downwind of residential properties and other sensitive land uses; the use of conveyors rather than haul roads; constructing stockpiles with gentle slopes; tar sealing internal haul roads; and enclosing dust generating plant and activities. Additional measures can be used to control the escape of dust and minimise pick up in the wind once the site is operating, including appropriate wheel cleaning facilities, vehicle speed restrictions, dampening haul roads and stockpiles, the use of fine water sprays, and sheeting of lorries. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

Transport

2.2.16 Heavy lorries can have adverse impacts on residents and other sensitive land uses; they can also cause damage to roads and verges, especially at the point of access; they can contribute to noise and they can impact on road safety, if unsuitable roads are used. An unsustainable distribution of facilities can also result in wasteful consumption of fuel and excessive greenhouse gas emissions.

2.2.17 The Core Strategy seeks to encourage a move from road to rail transportation for the movements of waste and minerals. To this end separate policies in this document safeguard suitable railheads and prioritise waste management facilities at rail served industrial locations. Where rail movements are impractical or unsustainable, recognised methods of controlling transport impacts can include travel routing agreements and sheeting of loads. However, proposals should be located so as to minimise "minerals and waste road miles" - the distances travelled by wastes or minerals either to or from the proposal. This is relative though, and what is considered an acceptable distance will vary depending on the specialised nature of the process, and the availability of similar or alternative processes within or beyond the Plan area.

2.2.18 Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours. Even if site operations do not commence until the permitted hour, HGVs may arrive at the site entrance before this time, thus negating the benefits of controlling hours of operation. The control of these early morning HGV movements should be undertaken. There is also scope to restrict hours of working in order to control vehicle movements at peak times, and thus reduce the development's impact on the road network. In relevant circumstances applicants will be required to submit a transport assessment in support of their planning application.

Blasting

2.2.19 Blasting is often a major cause of concern to residents close to mineral workings. Disturbance is dependent on the quantity of explosive used, the distance to the receptor, the geology of the site and atmospheric conditions.

2.2.20 Measures to reduce the impact of blasting at mineral extraction sites could include planning operations so that blasting does not take place during unsociable hours, notifying residents in advance, the use of correct stemming, avoiding the use of surface detonation cord where possible, avoiding secondary blasting and the use of screen nets.

Water Protection

2.2.21 With some operations there is the potential for impacts on the available water resource, either through pollution, abstraction for process water or impacts on water flows through dewatering operations. There are also opportunities through quarry restoration for enhancing the water environment through flood water storage schemes.

2.2.22 Applicants may find it useful to discuss proposals for water protection with the Environment Agency prior to making a formal submission. Measures for water protection include storing fuels and oil in impervious bunds, requiring operation on impervious hardstandings, and allowing internal drainage to settle in settlement lagoons prior to discharge. Much of this is prescribed by other legislation.

Nature Conservation

2.2.23 Biodiversity can be affected either by habitat destruction or displacement through construction on previously undeveloped or vacant land; or through the disturbance of species on surrounding land, or impacts on neighbouring habitats, in much the same way as people (through dust, noise, pollution, light).

2.2.24 Consideration should be given early in the site design stage of how any nature conservation interests likely to be affected by the operations will be protected and enhanced, with evidence submitted in support of a planning application. This may include; undertaking surveys, leaving a buffer zone between workings and sensitive habitats and wildlife issues, monitoring of the ecology of the site, and allowing for progressive restoration to minimise the risk of permanent change to the nature conservation interest. In addition to this there may be significant opportunities to benefit the local biodiversity, through proposals for habitat creation and long term management on the site. Developers should consult the relevant Biodiversity Action Plan, River Basin Management Plan, and the landscape character types identified in the Joint Lancashire Structure Plan 2001-2016 Landscape and Heritage Supplementary Planning Guidance (SPG), together with the findings of any site evaluation and biodiversity survey work carried out in support of the planning application.

History and Geodiversity

2.2.25 Historic, archaeological and geological features contain irreplaceable information about our past. These features can include buried or above ground historic remains, exposed rock faces, stand alone geological features or other features associated with historic mineral workings such as mine shafts or tram lines. Given the nature of proposals for minerals extraction in particular, their large size, extended duration of the development, and their utilisation of previously undeveloped land, they are more likely to have archaeological or geological impacts. Sufficient information should be made available to establish the site's archaeological or geological importance, which can include an archaeological assessment, and a field evaluation where necessary. This type of information and early discussion of an application site can assist in identifying opportunities for accommodating the development in ways which would not cause unacceptable losses, for example, by amending site boundaries to avoid the most sensitive areas. There may also be need for a watching brief as phased operations progress.

2.2.26 Consideration of the future need for the mineral resource when considering restoration schemes or redevelopment proposals, particularly when considering inactive, dormant or historic quarries, must be taken into account to avoid sterilisation of a mineral resource that may be required to meet a particular demand for heritage stone required in building restorations or to implement design policies of the wider development plan.

Implementation

2.2.27 This policy should be read within the context of Policies CS5, CS9 and Appendix F. It will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Annual Monitoring Report.

2.2.28 Mitigation Plans should accompany planning applications coming forward at the sites identified within the Revised Habitat Regulations Screening Report. The plans should set out the mitigation measures required, how they will be implemented, managed and monitored[1]. It should be noted that the findings of the Revised Habitat Regulations Screening Report does not preclude the need for additional assessment under the Habitats Regulations should this be required by other regulatory processes identified at the application stage.

1 Further information on the relevant sites and the contents of the mitigation plans is provided in the Habitat Regulations Screening Report.

Schedule of Additional Changes and Draft Main Modifications to the Publication Draft – 10 April 2018

Introduction

1. It has been accepted by the Inspector that the changes suggested in the "Addendum of Proposed Changes" (July 2017)(CD09) be treated as part of the Plan as submitted for examination, along with the Publication Draft and its Appendices (CD17-21).

2. The document sets out further modifications which have emerged since the addendum. The changes identified in this document include those identified in the "Schedule of Further Proposed changes to Publication Draft" (November 2017)(SD01), which were incorporated into "Suggested Main Modifications between Submission and MIQs" (February 2018)(LPA37). LPA37 also included amendments to Tables and other supporting text in the draft plan which arose from the document "Implication of any changes resulting from the North Yorkshire sub region LAA 2017 and Addendum of Proposed Changes to Publication Draft July 2017"(January 2018)(LPA06). Some further changes need to be made to those Tables and supporting text (see the Note LPA/68) and these are incorporated into this Schedule.

3. Also included in this Schedule are modifications identified in the Authorities responses to the MIQs and discussed at the examination hearings along with extra modifications suggested by the Inspector during the Hearings.

4. Two types of change/modification will be listed in this document;
   - Additional Changes (AC) – this will include corrections to text, typographical errors and any changes which will not influence the policies in the Plan
   - Main Modifications (MM) – this will include any changes to Policy or supporting text which will have an influence on the Policy.

   Key

   Example: New Text

   ~~Example~~: Deleted Text

   Example: Text in bold is Policy wording

   Example: Suggested Main Modification

5. Please note that this is a rolling document which is still to be finalised and subject to sustainability appraisal. Proposed Main Modifications will be available for consultation in due course and parties will be able to provide comments for consideration at that stage.

Those Main Modifications will be put forward without prejudice to the Inspector's final conclusions. It should be noted that the Additional Changes will be published for completeness alongside the Main Modifications but they are not for consultation.

New AC or MM	Page No.	Policy Ref/Paragraph Number/Reference point	Change proposed
AC01	6	Policy W10	Revise Policy Title: Policy W10: Overall locational principles for provision of waste management capacity
AC02	10	Figure 1	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC03	11	Figure 2	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC04	27	Figure 4	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC05	27	Figure 5	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC06	28	Figure 6	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC07	32	Figure 7	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM01	45	Waste Key Diagram	Amend plan to reflect the additional safeguarded waste site detailed at 'Addendum of Proposed Changes to Publication Draft Plan': • Showfield Lane, Malton
MM02	46	4.11	Add an additional trigger point where a review can be triggered an issues arising from waste water disposal in the context of hydrocarbons - consider adding wording from Policy D02 – HIA (John Clarke Issue) Add additional bullet point • The MPAs will therefore initiate a review of these policies where this would be justified by significant new evidence emerging on relevant matters including: a) the scale and distribution of proposals for commercial production that could come forward following further exploration and appraisal activity; b) the environmental, economic, amenity or public health impacts of hydrocarbon development; c) the award of any further Petroleum Exploration, Production and Development Licences in the Plan area. d) where the capacity and capability of existing treatment facilities to deal with waste water arisings may be

			significantly challenged
AC08	48	Figure 9	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM03	50	M02	Change reference of "mid-term review" to "5 yearly review" and insert additional text in second paragraph of M02 as following: **Additional provision shall be made, through a ~~mid-term~~ 5 yearly review of provision in the Plan, if necessary to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 and/or to meet additional requirements identified through updates to the Local Aggregates Assessment, based on an annual rate of provision to be determined through the review.** **Action: Add link to Table 1**
MM04	51	5.15	Revise 2nd sentence: …the precise level of further provision that may be needed in order to maintain a ~~minimum~~ landbank of at least 7 years ~~landbank~~ at 31 December 2030.
MM05	51	5.15	Change reference of "mid-term review" to "5 yearly review" as following: Revise 3rd sentence: This is a matter which can be addressed in monitoring of the Joint Plan and via a ~~mid-term~~ 5 yearly review, at …
MM06	51	M03	Add in additional paragraph • **Building sand: 5%** **in accordance with the numerical requirements identified in Tables 1 and 2 and based on the indicative location of the Northwards and Southwards distribution areas as shown in the Minerals Key Diagram on page 44.** If it is not…… Add additional text into **Key links to other relevant policies and objectives**

			M01, M02, M04, M07, M08, S01, S04, S05, D01, Minerals Key Diagram (page 44)
MM07	52	5.18	Revise last sentence The division between the concreting sand and gravel northwards and southwards distribution areas is shown indicatively on the minerals key diagram (see page 44 of the Plan). Specific requirements for sand and gravel in order to maintain an adequate supply throughout the Plan period are set out in Policies M07 and M08 and Tables 1 and 2.
MM08	52	M04	Revise 1st and 2nd Para of the Policy: **A ~~minimum~~ landbank of at least 7 years ~~landbank~~ for concreting…** **A separate ~~minimum 7 year~~ landbank of at least 7 years will be maintained…**
MM09	53	M05	Revise wording of Policy: **Total provision for crushed rock over the 15 year period 1st January 2016 to 31st December 2030 shall be ~~56.3~~ 51.75 million tonnes, at an equivalent annual rate of 3.~~7~~45 million tonnes, within which specific provision for a total of ~~22.5~~ 18 million tonnes at an equivalent annual rate of 1.~~5~~20 million tonnes per annum shall be for Magnesian Limestone** **Additional provision shall be made through a ~~mid-term~~ 5 yearly review of provision in the Plan, if necessary, in order to maintain ~~a minimum~~ at least a 10 year landbank of crushed rock, including a separate ~~minimum 10 year~~ landbank of at least 10 years for Magnesium Limestone, at 31 December 2030 and/or to meet additional requirements identified through updates to the Local Aggregates Assessment, based on annual rate of provision to be determined through the review.**
MM10	54 - 55	5.30	Revise 1st, 2nd 3rd and 4th sentences of Para: To ensure that an adequate supply of crushed rock (i.e. ~~a minimum 10 year~~ landbank of at least 10 years) is … …it is not considered appropriate to specify, at this stage, the level of further provision that may be needed to

			maintain a ~~minimum 10 year~~ landbank of at least 10 years at 2030. This is a matter which can be addressed in monitoring of the Joint Plan and via a ~~mid-term~~ 5 yearly review, at … A commitment to maintaining ~~a minimum 10 year~~ landbank of at least 10 years of crushed rock throughout the Plan period, including a separate ~~minimum~~ landbank of at least 10 years for Magnesium Limestone is set out in the following policy.
MM11	55	M06	Revise 1st Para of the Policy: **~~A minimum~~ An overall landbank of at least 10 years will be maintained for crushed rock throughout the Plan period. A separate ~~minimum~~ landbank of at least 10 years ~~landbank~~ will be identified and maintained for Magnesium Limestone crushed rock.** **Where new reserves of crushed rock are required in order to maintain ~~the~~ an overall landbank ~~above the~~ of at least 10 years ~~minimum period~~ these will, as far as practical, be sourced from outside the National Park and Areas of Outstanding National Beauty.**
MM12	55	5.32	Revise 1st sentence: National Planning Policy requires a landbank of crushed rock sufficient for ~~a minimum~~ at least 10 years…
MM13	55	5.33	Revise text to reflect modification to Policy M06 National policy supports the maintenance of landbanks of aggregate minerals from locations outside National Parks and AONBs, so far as practical. 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 the release of crushed rock in the Park to maintain the landbank would not be supported by national policy, unless it is not practical to make provision outside the designated area. Both AONBs currently contribute to the supply of crushed rock and therefore the overall landbank of reserves. The minerals supply policies in the Joint 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 of at least 10 years

			~~over the 10 year minimum period~~ will not be supported under this policy, unless it is not practical to make provision outside the designated area.
MM14	56	M07	Revise 1st sentence of the Policy: **Requirements for concreting sand and gravel will be met through existing permissions and the grant of permission on sites and areas identified in the Joint Plan ~~and shown on the Policies Map~~ for working~~.~~, as shown on the Policies Map and as indicated in Table 1.**
MM15	56	M07	Insert relevant District/Borough/National Park/City to site: In Part 1) i) of the Policy: **Land at Killerby (MJP21), in Hambleton and Richmondshire Districts** In Part 1) ii) of the Policy: **Land at Home Farm, Kirkby Fleetham (MJP33), in Hambleton District** **Land South of Catterick (MJP17), in Hambleton and Richmondshire Districts** **Additional Preferred Area on Land South of Catterick, in Hambleton and Richmondshire Districts** In Part 2) i) of the Policy: **Land at Langwith Hall Farm (MJP06), in Hambleton District** **Land at Pennycroft and Thorneyfields, Ripon (MJP14), in Harrogate Borough** **A Preferred Area on Land at Oaklands (MJP07), in Hambleton District**
MM16	57	M07	Revise Part 2) ii) of the Policy: **Proposals for development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.** **ii) ~~Areas of Search for concreting sand and gravel are identified as shown on the key diagram.~~ Areas of Search**

			A and C for concreting sand and gravel are identified as shown on the key diagram on page 44 and are set out in Appendix 1 as Area of Search A (in Harrogate Borough with a small part in Hambleton District) and Area of Search C (in Harrogate Borough). **Planning permission will be granted for development of sites within an Area of Search where necessary in order to maintain an adequate landbank at 31 December 2030 in the southwards distribution area and the need cannot be met through development of allocated sites or preferred areas. Permission will not be granted for development within these Areas of Search prior to 2025, unless there is a need for the earlier release of further reserves in order to maintain an adequate landbank or there is a shortfall in production capacity in the southwards distribution area requiring the release of additional sites for working.** Proposals for development of site(s) in the Areas of Search A and C will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1. Part 3) Permission will be granted outside allocated sites, Preferred Areas and Areas of Search where the development would contribute to maintenance of an adequate and steady supply of concreting sand and gravel that cannot be met through reserves on sites or areas identified in the Plan, and/or the development would support the maintenance of adequate production capacity or an effective geographical distribution of sources of supply in the Plan area. Proposals will also need to be consistent with the development management policies in the Plan. **Key Links to other relevant policies and objectives** **M02, M03, M04, S01,** Minerals Key Diagram (page 44) **Objectives 5, 6,** 7
MM17	57	5.38	Revise 1st sentence Proposed site allocations in the southwards distribution area contain an indicative ~~6.6~~ 5.67mt. This does not ….
MM18	57	New para after 5.38	Insert new paragraph Whilst overall provision made through the Plan, in combination with existing permitted reserves, is expected to be sufficient to maintain a steady and adequate supply of concreting sand and gravel over the Plan period, it is possible

<table>
<tr><td></td><td></td><td></td><td>that, for a range of reasons, reserves in these sites or areas may not be able to deliver the expected supply, or demand may be higher than expected. It is also recognised that circumstances could arise where the release of further reserves for working could help deliver clear sustainability benefits. This could include benefits arising through proposals which would ensure that adequate overall production capacity within the Plan area can be maintained, or an effective overall geographical distribution of sources of supply of concreting sand and gravel (for example through reducing reliance on imports from outside the Plan area, or the meeting of specific and more localised demands, not foreseen at the time of preparation of the Plan, and where a local supply source would deliver demonstrable sustainability benefits compared with reliance on established supply sources). Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of Policy M10 Unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of the Plan.</td></tr>
<tr><td>MM19</td><td>58</td><td>Table 1</td><td>Revise figures in Table 1:
<table>
<tr><th colspan="3">Summary of concreting sand and gravel requirements and proposed allocations</th></tr>
<tr><th></th><th>Northwards Distribution</th><th>Southwards Distribution</th></tr>
<tr><td>Total estimated requirement over the period 1 January 2016 to 31 December 2030 (million tonnes)</td><td>16.5</td><td>18.3</td></tr>
<tr><td>Estimated shortfall (balance between permitted reserves at 1 January 2016 and total requirement to 31 December 2030) (million tonnes)</td><td>10.3</td><td>5.9</td></tr>
<tr><td>Additional reserves required to provide a 7</td><td>7.7</td><td>8.5</td></tr>
</table></td></tr>
</table>

				year landbank at 31 December 2030 (million tonnes)			
				Total estimated reserves available in sites proposed for allocation in Part 1(i) of Policy M07 (million tonnes)	11.4 Comprising: Killerby site MJP21)	~~6.6~~ 5.8 Comprising: 2.3mt (Langwith Hall Farm site MJP06) ~~4.3~~ 3.5mt (Land at Pennycroft and Thorneyfields, Ripon site MJP14) Oaklands site Preferred Area MJP07 (tonnage estimate not available)	
				Total estimated reserves available in sites proposed for allocation in Part 1(ii) of Policy M07 in order to contribute to longer term landbank requirements (million tonnes)	~~6.7~~ 5.67 Comprising: 3.5mt (Home Farm site MJP33) ~~3.2~~ 2.17mt (Land south of Catterick site allocation MJP17) and Land south of Catterick additional Preferred Area (tonnage estimate not available)	Estimated requirement to be provided from Areas of Search in the southwards distribution area: 6-8mt depending on scale of any reserves delivered via the Oakland Preferred Area (MJP07)	
				Sites with permitted reserves of concreting sand and gravel as at 30	Scorton Quarry, Bridge Farm (Pallet Hill) Quarry, Manor	Marfield Quarry, Ripon Quarry, Ripon City Quarry,	

				June 2016 (excludes dormant sites)	House Farm Quarry	Nosterfield Quarry, Wykeham Quarry, Ings Farm	
MM20	58	5.39	Change reference of "mid-term review" to "5 yearly review" as following: Revise sentence: Additional provision, if required … through a ~~mid-term~~ 5 yearly review of the Joint Plan in line with Policy M02.				
MM21	59	M08	Revise 1st sentence of the Policy: **Requirements for building sand will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working and shown on the Policies Map as indicated in Table 2.**				
MM22	59	M08	Insert relevant District/Borough/National Park/City to site: **Land at Hensall Quarry (MJP22), in Selby District** **Land at West Heslerton Quarry (MJP30), in Ryedale District** **Land adjacent to Plasmor blockworks, Great Heck (MJP44), in Selby District** **Land at Mill Balk Quarry, Great Heck (MJP54), in Selby District**				
MM23	59	M08	Add additional paragraph to end of Policy: **Proposals for the development of these sites will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.** **2) Permission will be granted outside allocated sites where the development would contribute to maintenance of an adequate and steady supply of building sand that cannot be met through reserves on sites identified in the Plan, and/or the development would support the maintenance of adequate production capacity or an effective geographical distribution of sources of supply in the Plan area. Proposals will also need to be consistent with the development management policies in the Plan.** **Key links to other relevant policies and objectives**				

			M02, M03, M04, S01 **Objectives 5, 6, 7**
MM24	59	5.41	Revise text: 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 0.9 million tonnes (mt) over the period to 31 December 2030). A further 0.8mt would be required in order to provide a ~~minimum 7 year~~ landbank of at least 7 years at 31 December 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 Joint 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 2.5mt of reserves and therefore would also be sufficient to maintain a ~~7 year~~ landbank of at least 7 years for ~~of~~ building sand at 31 December 2030. The following table summarises requirements and proposed site allocations for building sand, as well as sites with existing permitted reserves expected to be able to contribute to supply.
MM25	59	New paragraph after 9.41	Insert new paragraph : Whilst overall provision made through the Plan, in combination with existing permitted reserves, is expected to be sufficient to maintain a steady and adequate supply of building sand over the Plan period, it is possible that, for a range of reasons, reserves in these sites or areas may not be able to deliver the expected supply, or demand may be higher than expected. It is also recognised that circumstances could arise where the release of further reserves for working could help deliver clear sustainability benefits. This could include benefits arising through proposals which would ensure that adequate overall production capacity within the Plan area can be maintained, or an effective overall geographical distribution of sources of supply of building sand (for example through reducing reliance on imports from outside the Plan area, or the meeting of specific and more localised demands, not foreseen at the time of preparation of the Plan, and where a local supply source would deliver demonstrable sustainability benefits compared with reliance on established supply sources). Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of Policy M10 Unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of the Plan.

MM26	60	M09	Revise 1st sentence of the Policy: **Requirements for ~~Magnesian Limestone~~ crushed rock over the Plan period will be met through existing permissions and the grant of permission on sites allocated in the Joint Plan for working shown on the Policies Map, and as indicated in Table 3.**
MM27	60	M09	Insert relevant District/Borough/National Park/City to site: - add in MJP12 Whitewall Quarry –TO ACTION In Part 1) of the Policy: **Land at Jackdaw Crag South, Stutton (MJP23), in Selby District** **Land at Barnsdale Bar Quarry (MJP28), in Selby District** **Land at Went Edge Quarry, Kirk Smeaton (MJP29), in Selby District** In Part 2) of the Policy: **Land at Gebdykes Quarry (MJP11), in Hambleton District and Harrogate Borough** **Land at Potgate Quarry (MJP10), in Harrogate Borough** In Maintenance of supply … allocated sites at: **Land at Settrington Quarry (MJP08) (Jurassic Limestone), in Ryedale District** **Land at Whitewall Quarry (MJP12) (Jurassic Limestone), in Ryedale District** **Land at Darrington Quarry (MJP24) (retention of processing plant site and haul road), in Selby District**
MM28	60	M09	Add in additional paragraph at end of Policy: **Proposals for the development of sites identified in this Policy will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.** **2) Permission will be granted outside allocated sites where the development would contribute to maintenance of an adequate and steady supply of Carboniferous Limestone, Magnesian Limestone and Jurassic Limestone crushed rock that cannot be met through reserves on sites identified in the Plan, and/or the development would**

<table>
<tr><td></td><td></td><td></td><td><u>support the maintenance of adequate production capacity or an effective geographical distribution of sources of supply in the Plan area. Proposals will also need to be consistent with the development management policies in the Plan.</u>

Key links to other relevant policies and objectives
M05, M06, S01
Objectives 5, 6, <u>7</u></td></tr>
<tr><td>MM29</td><td>61</td><td>5.43</td><td>Revise text in paragraph:

Evidence indicates that a further <s>8.16</s><u>6.9</u> million tonnes (mt) of reserves of Magnesian Limestone are needed in order to meet requirements over the period 1 January 2016 to 31 December 2030, based on permitted reserves at the end of 2015. Permission was granted in early 2016 for working of 0.7mt of Magnesian Limestone within an area submitted for allocation at Barnsdale Bar (North area), reducing the remaining requirement to <s>7.4</s><u>6.2</u>mt. Sites expected to be able to contribute to supply of Magnesian Limestone during the Plan period are identified in Table 3 below. A further <s>15</s><u>12</u>mt of reserves would be required in order to maintain a <s>minimum 10 year</s> landbank of <u>at least 10 years for</u> Magnesian Limestone at 31 December 2030.</td></tr>
<tr><td>MM30</td><td>61</td><td>Table 3</td><td>Revised Table 3:

<table>
<tr><td colspan="2"><u>Summary of crushed rock requirements and allocations</u></td></tr>
<tr><td><u>Rock Type</u></td><td><u>Million Tonnes</u></td></tr>
<tr><td><u>a) Crushed rock (total)</u></td><td></td></tr>
<tr><td><u>Total estimated requirement over the Plan period 1 January 2016 to 31 December 2030 at 3.45 million tonnes per annum.</u></td><td><u>51.8</u></td></tr>
<tr><td><u>Additional requirement to maintain 10 year landbank at 31 December 2030</u></td><td><u>34.5</u></td></tr>
<tr><td><u>Total</u></td><td><u>86.3</u></td></tr>
<tr><td><u>Permitted reserves at 1 January 2016</u></td><td><u>91.9</u></td></tr>
<tr><td><u>Residual shortfall to be met through the Plan</u></td><td><u>Nil</u></td></tr>
<tr><td><u>Total volume of reserves in allocations via</u></td><td><u>18.2 (sites MJP08, MJP10,</u></td></tr>
</table></td></tr>
</table>

				Policy M09	MJP11, MJP12, MJP23, MJP28 and MJP29).	
				b) Carboniferous Limestone		
				Total estimated requirement over the Plan period 1 January 2016 to 31 December 2030 at 1.76 million tonnes per annum.	26.4	
				Additional requirement to maintain 10 year landbank at 31 December 2030	17.6	
				Total requirement	44.0	
				Permitted reserves at 1 January 2016	71.5	
				Residual shortfall to be met through the Plan	Nil	
				Total volume of reserves in allocations via Policy M09	Nil	
				c) Magnesian Limestone		
				Total estimated requirement over the Plan period 1 January 2016 to 31 December 2030 at 1.20 million tonnes per annum.	18.0	
				Additional requirement to maintain 10 year landbank at 31 December 2030	12.0	
				Total requirement	30.0	
				Permitted reserves at 1 January 2016	11.1	
				Residual shortfall to be met through the Plan	18.9	
				Total volume of reserves in allocations via Policy M09	14.5 comprising: 7.0 part 1 (sites MJP23, MJP28 and MJP29) 7.5 part 2 (sites MJP10 and MJP11)	
				d) Jurassic Limestone		
				Total estimated requirement over the Plan	6.8	

			period 1 January 2016 to 31 December 2030 at 0.45 million tonnes per annum.
			Additional requirement to maintain 10 year landbank at 31 December 2030 — 4.5
			Total requirement — 11.3
			Permitted reserves at 1 January 2016 — 9.5
			Residual shortfall to be met through the Plan — 1.8
			Total volume of reserves in allocations via Policy M09 — 3.7 (MJP08 and MJP12)
			Sites with permitted reserves of crushed rock as at 30 June 2016 (excludes dormant sites)
			Carboniferous Limestone: Skipton Rock Quarry; Pateley Bridge Quarry; Barton Quarry; Forcett Quarry; Leyburn Quarry; Wensley Quarry; Low Grange Quarry Magnesian Limestone: Gebdykes Quarry; Potgate Quarry; Jackdaw Crag Quarry; Brotherton Quarry; Newthorpe Quarry; Went Edge Quarry; Barnsdale Bar Quarry Jurassic Limestone: Newbridge Quarry; Settrington Quarry; Wath Quarry; Whitewall Quarry; Hovingham Quarry
			Table 3: Summary of crushed rock requirements and allocations and existing sites with existing permitted reserves
MM31	62	5.46	Revise paragraph text During preparation of the Joint Plan, sites for working other crushed rock resources (Carboniferous Limestone and Jurassic Limestone) were put forward for consideration[1]. No specific requirement has been identified for the release of further reserves of these types of crushed rock in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations for these is a priority for the Joint Plan. However, a small volume of further reserves of Jurassic Limestone (estimated at 1.8mt) could be needed to

[1] Site MJP03 for working Carboniferous Limestone from land at Scarborough Field, Forcett, was subsequently withdrawn.

			maintain a 10 year landbank at 31 December 2030. Of the four sites put forward, only ~~one is~~ two are considered suitable for allocation. The reserves in ~~this~~ these site~~s~~ (~~1~~3.7mt) could help to sustain security of supply of Jurassic Limestone in this part of the Plan area. Should proposals come forward for extensions to other existing Carboniferous or Jurassic Limestone sites these will be assessed under the requirements of Policy M10 Unallocated extensions to existing quarries and, if the site is located in an AONB, Policies M01 and D04.
MM32	62	New paragraph after 5.46	Insert new paragraph: Whilst overall provision made through the Plan, in combination with existing permitted reserves, is expected to be sufficient to maintain a steady and adequate supply over the Plan period, it is possible that, for a range of reasons, reserves in these sites or areas may not be able to deliver the expected supply, or demand may be higher than expected. It is also recognised that circumstances could arise where the release of further reserves for working could help deliver clear sustainability benefits. This could include benefits arising through proposals which would ensure that adequate overall production capacity within the Plan area can be maintained, or an effective overall geographical distribution of sources of supply of the three main types of crushed rock worked in the area (for example through reducing reliance on imports from outside the Plan area, or the meeting of specific and more localised demands, not foreseen at the time of preparation of the Plan, and where a local supply source would deliver demonstrable sustainability benefits compared with reliance on established supply sources). Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of Policy M10 Unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of the Plan.
AC09	66	Figure 10	Amend Plan to reflect the extended boundary of Yorkshire Dales National park
AC10	67	M12	Revise Part 1) of the Policy: **1) Proposals for the continuing extraction of silica sand at Burythorpe … a minimum 10 year ~~landbank~~ stock for the site.**
MM33	67	M12 and 5.66	Revise Part 2)

			In order to secure an adequate supply of silica sand of at least 15 years where significant new capital is required reserves are provided through a site allocation ~~Proposals for development of silica sand resources~~ at Blubberhouses Quarry (MJP15), including proposals to extend time to complete existing permitted development or proposals for lateral extensions or deepening, which will be supported in principle subject, where relevant, to compliance with the requirements for major development in Policy D04, compliance with the Habitats Regulations and compliance with other relevant development management policies. Any proposals will need to demonstrate a very high standard of mitigation of any environmental impacts and high quality restoration, including protection of peat resources.
MM34	67	5.66	Revise 2nd and 3rd sentences: …of peat. The site has been dormant since 1991 and the original permission has now expired, although prior to expiry an application (ref. NY/2011/00465/73) for an extension of time was submitted, which is currently undetermined. The national policy requirement for available reserves at the Blubberhouses site would be met in the event that the ~~current~~ planning application for ~~an~~ the extension of time is granted and the allocation of the site reflects that, for extraction at the site to occur, significant new capital investment would be required. The location of the site …
MM35	68	5.67	Revise paragraph: The proximity of designated internationally important nature conservation sites also means that Appropriate Assessment under the Habitats Regulations will be needed. Where applicable to the location, any planning application for future development will need to consider appropriately the impacts on the integrity of the internationally important nature conservation designations in accordance with The Conservation of Habitats and Species Regulations 2017. This may include the need to demonstrate potential "Imperative Reasons of Overriding Public Interest" (IROPI) subject to securing compensatory measures that ensure the overall coherence of the Natura 2000 network. As a result of these major constraints, the acceptability of future development at Blubberhouses Quarry ~~can only~~ will be fully tested ~~if specific proposals are brought forward in a~~ when the planning application (ref. NY/2011/00465/73) is determined.
AC11	68	5.68	Revise the Para: There are only three Mineral Planning Authority areas in England that produce silica sand suitable for high quality glass manufacture: Norfolk and Surrey County Councils and Cheshire East Council. Supply also takes place from Fife

			in Scotland. Supply from Cheshire East is due to cease in 2016 with no new supply sources available. ~~Neither of~~ Sites within the other two MPAs in England with reserves of silica sand currently ~~has~~ do not have a 10 year ~~landbank~~ stock as required by ~~the NPPF~~ national policy, although both are seeking to make future provision through their emerging land use plans which, if achieved, would enable supply to continue over a longer period should the market require. In both areas resources are constrained by a range of important environmental designations.
AC12	69	Figure 11	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC13	69	M13	Insert relevant District/Borough/National Park/City to site: In Part 1) i) of the Policy: **i) Allocation as shown on the Policies Map required in order to meet requirements during the Plan period:** **Land to north of Hemingbrough clay pit (MJP45), in Selby District** In Part 1) ii) of the Policy: **ii) Allocation as shown on the Policies Map potentially required to contribute to maintaining longer term supply for Plasmor Blockworks** **A Preferred Area on land adjacent to former Escrick Brickworks (MJP55), in Selby District** In Part 2) of the Policy: **2) Maintaining the supply of clay is also supported through identifying an allocated site as shown on the Policies Map for engineering clay at:** **Land north of Duttons Farm, Upper Poppleton (MJP52), in the City of York**
MM36	72	5.83	Add additional sentence and table to end of Para: The following table identifies active building stone sites in the Joint Plan area and the details of the stone extracted and uses.

Site name	Type of stone	Details of stone	Uses
Gatherley Moor Permitted Until 28th February 2020	Sandstone	Alston sandstone – generally fine to medium grained, iron rich which gives an orange colour tinged with grey.	Building stone and used for flags and roofing tiles.
Grey Yaud Permitted until 20 December 2036	Sandstone	Lower follifoot grit – coarse grain buff coloured sandstone	Repair and renovation of local buildings
Carkin Moor Permitted until 31 July 2036	Sandstone	Alston sandstone – generally fine to medium grained, iron rich which gives an orange colour tinged with grey.	Building stone and used for flags and roofing tiles.
Melsonby Permitted until 3 December 2017 (an additional is awaiting determination)	Limestone	Underset limestone – grey base containing white or crystalline fossils, also known as Swaledale Fossil Limestone	Building stone
Highmoor Permitted until 28 July 2021	Limestone	Lower magnesian limestone – fine to coarse grained, pale yellow-white	Quality building stone
Low Grange Permitted until 22 February 2042	Limestone	Underset limestone – grey base containing white or crystalline	Building stone

						fossils, also known as Swaledale Fossil Limestone		
				Went Edge Permitted until September 2023		Lower magnesian limestone – fine to coarse grained, pale yellow-white	Quality building stone	
				Brotherton Permitted until 31 December 2020	Limestone	Upper magnesian limestone – Fine to coarse grained, pale yellow-white	Field walls and farm buildings, also used as a source of lime.	
				Aislaby (Does not have a time limit as so small, but has a resource limit instead)	Sandstone	Aislaby stone – medium to coarse grained, buff, yellow and brown in colour	Building stone, freestone, ashlar, farm buildings, walls and monumental sculptures	
				Lowther's Crag Permitted until 6 December 2022	Sandstone	Saltwick sandstone - medium to coarse grained, buff, yellow and brown	Slabs, freestone, ashlar, quoins, walling stone and rubble fill	
				Whitewall Quarry	Limestone	Coralline Oolite Formation	Building stone	
MM37	72	M15	Provide additional text in Policy:					

			1) In order to secure an adequate supply of building stone, proposals will, where consistent with other policies in the Joint Plan, be permitted 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;** **iv. the opening of new sites for building stone extraction, 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 Joint Plan for working of building stone.** **vii. development for building stone products and processing activities including at appropriate locations functionally but not physically linked to an existing quarry.** **vii) Where development is proposed in the National Park or an AONB under criteria i) to iv) above, and where the development comprises major development due to its scale and nature, proposals will need to meet the requirements for major development set out in Policy D04.** **2) 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 meeting ~~important~~ particular requirements for building stone outside the area, such as geological matching. The scale of the proposal should be consistent with the identified needs for the stone.** **3) ~~For proposals~~ Proposals for the supply of building stone from locations within the National Park or AONBs, ~~it~~ will need to ~~be~~ demonstrate~~d~~ that the stone is required ~~primarily~~ to meet requirements arising from new build or repair work within the National Park and/or AONBs, or 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 provide a directly equivalent product which can no longer be provided from the original source supply, or is required to be sold out of the National Park or AONB so as to preserve the overall economic viability of the source quarry .** **4) Additional reserves to help to maintain the supply of building stone are also provided through a site allocation as shown on the Policies Map for:** • **Land at Brows Quarry (MJP63) in Ryedale District.**

			Proposals for development at this site will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1. Add additional text: Revise 'Key links to other relevant policies and objectives' table: ***M10, I02, S01, D04, D08***
AC14	73	5.86	Add additional sentences to end of paragraph: 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 sensitive locations with the potential for impacts on the environment or local communities. It is therefore important that proposals can demonstrate compliance with other relevant policies in the Joint Plan. Proposals for sustainable stone processing of materials at a quarry or at an existing stone recycling facility including; sawing, tooling and screening would need to demonstrate compliance with the development management and other infrastructure policies in the Joint Plan.
AC15	73	5.88	Add additional text: 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 on 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). Existing quarries in designated areas are important in terms of preserving and enhancing the built character of the protected areas by providing geologically matching stone, Where it can be demonstrated that sale of stone outside the protected area is necessary to preserve the economic viability of an existing quarry which primarily supplies stone to the protected area, such sales to preserve economic viability will be supported.

AC16	74	5.90	Add additional text: 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, limited extraction specifically to serve repair needs for adjacent existing historic structures or buildings will be supported in principle. There may be sites dealing with stone products that are not at existing quarries, which are nevertheless important for the supply of stone products to the plan area. It is therefore appropriate to support their ongoing development where there is compliance with the development management and other infrastructure policies in the Joint Plan.
AC17	75	Figure 12	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM38	77	5.105	Add in text Whilst permission for hydraulic fracturing of an existing gas well near Kirby Misperton was granted in 2016, there is still a high degree of uncertainty about the commercial viability of any resources in this area or the UK generally, and hence the potential scale or distribution of development activity that may come forward. This uncertainty is likely to prevail until further exploration and appraisal activity has taken place.
MM39	78	5.109	Revise 2nd last sentence 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 to groundwater.
MM40		5.111	Add in additional text A range of issues are likely to be relevant when considering planning applications for hydrocarbon development. For example, there is the potential for landscape and visual impact, impacts from noise, vibration, external lighting, flaring and traffic, and impacts on the natural environment.
MM41	81	5.114	Add additional text: Each proposed development is assessed by the Environment Agency, which regulates discharges to the

			environment, issues water abstraction licences, and acts as a statutory consultee in the planning process. The Environment Agency has issued guidance which notes that an environmental permit will be required for matters such as the emission of waste gasses, the management of waste above ground and the disposal of waste underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology
MM42	81	5.115	Add additional text: All drilling operations are subject to notifying the Health and Safety Executive, which will check operators' plans, assess engineering designs and reports and be responsible for checking sites to ensure they meet the requirements of the relevant legislation. The Health and Safety Executive requires that an independent well examiner reviews the design of the well before drilling begins and subsequently monitors its' construction and operation. The drilling operations are also regulated by the Oil and Gas Authority who will approve each stage of the progression of the well through their WONS system (Well Operations Notification System).
MM43	84	5.119	Revise text To ensure that the local policy approach to hydrocarbon development is as clear as it can be, it is helpful to define some key words and concepts that will be used by the Mineral Planning Authorities when implementing the Joint Plan: a) 'Hydrocarbon development' includes all development activity associated with exploring, appraising and/or producing hydrocarbons (oil and gas), including both surface and underground development. b) 'Surface hydrocarbon development' and 'surface proposals' includes use and/or development of the land surface for the purposes of the exploring, appraising and/or producing hydrocarbons. c) 'Sub-surface hydrocarbon development' and 'sub-surface proposals' includes development taking place below the ground surface for the purposes of exploring, appraising and/or producing hydrocarbons. d) 'Conventional hydrocarbons' include oil and gas found within geological 'reservoirs' with relatively high porosity/permeability. e) 'Unconventional hydrocarbons' include hydrocarbons such as coal bed and coal mine methane and shale gas, as well as the exploitation of in situ coal seams through underground coal gasification. f) ~~For the purposes of the Plan 'hydraulic fracturing' includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.~~ Hydraulic fracturing is the process of opening and/or

			extending existing narrow fractures or creating new ones (fractures are typically hairline in width) in gas or oil bearing rock, which allows gas to flow into wellbores to be captured, g) In planning terms it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and the management of related wastes.
MM44	84	M16 b) ii)	Revise text Part b) ii) **ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will only be permitted where it can be demonstrated that significant harm to the designated asset will not occur. Where lateral drilling beneath a National Park or AONBs is proposed ~~for the purposes of appraisal or production~~ and is ~~this will be~~ considered to comprise major development it ~~and~~ will be subject to the requirements of Policy D04.**
MM45	84	M16, d) i)	Revise text of Part d): **d) ~~All~~ Additional criterion applying to surface hydrocarbon development:** **i) Where proposals for surface hydrocarbon development meet other locational criteria set out in this policy but fall within a National Park or an AONB or the associated visual sensitivity zone around these areas, as ~~3.5km buffer zone~~ identified on the Policies map, or where located beyond this zone, are otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications should ~~must~~ be supported by a detailed assessment of the potential impacts on the designated area(s)~~,~~ unless it can be demonstrated that such an assessment is not required taking into account the particular locational circumstances of the proposed site relative to the designated area/s. Where detailed assessment is required this should include an assessment of views of and from the designated area/s ~~This includes views of and from the associated landscapes~~ from significant viewpoints and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area(s) or are incompatible with their**

			statutory purposes in accordance with Policy D04.
MM46		5.121	Add text to refer to remoteness and dark night sky's The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The Infrastructure Act 2015 has introduced a ban on hydraulic fracturing activity taking place anywhere at a depth less than 1000m below the ground surface. The Government has also set out through secondary legislation to the Infrastructure Act, which came into force on 6 April 201613, that high volume hydraulic fracturing14 will not be supported beneath National Parks, AONBs, protected groundwater source areas and World Heritage sites, unless it would take place at a depth in excess of 1,200m below the surface. These controls do not remove the potential for lateral hydraulic fracturing at a greater depth under the National Park, AONBs or other protected areas, from surface locations beyond their boundary, or expressly prevent the possibility of surface development for the purposes of shale gas development, or development for other forms of unconventional hydrocarbons, in these areas. When considering the potential impact of a development on the special qualities of a National Park or AONB, reference to their special qualities can be found in the relevant management Plan for the area. Whilst the specific qualities relevant to each protected landscape may differ from one another, they will all include qualities ~~relating to~~ such as landscape and views, tranquillity, remoteness, dark night skies, biodiversity and geodiversity and rare species and heritage, and it is the combination of these qualities that led to these areas being designated and protected as National Parks and AONBs. As such, development which would result in significant harm to the special qualities of a National Park or AONB will generally be resisted.
MM47	86	5.124	Revise last sentence of para. 5.124 and add new text at end (beyond change of PC66): Similarly, it is considered that where hydraulic fracturing is proposed for the purposes of supporting the production of conventional gas resources, there is potential for this to give rise to a generally similar range of issues and potential impacts, although it is acknowledged that fracturing for stimulation of conventional gas production would be likely to involve generally lower volumes and/or pressures. In these circumstances, whilst it is ~~therefore~~ appropriate that such development is subject to the same policy approach~~. However~~, it is not the intention of the Mineral Planning Authorities to unreasonably restrict activity typically associated with production of conventional resources, which is a well-established industry in the Plan area. Where hydraulic fracturing is proposed in association with development of conventional hydrocarbons, the authorities will consider exceptions to the more restrictive approach set out in Policy M16 part b) where it is satisfied that, based on the circumstances of the

			specific proposal, it would not result in unacceptable impact on the protected area and full compliance with other relevant elements of the Plan can be demonstrated. ~~and they will therefore apply the policy accordingly and reasonably based on the specific circumstances of the proposal under consideration~~ The above revised text does not adequately address the industry concerns, need to review and look at further changes – updated text provided
MM48	86	5.125	Add text to 1st sentence: In view of the limited protection provided by existing and proposed legislation, as well as current uncertainty about the potential scale and geographical distribution of any commercial gas production that may be sought by industry, it is considered important that a comprehensive range of key environmental and other designations in the Plan area are afforded an appropriate degree of protection as a matter of local planning policy. The local policy needs to align with express Government policy on meeting national need and ensure that the exploration and development of shale gas and oil resources is carried out in a safe and sustainable way meeting the highest environmental standards.
MM49	87	5.126	Revise text: Mining operations and drilling at any depth would constitute "development" as defined in the Town and Country Planning Act 1990 ("development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land). Where horizontal drilling beneath a National Park is proposed from a location outside the Park, a 'straddling' application to both mineral planning authorities will be required in accordance with the Town and Country Planning Act 1990, Schedule 1, paragraph 1(1)(i). Such a development, which is likely to fall under EIA regulations, involves mineral extraction from a protected landscape and may be regarded as major development in combination with the wider surface development activity associated with it which could impact on the National Park environment itself. For example, emissions to air and ground and surface water close to the National Park could in turn result in ecological impacts in such a sensitive area, where there are important interactions between ground and surface waters and the heath and moor habitats, which are designated as Special Protection Areas and Special Areas of Conservation for both their vegetation and specific bird species they support. ~~. As the sub-surface protections in the Infrastructure Act and the Onshore Hydraulic Fracturing (Protected Areas) Regulations only refer to high-volume hydraulic fracturing, it is considered that the starting point in local policy is that all applications for appraisal or production of unconventional hydrocarbons within the National Park and AONBs will be considered as major development and~~

			~~should be steered away from these highly protected areas.~~ Further details on how proposals are assessed in terms of the major development test are set out in Policy D04.
MM50	87	5.127	Add additional text: A key factor leading to designation of an area as a National Park or Area of Outstanding Natural Beauty is the quality of its landscape. These areas benefit from a very high degree of protection in national policy, which states that major development within them should be refused unless there are exceptional circumstances and the development would be in the public interest. National Parks and AONBs are very important in contributing to the overall environmental quality, distinctive character and rural economy of the Plan area, yet substantial areas of PEDLs are located in them. In some cases, development outside a National Park or AONB could have an impact on its setting, and conflict with the statutory purposes of its designation. A particular consideration is whether the scale, nature and location of a proposed development close to the designated area would detract from its ~~the~~ special qualities ~~of the designated area.~~ Tall elements of surface hydrocarbons development, such as drill rigs associated with exploration and appraisal, or production wells, may typically be 35-40m in height. Such equipment may only be present on site for relatively short periods, or potentially a number of months, or intermittently over a period of years at established well pads where successive wells are drilled or re-fracturing of existing wells take place. However, where they would be located in close proximity to National Parks or AONBs, they have the potential to cause significant adverse impact on the setting of these important areas. This could include impact on important views to or from the National Park or AONB, or on the dark night skies typically associated with such areas as a result of the need for site lighting during 24-hour operations at some stages of development. Further justification for the protection of the setting of National Parks and AONBs is provided in paras. 9.26 and 9.27.
MM51	88	5.128	Revise text: In order to ensure that National Parks and AONBs are provided with a degree of protection commensurate with their significance to the landscape and overall quality of the environment within the Plan area, proposals for surface hydrocarbons development within the visual sensitivity zone of the National Park or AONB ~~a 3.5km zone around a National Park or AONB~~ should be supported by detailed information assessing the impact of the proposed development, including view into and out of ~~on~~ the designated area. ~~including views into and out from the protected area~~. The Authorities consider that, for development outside the boundary of the designated area, such a requirement is most likely to apply within a 3.5km zone around the boundary, as defined on the Policies Map. This 3.5km zone is based on standard planning practice relating to the assessment of landscape and visual impact for EIA

			purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor. ~~The is distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes, where it may be justified to 'screen out' consideration of a 35m tall and relatively linear structure beyond a distance of 3.5km from the receptor.~~ Whilst it is considered that a 3.5km zone is likely to be adequate to ensure that, in the large majority of cases, the potential for significant impacts is identified and considered, there may be particular circumstances, for example as a result of the local topography, that mean that similar information will be required in respect of proposals beyond the 3.5km zone. Similarly, the particular topography of the landscape surrounding the designated area in places may, within this 3.5km zone, effectively screen the development in views from or towards the designated area and in such cases, such additional assessment and supporting information may not be required. Prospective applicants should seek advice from the relevant Mineral Planning Authority on this matter at pre-application stage.
MM52	88	After 5.130	Add new paragraph to support Policy M16 Coal mine methane from former mine workings at Kellingley Colliery and within the Selby Coalfield is currently extracted in the Plan area and used to generate electricity. National planning policy encourages capture and use of this resource and it is appropriate to provide corresponding support in the Plan, through Policy M16 part c). It is likely that such development, which is small in scale, can be accommodated within surface sites associated with the former mine workings, or on industrial estates or employment land, and these are likely to remain the most appropriate locations for this form of development. However, where it is not practicable to access the resource from such a location then proposals in other locations will be considered in relation to the development management policies in Chapter 9 of the Plan.
MM53	89	M17	M17 1) iii) revise wording to read and add reference to climate change to 2) i) **iii) Where produced gas needs to be transported to facilities or infrastructure not located at the point of production, including to any remote processing facility or the gas transmission system, this should be via underground pipeline where practicable, with the routing of pipelines selected to have the least practicable environmental or amenity impact.** **iv) Where hydraulic fracturing is proposed, proposals, where practicable, should also be located where**

			an adequate water supply can be made available without the need for bulk road transport of water. **2) Cumulative impact** **Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable cumulative impact, as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other existing, planned or unrestored hydrocarbons development. Applications should specifically address the potential for cumulative impacts of development upon climate change and, where appropriate, propose such mitigation and adaptation measures as may be available and are consistent with Policy D11.**
MM54	90	M17	M17 3) **Local economy** **Hydrocarbon development will be permitted in locations where a high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions. The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods and take into account seasonal variations in traffic movements.**
MM55	88	M17 4) i)	Revise text in 4) i) **i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, will be only permitted where it can be clearly demonstrated in site specific circumstances that a high level protection will be provided ~~are unlikely to be consistent with this requirement and will only be permitted in exceptional~~**

			~~circumstances~~**.**
MM56	94	5.146	Revise text to reflect M17 Unlike other forms of minerals development currently taking place or expected in the Plan area, some phases of hydrocarbons development, such as the drilling of a well, require 24-hour operations. Such operations have acute potential to impact on local communities adversely, for example due to noise and light intrusion. This potential exists over much of the area that is currently subject to PEDLs, which is rural in nature, often with relatively low background noise levels, and relatively dark night skies. It is therefore important that locations for development are selected which will ensure adequate separation distances from residential property and other sensitive receptors. This would also help to ensure adequate protection from other potential impacts, such as emissions to air or water. The adequacy of separation distances to properties and other receptors will need to be determined by the Mineral Planning Authority on a case by case basis but in all cases a rigorous assessment of potential impacts is required and a high standard of mitigation provided where necessary. In order to ensure that an appropriately high standard of protection can be maintained, and to help to provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless it can be clearly demonstrated in site specific circumstances that a high level protection will be provided ~~there are exceptional circumstances~~. A 500m distance is considered to represent a reasonable distance taking into account the potential for a range of impacts including noise, vibration, light pollution, visual impact and other emissions, as well as the potential for some forms of hydrocarbon development to generate disturbance during night time periods, when there is potential for a greater degree of perceived impact. For the purpose of interpreting this approach, the term 'sensitive receptor' includes residential institutions such as residential care homes, children's homes, social services homes, hospitals and non-residential institutions such as schools.
MM57	95	M18	Provide additional text to M18 1) i) to provide clarity by referring to there being adequate capacity for the waste **Proposals for hydrocarbon development will be permitted where it can be demonstrated, through the submission of details relating to the ~~a waste water~~ management ~~plan~~ of waste water, that adequate arrangements can be made for the on-site management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, proposals should**

			demonstrate that adequate arrangements can be made for this. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11
MM58	96	M18	Clarify position on decommissioning and sub surface restoration and clarify text in M18 2) i) and link with text in para 5.151 relating to range of other regulatory controls **i) Following completion of the operational phase of development, or where wells are to be suspended pending further hydrocarbon development, notwithstanding the requirements and obligations under any other regulatory regimes, any wells will be decommissioned, insofar as this involves the complete removal of any associated surface development, so as to both prevent the risk of any contamination of ground and surface waters and emissions to air and ensure the proper restoration and after-care of the site;**
MM59	96	M18, Key links to other relevant policies and objectives	Amend Key Links section to include: W08
	97	5.157	Insert revised text This should include information about the dismantling of equipment and clearance of the site surface , the decommissioning of any wells to prevent the risk of contamination of ground or surface waters or any emissions to air; and how the site surface will be restored…. Other regulators also pay a role in ensuring that decommissioned sites would not pose a risk as a result of pollution of ground or sub surface waters or emissions to air.
MM60	98	New paragraph 5.160	New paragraph to explain that waste water management is subject to other regulatory controls and that the LPA will work with those other bodies. In applying policy Local Planning Authorities will have regard to other regulatory regimes and will work effectively with other regulatory bodies as explained in paragraph 5.151.

AC18	99	Figure 16	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM61	100	M20	M20 1) Add wording about climate change **1) Proposals for surface and underground development for the mining of deep coal will be permitted where all the following criteria are met:** **i) the location, siting and design of the surface development would ensure a high standard of protection for the environment and local communities in line with the development management policies in the Joint Plan;** **ii) the proposals would enable coal to be transported in a sustainable manner;** **iii) where located in the Green Belt, the proposals would comply with national policy on Green Belt;** **iv) the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and the natural and historic environment, will be monitored and controlled so as to prevent unacceptable impacts;** **v) that opportunities have been explored, and will be delivered where practicable, to maximise the potential for reuse of any colliery spoil generated by the development and that proposed arrangements for any necessary disposal of mining waste materials arising from the development are acceptable in line with Part 3 below;** **vi) the proposal's impact upon climate change has been considered.**
MM62	102	M22	Add in text **Policy M22: Potash and Salt** **Proposals for the extraction of potash~~,~~ and salt sites within the North York Moors National Park and renewed applications for the existing sites at Boulby Mine and Doves Nest Farm beyond their current planning permissions will be assessed against the criteria for major development set out in Policy D04.** **Proposals for new surface development and infrastructure associated with the existing permitted potash and salt mine sites in the National Park, or their surface expansion, which are not considered to be major development, will be permitted provided they meet the requirements of Policy D11 and Policy I02 and that no unacceptable impact would be caused to the special qualities of the National Park, its environment or residential or visitor amenity in the context of any need for the development. Proposals for new surface development and infrastructure which are considered to represent major development will be assessed against the criteria for**

			major development set out in Policy D04. **Proposals for increased volume of potash extraction, the extraction of other forms of potash not included in existing permissions, or sub-surface lateral extensions to the permitted working area in locations accessible from the existing sites at Boulby Potash Mine and the Doves Nest Farm site as well as proposals for new sites outside of the National Park, will be permitted where it can be demonstrated that the following criteria are met:** **i. The proposals would not result in unacceptable harm to ~~detract from~~ the special qualities of the National Park, taking account of any mitigation measures proposed;** **ii. The effects of subsidence upon land stability, coastal erosion 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 disposing 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.**
MM63	103	5.173	Add text to the end of Para: … in 2016 under the NSIP process. The "North Yorkshire Polyhalite Project" was approved by the North York Moors National Park Authority when it concluded that the potential economic benefits from the proposal represented a transformational economic opportunity at a regional and national level. At the same time it was concluded that the innovative nature of the mine design and associated landscaping would result in an acceptable reduction in the long term environmental impacts of the development. It was also recognised that there was no realistic scope for locating the development elsewhere outside the National Park. (It is important to note that the need for the mineral was not considered to represent exceptional circumstances as this form of potash did not have any established market globally, and in any case was available in significant volumes at the nearby Boulby Potash mine). Construction of the mine began formally on the 4th May 2017. At the time of the MWJP Hearing, site preparation works at both the mine site and the Lockwood Beck intermediate tunnel site (located just outside the National Park in the Redcar & Cleveland BC area) will have been substantially completed. The route of the Mineral Transport System tunnel seismic survey will have been almost completed and coring along the route underway. Diaphragm walling technique construction to create one of the extensive sub-surface mine-head structures will be ongoing and the project will be broadly on target for first Polyhalite production around the end of 2021.

<table>
<tr><td></td><td></td><td></td><td></td></tr>
<tr><td></td><td>109</td><td>Table 4</td><td>Addition to the ‘comment’ column within the ‘Construction, Demolition and Excavation waste’ row:

<table>
<tr><th colspan="2">North Yorkshire Sub-region - Estimated Main Waste Arisings 2014 (tonnes)</th><th>Comment</th></tr>
<tr><td>Local Authority Collected Waste</td><td>425,864</td><td>Does not include arisings within the Redcar and Cleveland area of the NYMNP.</td></tr>
<tr><td>Commercial and Industrial waste</td><td>322,872</td><td>Excludes large volumes of power station ash from Drax and Eggborough Power Stations deposited at private disposal facilities at Barlow and Gale Common ash disposal sites.</td></tr>
<tr><td>Construction, Demolition and Excavation waste</td><td>820,705</td><td>Excludes waste managed at EA Registered Exemption sites.</td></tr>
<tr><td>Hazardous Waste</td><td>33,143</td><td></td></tr>
<tr><td>Agricultural waste</td><td>33,786</td><td>Excludes large volumes of organic farm waste managed directly within the farm holding.</td></tr>
<tr><td>Low-Level Radioactive waste</td><td>Estimated at less than 50m^3</td><td>EA Estimate</td></tr>
<tr><td>Waste water</td><td>No data available</td><td></td></tr>
</table>
</td></tr>
<tr><td>MM64</td><td>114</td><td>6.26</td><td>Revise Para:

Environment Agency data indicates that in 2014 the North Yorkshire sub-region imported a minimum of 212,000 tonnes of waste (251,000 tonnes in 2012 and 193,000 tonnes in 2013). However, the actual figure is likely to be higher due to the lack of detail on the origin of some waste arisings. ~~In the same year~~ In each year, from 2012-2014, the sub-region is known to have exported over 300,000 tonnes of waste. The majority of import and export movements were from or to other locations in Yorkshire and Humber or the North East. However, as indicated above, data suggests that there are significant annual variations in the scale of movements between particular areas</td></tr>
</table>

<table>
<tr><td></td><td></td><td></td><td>and this limits the potential to establish a comprehensive understanding of current and likely future waste flows.</td></tr>
<tr><td>MM65</td><td>115</td><td>W02</td><td>Add additional text to W02 3) to add flexibility to wording to make sure hazardous waste covered, such as ‘usually to accommodate matters such as hazardous waste’

Add additional text
3) Except as provided for in 2) above, where a facility is proposed specifically to manage waste arising outside the Plan area, usually to accommodate matters such as hazardous waste, it will not be permitted unless it can be demonstrated that the facility would represent the nearest appropriate installation for the waste to be managed.</td></tr>
<tr><td>MM66</td><td>118</td><td>Table 6</td><td>Revise figures in Table 6:
<table>
<tr><th>Waste Management Method</th><th>Capacity 2016 (tonnes)</th><th>Capacity 2020 (tonnes)</th><th>Capacity 2025 (tonnes)</th><th>Capacity 2030 (tonnes)</th></tr>
<tr><td>Recycling (C&I, LACW, Agricultural)</td><td><s>644,338</s>
734,450</td><td><s>889,639</s>
979,751</td><td><s>864,639</s>
945,230</td><td><s>814,639</s>
895,230</td></tr>
<tr><td>Recycling (CD&E)</td><td><s>279,160</s>
315,920</td><td><s>204,160</s>
240,920</td><td><s>151,990</s>
177,482</td><td><s>151,990</s>
177,482</td></tr>
<tr><td>Recycling (Specialist Material)</td><td><s>105,049</s>
106,200</td><td><s>105,049</s>
106,200</td><td><s>105,049</s>
106,200</td><td><s>105,049</s>
106,200</td></tr>
<tr><td>Treatment Plant</td><td><s>198,226</s>
272,935</td><td><s>184,780</s>
381,949</td><td><s>177,756</s>
374,925</td><td><s>177,756</s>
374,925</td></tr>
<tr><td>Composting</td><td><s>317,877</s>
163,171</td><td><s>357,877</s>
163,171</td><td><s>342,877</s>
148,171</td><td><s>329,541</s>
134,835</td></tr>
<tr><td>Energy from Waste</td><td>0</td><td>320,000</td><td>320,000</td><td>320,000</td></tr>
</table></td></tr>
</table>

<table>
<tr><td></td><td></td><td></td><td>
<table>
<tr><td>Landfill (C&I, LACW, Agricultural)</td><td><s>478,822</s>
525,927</td><td><s>103,822</s>
148,563</td><td><s>85,075</s>
56,816</td><td><s>37,140</s>
0</td></tr>
<tr><td>Landfill (CD&E)</td><td><s>559,961</s>
658,444</td><td><s>289,312</s>
300,406</td><td><s>53,637</s>
131,340</td><td><s>53,637</s>
131,340</td></tr>
<tr><td>Landfill (Haz)</td><td>610</td><td>0</td><td>0</td><td>0</td></tr>
<tr><td>TOTAL</td><td><s>2,583,433</s>
2,777,657</td><td><s>2,454,639</s>
2,640,960</td><td><s>2,101,023</s>
2,260,164</td><td><s>1,989,752</s>
2,140,012</td></tr>
</table>
Table 6: Total actual (2016) and projected (2020, 2025 and 2030) operating waste management capacity in the North Yorkshire sub-region (tonnes per annum)
</td></tr>
<tr><td>AC19</td><td>118</td><td>Footnote to Table 6</td><td>North Yorkshire sub region Waste Arisings and Capacity Requirements Update Report September 2016 (Urban Vision) – Capacity information subsequently updated March 2017 in accordance with 2015 Environment Agency Waste Data Interrogator</td></tr>
<tr><td>MM67</td><td>120</td><td>Table 8</td><td>Revise figures in Table 8:
<table>
<tr><th>Waste Management Method</th><th>Projected Capacity Gap/Surplus 2016 (tonnes)</th><th>Projected Capacity Gap/Surplus 2020 (tonnes)</th><th>Projected Capacity Gap/Surplus 2025 (tonnes)</th><th>Projected Capacity Gap/Surplus 2030 (tonnes)</th></tr>
<tr><td>Recycling (C&I, LACW, Agricultural)</td><td><s>-228,319</s>
-318,261</td><td><s>-442,284</s>
-532,226</td><td><s>-405,451</s>
-477,369</td><td><s>-342,710</s>
-414,655</td></tr>
<tr><td>Recycling (CD&E)</td><td><s>16,672</s>
-20,088</td><td><s>386,458</s>
349,698</td><td><s>456,283</s>
422,315</td><td><s>471,418</s>
437,450</td></tr>
<tr><td>Treatment Plant</td><td><s>52,534</s>
135,378</td><td><s>90,615</s>
90,959</td><td><s>111,350</s>
111,694</td><td><s>124,564</s>
124,908</td></tr>
<tr><td>Composting</td><td><s>-134,199</s>
-136,992</td><td><s>-133,483</s>
-136,276</td><td><s>-117,558</s>
-120,351</td><td><s>-103,265</s>
-106,058</td></tr>
<tr><td>Energy from Waste</td><td>46,386</td><td>-102,961</td><td>-95,418</td><td>-89,631</td></tr>
<tr><td>Incineration</td><td>13,632</td><td>13,632</td><td>13,632</td><td>13,632</td></tr>
</table>
</td></tr>
</table>

			(Specialist High Temp)				
			Landfill (C&I, LACW, Agricultural)	~~-261,451~~ -308,556	~~-64,585~~ -109,326	~~-44,356~~ -16,097	~~4,983~~ 42,123
			Landfill (Hazardous)	~~7,252~~ 6,642	23,464	24,379	25,266
			Landfill (CD&E)	~~-75,841~~ -159,364	~~-20,927~~ -32,021	~~179,749~~ 102,046	~~185,642~~ 107,939
			Table 8: Main projected capacity Gaps/Surplus in the North Yorkshire sub-region (tonnes per annum). Please note that capacity gaps are positive figures and capacity surplus are negative.				
AC20	120	Para. 6.46	Revise 1st sentence: Based on this approach, capacity gaps exist throughout the plan period for ~~recycling of CD&E waste,~~ treatment of waste (physical and chemical), incineration of waste (specialist high temperature) and landfill of Hazardous waste. Revise 2nd sentence: A capacity gap for recycling of CD&E waste is projected over the majority of the Plan period and for landfill of CD&E waste occurs in the second half of the Plan period. Revise 3rd sentence: There is potential for a ~~very~~ small capacity gap for landfill of C&I, LACW and agricultural waste at the end of the plan period.				
AC21	120	Footnote to Table 8	Revise footnote: North Yorkshire sub region Waste Arisings and Capacity Requirements Update Report September 2016 (Urban Vision) – Capacity information subsequently updated March 2017 in accordance with 2015 Environment Agency Waste Data Interrogator				
MM68	121	W03	Insert relevant District/Borough/National Park/City to site and cross reference to Policies Map: In Part 1) of the Policy: **1) Identification of the Allerton Park (WJP08), in Harrogate Borough, and Harewood Whin (WJP11), in the City of York, sites as strategic allocations over the Plan period for the management of LACW. 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 permitted subject, in the case of the Harewood Whin site, to compliance with relevant national and local Green Belt policy. Insert a new Part 4) of the Policy and renumber the existing Part 4) to Part 5) and revise Part 4) of the Policy: **4) Provision of capacity for management of LACW is also supported through site allocations for recycling, recovery of energy, transfer and treatment of LACW, as applicable, at:** **North Selby Mine Anaerobic Digestion (WJP02), in the City of York** **Southmoor Energy Centre (WJP03), in Selby District** **Land at Halton East, near Skipton (WJP13), in Craven District** **Land at Seamer Carr, near Scarborough (WJP15), in Scarborough Borough** **Land at Skibeden, near Skipton (WJP17), in Craven District** **Land at Tancred, near Scorton (WJP18), in Richmondshire District** **Land at Fairfield Road, Whitby (WJP19), in the North York Moors National Park** **Former ARBRE Power Station (WJP25), in Selby District** ~~**4)**~~ **5) Proposals for development at the allocated sites referred to in 1), ~~and~~ 2) and 4) above, and as shown on the Policies Map, will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.**
MM69	122/123	6.55	Revise the Para: During preparation of the Joint Plan a number of potential allocations were put forward for sites which could 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. A number of these are allocated[37] in the Joint Plan and they have been identified in Policy W03 and Policy W04 dealing with C&I waste. ~~, although their potential dual role should be noted in the context of Policy W03[37].~~

AC22	123	6.56	Revise final sentence: There is potential for a ~~very~~ small gap in non-hazardous landfill capacity at the end of the Plan period.
AC23	123	6.59	Revise 3rd sentence: Permission was also granted in 2014 for a substantial anaerobic digestion facility at the former North Selby Mine site in the City of York, ~~although this too has not yet~~ which has been implemented but is not yet operational.
MM70	124	W04	Insert in Part 2) of the Policy: **2) Provision of capacity for management of C&I waste is … waste at:** **Land at Halton East, near Skipton …** **Hillcrest, Harmby (WJP01), in Richmondshire District** **Land at Tancred, near …**
MM71	124	W04	Insert relevant District/Borough/National Park/City to site and a cross reference to the Policies Map: In Part 1) iii) of the Policy: **iii) Providing large scale capacity for recovery of energy and anaerobic digestion for C&I waste through a combination of spare capacity within the Allerton Waste Recovery Park facility and the Southmoor Energy Centre (WJP03), in Selby District, former ARBRE Power Station (WJP25), in Selby District, and North Selby Mine anaerobic digestion (WJP02), in the City of York, sites, which are identified in the Plan as allocated sites for these uses. The development of the WJP02 site will only be permitted where it would be consistent with the principles of including land in the York Green Belt;** In Part 2) of the Policy: **3) Provision of capacity for management of C&I waste is also supported through site allocations for recycling, transfer and treatment of C&I waste at:** **Land at Halton East, near Skipton (WJP13), in Craven District**

			Land at Tancred, near Scorton (WJP18), in Richmondshire District **Land at Skibeden, near Skipton (WJP17), in Craven District** **Land at Allerton Park, near Knaresborough (WJP08), in Harrogate Borough** **Land at Seamer Carr, near Scarborough (WJP15), in Scarborough Borough** **Land at Common Lane, Burn (WJP16), in Selby District** **Land at Pollington (WJP22), in Selby District** **Land at Fairfield Road, Whitby (WJP19), in the North York Moors National Park** **Land at Harewood Whin, Rufforth (WJP11), in the City of York** In Part 3) of the Policy: **3) Proposals for development of the allocated sites referred to in 1) and 2) above, and as shown on the Policies Map, will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.**
MM72	125	6.64	Add additional text to para 6.64: To make clear how monitoring will be dealt with In these circumstances it is not considered appropriate to support the principle of further large-scale recovery capacity in the area where the waste proposed to be managed would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for recovery of the waste, in line with relevant legislation. Any such proposals will also be expected to provide for utilisation of heat in accordance with Policy W01 and be consistent with the requirements of Policies W10 and W11 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 Statement for Yorkshire and Humber[2]. The following will form part of the annual monitoring associated with this Policy: implementation of committed capacity, capacity requirements and decisions on all C&I planning applications that would provide additional commercial and industrial waste (including hazardous C&I waste) capacity.

[2] Yorkshire and Humber Waste Position Statement (Feb 2016)

AC24	125	6.61	Revise 6th sentence: Policy W10 addressing Overall locational principles for provision of waste management capacity
AC25	125	6.63	Revise 5th sentence: ~~An unimplemented~~ A planning permission also exists for a substantial anaerobic digestion facility at the former North Selby Mine site in York.
AC26	125/126	6.64	Revise the Para: In ~~these~~ circumstances where committed capacity at all of the following sites: Allerton Waste Recovery Park facility, Southmoor Energy Centre (WJP03), former ARBRE Power Station (WJP25) and North Selby Mine (WJP02), becomes operational it is not considered appropriate to support the principle of further large-scale recovery capacity in the area where the waste proposed to be managed would arise mainly outside the Plan area, unless it can be demonstrated that the facility would represent the nearest appropriate installation for recovery of the waste, in line with relevant legislation.
AC27	127	6.70	Revise 5th sentence: However, the Waste Arisings and Capacity Assessment (2016) (updated March 2017) identifies an expected capacity gap for recycling under all scenarios considered, up to a maximum of approximately ~~470,000~~ 437,000 tonnes per annum in the highest case scenario, based on available capacity for managing CD&E waste only.
AC28	127	6.73	Revise 1st sentence: There is a forecast shortfall in capacity for landfill of non-hazardous CD&E waste, particularly from around 2022, as a result of the expiry of a number of time limited permissions, with a maximum annual gap of around ~~186,000~~ 108,000 tonnes per annum by 2030 in the highest case scenario. Revise 3rd sentence:

			If rates of recycling nearer to that modelled in the higher recycling scenario included in the waste arisings and capacity assessment are achieved, then the requirement for capacity for landfill of non-hazardous CD&E waste could be significantly less, reaching a maximum of around ~~96,000~~ 18,000 tonnes per annum by 2030.
MM73	128	W05	Insert relevant District/Borough/National Park/City to site and a cross reference to the Policies Map and add in MJP13 – Whitewall Quarry as an Allocated site : In Part 2) of the Policy: **4) Provision of capacity for management of CD&E waste is also supported through site allocations for:** **i) Allocations for recycling of CD&E waste:** **Land at Potgate Quarry, North Stainley (WJP24), in Harrogate Borough** **Land at Allerton Park, near Knaresborough (WJP08), in Harrogate Borough** **Land at Darrington Quarry, Darrington (MJP27), in Selby District** **Land at Barnsdale Bar, Kirk Smeaton (MJP26), in Selby District** **Land at Went Edge Quarry, Kirk Smeaton (WJP10), in Selby District** **Land at Duttons Farm, Upper Poppleton (WJP05), in the City of York** **Whitewall Quarry, near Norton (MJP13), Ryedale District** **ii) Allocations for landfill of CD&E waste:** **Land at Brotherton Quarry, Burton Salmon (WJP21), in Selby District** **Land at Duttons Farm, Upper Poppleton (WJP05), in the City of York** **Land adjacent to former Escrick Brickworks, Escrick (WJP06), in Selby District** In Part 3) of the Policy: **Proposals for development of the allocated sites for recycling or landfill referred to in 2) above, and as shown on the Policies Map, will be required to take account of the key sensitivities and incorporate the necessary mitigation measures that are set out in Appendix 1.**

AC29	129	6.75	Revise 4th sentence: Policy W10 addressing Overall locational principles for provision of waste management capacity
AC30	131	6.79	Revise 3rd sentence: There is however a range of specialist provision in the area, including specialist storage, processing and incineration plants for animals by-products.
AC31	131	6.81	Revise 4th sentence: National policy indicates that local plans for waste should address the need to for manage this waste stream.
MM74	133	W08	Add text into Policy to make clear that Policy W08 is not applicable to hydrocarbons **1) Proposals for the development of new infrastructure and increased capacity for the management of waste water and sewage sludge, not including waste water from hydrocarbon activities, will be permitted 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 requirements of Policies W10 and W11.**
AC32	133	6.90	Revise 2nd sentence: In some instances, particularly for larger scale WWTW waste water treatment works, it may be appropriate to co-locate anaerobic digestion capacity at the site as this would reduce the need for transport of waste.
AC33	136	Figure 17	Amend Plan to reflect site data in the North Yorkshire Sub-region Waste Arisings and Capacity Requirements Update Report (September 2016).

			Amend Plan to reflect updated site data.
AC34	136	Figure 17	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
AC35	137	Policy W10 Title	Revise Policy Title: **Policy W10: Overall locational principles for provision of waste management capacity**
MM75	137	W10	Revise Part 3) of Policy W10 by addition of a part c): **3) Supporting proposals for development of waste management capacity at new sites where the site is compatible with the requirements of 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 facilities …. where they are well- located with regard to the geographical area the facility is expected to serve;** b) **For larger scale or specialised facilities … account the market area expected to be served by the facility.** c) **For facilities associated with arisings of waste, including waste water, from the development of hydrocarbon sites, the use of best available technology and green completions where applicable.**
MM76	138	6.104	Revise paragraph 6.104: If shale gas development becomes established on any significant scale in the area (see Chapter 5), there could be a potential for new arisings of waste, including waste water, from this source which, based on current information, would be generated within relatively rural locations in the eastern part of the Plan area where the majority of

			current PEDLs are located. The Authorities would be seeking best available technology, following discussions with regulatory bodies, including the use of green completions. In considering proposals for management of waste from such development, Policy M18 is also relevant.
MM77	140	W11	Add additional text into W11 5) to broaden out to refer to hazardous waste **5) Siting facilities to provide additional waste water treatment capacity, including for waste water containing Naturally Occurring Radioactive Materials and hazardous waste, 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. Siting of facilities for management of waste water from hydrocarbons development will also be considered under the requirements of Policy M18 where relevant;**
AC36	143	Figure 18	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM78	145	7.12	Add text 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~~ routine processing 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). Where they do not, and a planning application is required to be submitted, this will be considered against the development management policies in Chapter 9.
MM79	145	7.13	Add text In some cases quarries, or sites for the supply of secondary or recycled aggregate, may also host additional specialist plant or operations 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 all depend on the availability of mineral as a key raw material, but are not in themselves essential for the initial extraction and processing of the primary mineral itself. Where ancillary infrastructure is located at the site of extraction, this can have the benefit of adding value

			before the raw material leaves the site and thus help reduce the overall volume of material transported. It can also enable provision of range of complementary products from a single location. Processing infrastructure for hydrocarbon development is addressed in the Hydrocarbons (oil and gas) section in Chapter 5.
MM80	145	I02	Revise Part 1) i) of Policy: **1) Development of ancillary minerals infrastructure at active minerals extraction sites and sites producing secondary aggregate will be permitted provided the following criteria are met:** **i) The ancillary development produces a 'value added' or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site; and** **ii) The development would not have significant additional adverse impact on local communities, businesses or the environment; and** **iii) The development would 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 is acceptable in accordance with national and local Green Belt policy; 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.**
MM81	146	I02	Revise Part 3) of Policy: **3) The siting of ancillary minerals infrastructure within the North York Moors National Park will only be supported where it would be located within the ~~Boulby mine~~ existing operational surface site ~~or Doves Nest Farm mine surface site if developed~~, on other existing industrial land, ~~or~~ within the Whitby Business Park or is constrained to a particular location for which there is sufficient overriding justification ~~identified on the Policies Map~~.**
MM82	149	S01	**Policy S01: Safeguarding surface mineral resources** **~~Part 1) 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 2) - Deep mineral resources:~~** **~~Potash and (including polyhalite) resources within the Boulby Mine licensed permitted area and Doves Nest Farm indicated and inferred resource area, identified on the Policies Map, will be safeguarded from other forms of surface development to protect the resource for the future.~~** **~~Reserves and resources of potash and polyhalite identified on the Policies Map, including a 2km buffer zone, will also be protected from sterilisation by other forms of underground minerals extraction, deep drilling and the underground storage of gas or carbon in order to protect the resource for the future.~~**
MM83	152	S02	**Policy S02: Developments proposed within Surface Minerals Safeguarding Areas** **~~Part 1) - Surface mineral resources:~~** **Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:** • **It would not sterilise the mineral or prejudice future extraction; or** • **The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or** • **The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or** • **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** • **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** • **It constitutes 'exempt' development (as defined in the Safeguarding Exemption Criteria list , as set out in paragraph 8.47).**

			Applications for development other than mineral extraction in Minerals Safeguarding Areas should include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the proposed development. ~~**Part 2) - 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 about 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 1) of the Policy (other than the final criterion) are met.**~~ ~~**Part 3) – Protecting potash and polyhalite resources from other underground minerals development:**~~

			~~Where proposals for deep drilling 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 proposed development will not adversely affect the potential future extraction of the protected mineral.~~
MM84	154	New S03	**New POLICY: S03: POTASH SAFEGUARDING** **Part 1) – Safeguarding and surface subsidence effects:** **Potash (including polyhalite) resources within parts of the Boulby Mine and Woodsmith Mine (formally known as Doves Nest Farm) permission areas , identified on the Policies Map, will be safeguarded from certain surface developments to protect the resource for the future, these include ;** • **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;** • **Wind turbines** • **Surface hydrocarbons development** **Permission will be granted where it can be demonstrated that a significant risk of sterilisation of the safeguarded mineral deposits would not arise, or the need for the surface development would demonstrably outweigh the need to safeguard the mineral deposit.** **Part 2) – Protecting potash (including polyhalite) resources from other underground minerals development:**

			Reserves and resources of potash (including Polyhalite) identified on the Policies Map, will also be protected from sterilisation by other forms of underground minerals extraction, deep drilling and the underground storage of gas or carbon in order to protect the resource for the future. **Where proposals for deep drilling or development of underground gas resources or the underground storage of gas or carbon are located within the area safeguarded for potash, (including polyhalite) shown on the Policies Map, permission for development will only be granted where it can be demonstrated that the proposed development will not adversely affect the potential future extraction of the protected mineral, or the benefits of the proposed development would demonstrably outweigh the need to safeguard the resource.**
MM85	154	8.15 – 8.19 (old para ref. moved to after new Policy S03	**Policy justification for safeguarding of Potash and Polyhalite Resources (lifted from S01 and added to new Policy S03)** 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 within protected areas. 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 Potash, ~~salt and~~ including polyhalite resources in the Plan area are considered to be of strategic significance, as the potash and polyhalite deposits are the only known potentially workable resources in the country. It is therefore considered that there is particular justification to safeguard them for the future. 8.17 These resources cover a relatively large area in the north-eastern part of the Plan area and it is not considered reasonable or necessary or proportionate to safeguard the whole of the potential resource area. Furthermore, a large area of the resource is beneath the North York Moors National Park, where the risk of sterilisation as a result of significant surface development is relatively low. However, it would be appropriate to safeguard reserves and resources within that part of the Boulby Mine permission area indicated on the Policies Map along with those resources forming part of the York Potash project that have been identified with a higher degree of confidence (i.e. the indicated and inferred resources). This will help to ensure that, where certain types of surface development are proposed within the licensed area, the presence of the resource is taken into account. 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 are taken into account. Types of surface

			development which are considered relevant for the purposes of safeguarding underground potash and polyhalite are identified in Policy S0~~2~~3 (part ~~two~~ one). A surface safeguarding buffer zone has not been identified due to the scale of the area and the extremely low risk of sterilisation by surface development in this part of the Plan area. 8.18 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. 8.19 To ensure that consideration is given to protecting reserves and resources of potash, ~~salt and~~ including polyhalite from the potential effects of extracting or storing gas, safeguarding is considered appropriate, ~~including an underground buffer zone in addition to the area proposed to be safeguarded on the surface~~. A safeguarding ~~buffer~~ zone, equivalent to 200 years of production ~~of 2km~~ is considered to offer a reasonable balance between protection of the resource and providing flexibility for other development to take place where appropriate, representing a horizontal distance which is readily achievable with current technology for horizontal drilling of oil and gas wells. There are no active ~~current~~ PEDLs in the area covered by the safeguarded area ~~and buffer zone.~~ As with other forms of safeguarding, the purpose is not to prevent other forms of development from taking place under any circumstances, but to ensure that the presence of the safeguarded resource is taken into account, and given priority where appropriate. 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 adequately protected. New 8.20 Planning guidance and case law makes clear that Minerals Planning Authorities do not need to carry out their own assessments of potential impacts which are controlled by other regulatory bodies. It states that they can determine applications having considered the advice of those bodies without having to wait for the other approval processes to be concluded. The Mineral Planning Authorities will therefore carry out consultation with other appropriate regulatory bodies (such as the Environment Agency, Health and Safety Executive and the Oil and Gas Authority, Mines Inspector) on planning applications helps to ensure that the Authorities can be satisfied that sub-surface issues can and will be adequately addressed by other complimentary regulatory regimes .
MM86	154	S03 (Policy will change to S04)	Revise 1st sentence of the Policy and add in additional criterion relating to 'lack of viability' :

			Waste management sites identified on the Policies Map and in Appendix 2, with a 250m buffer zone, will be safeguarded against development which would prevent or ~~frustrate~~ unduly restrict the use of the site unless: **i) The need for the alternative development outweighs the benefits of retaining the site; and** **ii) Where the site is in active use for waste management purposes, a suitable alternative location can be provided for the displaced infrastructure; or** **iii) The site is not in use and there is no reasonable prospect of it being used for waste management in the foreseeable future.** **iv) The site is not viable or capable of being made viable** Revise 1st sentence of the final paragraph of the Policy: **Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.47, is proposed….**
MM87	155	8.29	Revise Para: As some waste uses are relatively low-value developments, they are at risk of being replaced by competing, higher-value land uses. Safeguarding facilities can help to guard against 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 for other forms of development. Where a site is not in use, viability issues will be relevant to considering whether there is a reasonable prospect of the site being used for waste management in the foreseeable future. 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.
MM88	155	Para. 8.30 *(Italics: PC85 in the Addendum of Proposed Changes to Publication Draft (July 2017))*	Revise Para: In some cases, the introduction of other forms of development in close proximity to established or allocated waste uses, can lead to conflict given the potential for impacts on local amenity due, for example, to noise, dust odour or bioaerosols. Whilst it is not possible to identify all such forms of development exhaustively, they include residential uses and also commercial and industrial uses that depend on a high quality local environment (for example within the food and health care sectors). The identification of a buffer zone around safeguarded waste facilities ensures that the potential for such impacts can be properly taken into account, whilst also recognising the importance of allowing the waste facility to continue to operate. As a range of types and scales of development could be

			associated with waste management activity, it is not practicable to define individual buffer zones for each facility. A 250m buffer zone reflects a balance between ensuring that the potential for significant impacts arising from some waste uses is allowed for, whilst limiting the extent to which consultation for safeguarding purposes is required. It is also consistent with the Environment Agency's restrictions on open composting of waste taking place within 250m of residential property. 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 or there are other overriding benefits. ~~*It is acknowledged that in some cases, including at the former mine sites in the Plan area, there are other extant proposals for redevelopment which are matters for determination by the relevant local planning authority and that such proposals could overlap with land proposed for safeguarding in the Joint Plan.*~~ *In these circumstances the Minerals and Waste Planning Authority will seek to work constructively with the relevant local planning authority and developers to ensure that a proportionate approach to implementing safeguarding of minerals and waste infrastructure requirements is taken.*
MM89	155	S04 (Policy will change to S05)	Revise 1st sentence of the first paragraph of the Policy and add lack of viability: **Railheads, rail links and wharves identified on the Policies Map and in Appendix 2, with a 100m buffer zone , will be safeguarded against development which would prevent or ~~frustrate~~ unduly restrict the use of the infrastructure for minerals or waste transport purposes, unless:** **i) The need for the alternative development outweighs the benefits of retaining the facility; and** **ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or** **iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.** **iv) The site is not viable or capable of being made viable** Revise 1st sentence of the final paragraph of the Policy: **Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.47, is proposed….**
MM90	156	8.34	Revise Para:

			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 wharfs and railheads[42]. Where a site is not in use, viability issues will be relevant to considering whether there is a reasonable prospect of the site being used for minerals or waste transport in the foreseeable future.
MM91	157	S05 (Policy will change to S06)	Revise 1st sentence of the first paragraph of the Policy and add lack of viability: **Minerals ancillary infrastructure sites identified on the Policies Map and in Appendix 2, with a 100m buffer zone, will be safeguarded against development which would prevent or ~~frustrate~~ unduly restrict the use of the site for minerals ancillary infrastructure purposes, unless:** **i) The need for the alternative development outweighs the benefits of retaining the site; and** **ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or** **iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.** **iv) The site is not viable or capable of being made viable** Revise 1st sentence of the final paragraph of the Policy: **Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.47, is proposed….**
AC37	158	S06 (Policy will change to S07)	Revise 1st sentence of the Policy: **Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, as set out in paragraph 8.47, is proposed….**
AC38	159	8.47,	Revise 12th bullet point:

		Safeguarding exemption criteria list *(Italics: PC88 in the Addendum of Proposed Changes to Publication Draft (July 2017))*	Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, waste *and minerals and waste transport infrastructure* safeguarding requirements, or, in the case of an emerging local plan allocations, where the Minerals and Waste Planning Authority has raised no safeguarding concerns during consultation on the emerging plan allocation
MM92	161	D02	Revise Part 1) of the Policy: **1) Proposals for minerals and waste development, including ancillary development and minerals and waste transport infrastructure, will be permitted where it can be demonstrated that there will be no unacceptable impacts on ~~local amenity~~ the amenity of local communities and residents, local businesses and users …**
MM93	161	9.13	Revise wording in Policy Planning authorities are advised in national Planning Practice Guidance not to duplicate other statutory means of pollution control. Examples include the issuing of environmental permits for waste operations and crushing plant, and the control of statutory noise nuisance. The Authorities will liaise with other agencies including the Environment Agency and, where applicable, District Council Environmental Health Departments, on such matters. However, certain pollution control matters can also be relevant when determining minerals and waste planning applications, particularly where they are relevant to the use and development of land, for example, those impacting on public health. Applicants are advised to have early discussions with the Minerals and Waste Planning Authority and other relevant regulatory authorities to ensure a coordinated approach. With regard to development that is required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to be accompanied by an environmental statement, a developer needs to include in the statement a description of the likely significant effects of the development resulting from, inter alia, the risk to human health. In determining such applications consideration will be given, where appropriate to the case, as to whether specific monitoring measures may be required, as part of a decision granting planning permission, by means of a planning condition or planning obligation (as applicable), to monitor identified significant adverse effects on the environment arising from

			proposed EIA development (which may include health effects if applicable).
MM94	166	D04	Revise Policy wording: **Part 1) – Major minerals and waste development** **Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty ~~will~~ should 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:** **a) The need for the development, which can ~~will usually~~ include a national need for the mineral or the waste facility and the contribution of the development to the national economy; and** **b) The impact of permitting it, or refusing, it upon the local economy which includes that of the National Park or AONB; and** **c) Whether, in terms of cost and scope, the development can viably ~~technically~~ and technically ~~viably~~ be located elsewhere outside the designated area, or the need for it can be met in some other way; and** **d) ~~Whether~~ The extent to which 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.~~** **Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Particular consideration will be given to the extent to which the proposal may affect the qualities which contributed to the designation of the landscape. Where adverse effects cannot be avoided, harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any unavoidable effects which cannot be mitigated.** **Part 2) – All other 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 Joint Plan.** **Part 3) – Proposals which impact the setting of Designated Areas** **Proposals for development outside of the National Parks and AONBs will not usually be permitted where it would have an unacceptable harmful effect on the setting of the designated area.**

AC39	167	9.24	Revise 3rd sentence: 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~~2015.
MM95	167	9.25	Add additional text to paragraph 9.25 and add an additional paragraph after 9.25: 9.25 For major development in the National Park and AONBs, the four strands of the major development test need to be addressed in order to determine whether the proposal represents an exceptional circumstance and is in the 'public interest'. One of the main considerations in this assessment, where relating to proposals for minerals extraction, should be the need for the resource itself, including at a national level, and whether there are alternative sources available to meet any national need. The potential for a specific mineral to be extracted on a national basis only from within the National Park or AONB will be a relevant consideration when assessing need. The outcome of these considerations will then, where relevant, need to be assessed in accordance with the Habitats Regulations and other relevant policies contained in this Joint Plan and the NPPF. Applicants will be expected to supply sufficient information to demonstrate robustly that proposals fulfil the requirements of the major development test. Proposals should be designed to avoid adverse impacts (including cumulative impacts) on the special qualities of the National Park, though because of the inherent nature and scale of major development it is unlikely that impacts can be moderated to a level where significant adverse effects can be completely avoided. A proposal that is likely to harm a National Park or AONB to the extent that it compromises the reason for its designation is unlikely to be regarded as being in the public interest. The North York Moors has an existing potash mine and a second mine is under construction which in terms of volume of production is stated to become the largest potash mine in the world. Other significant major developments have also been located in the National Park such as RAF Fylingdales and there is growing pressure on the southern part of the Park from the hydrocarbons industry. Cumulatively it is considered that the impact of these large scale developments of an industrial nature are starting to impact on the special qualities of the National Park, particularly in terms of far reaching open moorland views, remoteness and a sense of wildness and tranquillity which were important reasons for its designation.
MM96	169	D05	Revise Part 2) of the Policy **Part 2) - Waste**

			Proposals for waste development ~~in the Green Belt, including new buildings or other forms of development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York,~~ that include the construction of new buildings in the Green Belt will be considered inappropriate. **Substantial weight will be given to any harm to the Green Belt and ~~inappropriate waste development in the Green Belt will only be permitted in~~ very special circumstances, ~~which must~~ will need to be demonstrated by the applicant~~,~~ in ~~which the harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations~~ order to outweigh harm caused by inappropriateness, and any other harm.** **Proposals for other forms of waste development which would result in an adverse impact on the openness of the Green Belt or on the purposes of including land within the Green Belt, including those elements which contribute to the historic character and setting of York, will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which the harm is clearly outweighed by other considerations.** **The following forms of waste development ~~will be appropriate~~ may be permitted in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt, including those elements which contribute to the historic character and setting of York:** **i) open windrow composting;** **ii) individual farm-scale on-farm composting and anaerobic digestion;** **iii) recycling of construction and demolition waste in order to produce recycled aggregate where it would take place in an active quarry or minerals transport site and is linked to the life of the quarry or site;** **iv) short term waste sorting and recycling activity in association with, and on the same site as, other permitted demolition and construction activity;** **v) recycling, transfer and treatment activities at established industrial and employment sites in the Green Belt where the waste development would be consistent with the scale and nature of other activities already taking place at the site;** **vi) landfill of quarry voids including for the purposes of quarry reclamation and where the site would be restored to an after use compatible with the purposes of Green Belt designation;** **vii) small scale deposit of inert waste for agricultural improvement purposes or the improvement of derelict or degraded land; and** **viii) continued activities within the footprint of established waste sites in the Green Belt.**

MM97	170	9.35	Revise text In order to provide local guidance on this matter, the policy identifies a number of types of waste management activities and types of locations where waste development may be ~~appropriate~~ permitted, provided that openness is maintained and the development would be consistent with the purposes for which the land is included in the Green Belt.
MM98	173	D07	Revise Policy **1) Proposals will be permitted where it can be demonstrated that, having taken into account any proposed mitigation measures, there will be no unacceptable impacts on biodiversity or geodiversity. ~~, including on statutory and non-statutory designated or protected sites and features, Sites of Importance for Nature Conservation, Sites of Local Interest and Local Nature Reserves, local priority habitats, habitat networks and species, having taken into account any proposed mitigation measures.~~ The level of protection provided to international, national and locally designated sites are outlined in parts 2) to 8) below.** **2) A very high level of protection will be afforded to sites designated at an international level, including SPAs, SACs and RAMSAR sites. Development which would have an unacceptable impact on these sites will not be permitted.** **3) Development, whether inside or outside of a SSSI which ~~would~~ is likely to have an ~~unacceptable impact~~ adverse effect on the notified special interest features of a SSSI or a broader impact on the national network of SSSIs will only be permitted where the benefits of the development at that location clearly outweigh the impact to the SSSi features and the broader SSSI network. ~~, or the~~ The loss or deterioration of irreplaceable habitats including ancient woodland or aged or veteran trees, will only be permitted where both the need for, and the benefits of the development at the proposed location ~~would~~ clearly outweigh the impact or loss.** **4) Where development would be located within an Impact Risk Zone defined by Natural England for a SPA, SAC, RAMSAR site or SSSI, or at any other location at which it could have an adverse impact on the SPA, SAC, RAMSAR site or SSSI, and the development is of a type identified by Natural England as one which could potentially have an adverse impact on the designated site, proposals should be accompanied by a detailed assessment of the potential impacts and include proposals for mitigation and enhancement where relevant.**

			5) Locally important sites and assets include: **i. Sites of Importance for Nature Conservation (including candidate sites);** **ii. Local Nature Reserves;** **iii. Local Geological Sites; and** **iv. Habitats and species of principal importance or other sites of geological or geomorphological importance.** **Development will not be permitted that will result in an unacceptable impact to locally important sites and assets unless it can be demonstrated that:** • **the benefits of development clearly outweigh the nature conservation value or scientific interest of the site and its contribution to wider biodiversity objectives and connectivity; and** • **the proposed mitigation or compensatory measures are equivalent to the value of the site/asset.** **6) ~~5)~~ Through the design of schemes, including any proposed mitigation and or compensation measures, proposals should seek to contribute positively towards the delivery of agreed biodiversity and/or geodiversity objectives, including those set out in agreed local Biodiversity or Geodiversity Action Plans, or in line with agreed priorities of any relevant Local Nature Partnership, with the aim of achieving net gains for biodiversity or geodiversity and supporting the development of resilient ecological networks.** **7) ~~6)~~ 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 on a site by site basis and as a last resort in accordance with the mitigation hierarchy. These circumstances specifically include where:** **i) It has been demonstrated that it is not possible to fully 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 and~~/or~~ the benefits of the development in the proposed location outweigh ~~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~~.~~, unless otherwise agreed by the planning authority. Compensatory gains outside of the planning authority area will only be deemed as acceptable where it is clearly demonstrable that the approach will lead to greater biodiversity and/or geodiversity benefits than alternative options within the planning authority area.**

			8) Proposals must consider the cumulative impacts as a result of a combination of individual impacts from the same development and/or through combinations of impacts in conjunction with other development. Proposals will only be permitted where it would not give rise to unacceptable cumulative impacts.
MM99	175	9.56	Insert new text after 2nd sentence of paragraph 9.56: 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 ensure that biodiversity assets are not displaced out of the local area. Offsetting proposals may only be permitted outside of the plan area with agreement with the planning authority, and only where sufficient evidence could be provided to demonstrate the biodiversity/geodiversity benefits of undertaking offsetting outside of the Plan area. For example, if a site was on the plan area boundary and sufficient evidence could be provided to demonstrate the biodiversity benefits of undertaking an offset outside of the Plan area. A further consideration is…
AC40	179-180	Water Environment Heading	Ensure the 'Water Environment' and 'Policy Justification' headings are at the head of the page.
MM100	179	D09	Revise Part 4) of the Policy: **….climate mitigation and adaption measures including use of sustainable ~~urban~~ drainage systems.**
AC41	183	Figure 19	Amend Plan to reflect the extended boundary of Yorkshire Dales National Park.
MM101	187	9.97	Revise last sentence of Para: The emerging City of York Local Plan is proposing to require that new developments are ~~meet the relevant BREEAM or Code for Sustainable Homes standards~~ in line with the 2013 Building Regulations by having a 19% reduction in Dwelling Emission Rate and a reduced water consumption rate.
MM102	188	D11	Add additional text **Proposals for substantial new minerals extraction and for the large-scale treatment as well, recovery or disposal of waste, as for hydrocarbon proposals, should be accompanied by a climate change assessment as appropriate**

			showing how the proposals have taken into account impacts from climate change and include ~~appropriate~~ mitigation measures where necessary.
AC42	188	9.98	Revise 4th sentence of the Para: The incorporation of sustainable design measures such as sustainable ~~urban~~ drainage systems (SuDs),
MM103	190	D12	Revise 2nd Para, 2nd Sentence of the Policy: **Development proposals will be required to demonstrate that all practicable steps will be taken to conserve and manage on-site soil resources, including soils with environmental value, in a sustainable way. Development which would disturb or damage ~~soils of high environmental value such as~~ development which could lead to irreversible damage to blanket peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.**
AC43	192	D13	Revise 1st sentence of the Policy: **… identified by the Coal Authority as shown on the Interactive Policies Map and on page 4 of the paper version of the Policies Map, proposals should be accompanied by …**
MM104	192	D13	Revise text in Policy Amend text of Policy D13 as following: **'… exempt development as defined in the Development High Risk Exemptions list, as set out in paragraphs 9.116 and 9.117, is proposed within Development High Risk Areas …'**
AC44	192	9.113	Revise 3rd sentence: They occur mainly within Selby District and more limited locations in the North York Moors National Park and in the western part of the Plan area.
MM105	193	New Policy D14 Introductory text and Policy	Add new Policy and Introductory text under the 'Section 106, Community Infrastructure Levy and Planning Performance Agreements' heading:

		wording	9.118 Development of land will, to varying degrees depending on its nature and location, impact on the environment, communities, amenities and physical infrastructure of the Plan area. As such the authorities will, where there is appropriate justification, expect development to mitigate the extent of this impact through the use of planning obligations on the granting of planning permissions. Planning obligations also known as Section 106 agreements under the Town and Country Planning Act 1990 (as amended), are benefits that may be in kind or take the form of financial contributions. Section 106 agreements are legally binding undertakings which seek to secure that development is acceptable, by securing contributions to offset negative consequences of development. 9.119 Prior to the submission of relevant applications within the Plan area, developers/applicants are encouraged to engage in the pre-application process to determine whether there is likely to be a requirement for a Section 106 agreement in respect of a particular proposal. **Policy D14 – Planning Obligations** **Developer contributions will be sought to eliminate or mitigate the potential adverse effects of new development on site or on the surrounding area, and to ensure the provision of any necessary and adequate improvements to infrastructure to support the functioning of the development.** **The level of contributions required will be negotiated as part of a Section 106 agreement, or set out in any adopted Community Infrastructure Levy Charging Schedule or successor framework.** **Contributions will only be sought where they are necessary to make the development acceptable in planning terms and where they are fairly and reasonably related in scale and kind.** **Main responsibility for implementation of policy:** NYCC, NYMNPA, CYC, Minerals and Waste industry **Key links to other relevant policies and objectives:** *D01, D02, D03, D04, D05, D06, D07, D08, D09, D10, D11, D12* **Objectives:** 9, 10, 12 **Monitoring:** Monitoring indicator 57 (see Appendix 3) Policy Justification

			9.120 ~~9.118~~ Section 106 of the Town and Country Planning Act 1990 provides a mechanism for planning obligations, in order to make development acceptable in planning terms which would otherwise not be acceptable. This can include the making of a financial contribution towards measures (which may be off-site in some circumstances) where needed to mitigate against or compensate for the impacts of the development. Such contributions should be proportionate to the scale and nature of the development and the matters which need to be dealt with. The minerals and waste planning authorities will seek such agreements where justified and where they would be in accordance with relevant legislation and guidance. Community Infrastructure Levy and Planning Performance Agreements 9.121 ~~9.119~~ The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. NYCC is not a CIL-charging authority. City of York Council and the North York Moors National Park Authority have not yet adopted any CIL policy. However, should CIL be introduced in either of these areas any relevant obligations relating to minerals and waste development would need to be met. 9.122 ~~9.120~~ A Planning Performance Agreement (PPA) is defined as an agreement between the local planning authority (or minerals and waste planning authority in the context of this Joint Plan) and an applicant to provide a project management framework for handling a planning application. A PPA enables the planning authority and the applicant to agree timescales, actions and resources for handling a particular application. It should cover the pre-application stages but may also extend through to the post-application stage. PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and the planning authority and can also help to bring together other parties such as statutory consultees. Their form can vary in type from a detailed legal document through to much simpler memoranda of understanding. Due to the scale and complexity of some minerals and waste developments, it may be appropriate for a planning application to be dealt with through a PPA.
MM106	tbc	New Policy D15 – Air Quality Policy	Option for inclusion of an overarching air quality Policy **Policy D15: Air Quality** **Proposals for mineral development will be permitted provided that:**

			(a) there are no unacceptable impacts on the intrinsic quality of air; and, **(b) there are no unacceptable impacts on the management and protection of air quality, including any unacceptable impacts on Air Quality Management Areas.** Policy Justification The chapter in the PPG on Air Quality provides guiding principles on how planning can take account of the impact of new development on air quality. It states that 'Local Plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore in plan making, it is important to take into account air quality management areas (AQMAs) and other areas where there could be specific requirements or limitations on new development because of air quality. Planning guidance and case law makes clear that just as environmental impacts are material considerations, so too is the existence of regulatory regimes which seek to control such impacts. There exist a number of issues which are covered by other regulatory regimes and mineral planning authorities should assume that these regimes will operate effectively. Whilst these issues may be put before mineral planning authorities, they should not need to carry out their own assessment as they can rely on the assessment of other regulatory bodies. However, before granting planning permission they will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body. The Mineral Planning Authorities will therefore carry out consultation with other appropriate regulatory bodies (such as the Environment Agency, Health and Safety Executive and the Oil and Gas Authority in this context. Where air quality is a particular issue, the Authorities will consider: • where air pollution arises; • measures that can be taken to ensure that developments in areas of particular concern with regards air quality do not give rise to additional unacceptable air quality impacts; and, • the potential for cumulative impacts arising from both smaller developments as well as the effects of more substantial developments.
AC45	Appendix 1 Title Page		Revise Appendix 1 Title: Allocated Sites and Areas of Search
AC46	Appendi	Contents list	Update to reflect addition of MJP12, MJP13, MJP15 and WJP01 sites as allocations

	x 1 p 5-6		
AC47	Appendix 1	Heading of 2nd box down for each site	Change for each site the 2nd box heading: ~~**Nature of Submitted Proposal**~~ **Nature of Allocation**
MM107	Appendix 1 page11	WJP13	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM108	Appendix 1 page14	WJP17	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM109	Appendix 1 page 17	MJP06	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development
MM110	Appendix 1 page 21	MJP07	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or

			landfill site within the RAF Leeming and RAF Topcliffe birdstrike safeguarding zones
MM111	Appendix 1 page 25	MJP33	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming birdstrike safeguarding zone
MM112	Appendix 1 page 29	MJP11	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 15.2m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 15.2m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming birdstrike safeguarding zone
MM113	Appendix 1 p32	MJP21	Additional text to be added • Retain boundary as shown on plan on page 35 of Appendix 1 (CD18) and do not make revision to boundary that was proposed in PC102 (CD09). • Revise 3rd bullet point of Key sensitivities on page 33 of Appendix 1 (CD18) as following: 'Heritage asset issues as identified by Historic England, including proximity to …' • Revise 3rd bullet point of Development requirements on page 33 of Appendix 1 (CD18) as following: 'Appropriate site design and landscaping of site to mitigate impact on: heritage assets as identified by Historic England, (Scheduled Monuments including: … local landscape features and their respective settings.' Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements:

			• The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming birdstrike safeguarding zone
MM114	Appendix 1 p37/38	MJP17 Key Sensitivities and Development requirements	Revise 3rd bullet point of Key sensitivities: • Heritage asset issues as identified by Historic England, including proximity to … Revise 3rd bullet point of Development requirements: Appropriate site design and landscaping of site to mitigate impact on: heritage assets as identified by Historic England, (Scheduled Monuments including: … landscape features and their respective settings and users of the A1. Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming birdstrike safeguarding zone Amend 1st paragraph of Reasons for allocating site: …in this location. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity~~, historic~~ and water environments which indicate any significant conflict with other relevant policies in the Plan.
MM115	Appendix 1 p39	MJP17	Revise site boundary to show additional preferred area in consultation with Industry in Examination Library as LPA/75.
MM116	Appendix 1 p41	MJP14 Key sensitivities	Revise 1st bullet point: Ecological issues, including impacts on: Ripon Parks and River Ure Bank Ripon Parks SSSIs, SINCs, High Batts ~~SSSI and~~ Nature Reserve and river Ure Corridor, woodland, protected species, lamprey as an Annex ii species of the Humber

			Estuary SAC and the presence of invasive species including himalayan balsam. Revise 5th bullet point: Water issues, including: hydrology, dewatering, flood risk (zones 2 and 3), surface water drainage, ~~and~~ potential for flood storage and water quality & geomorphology issues important to the features of the SSSI. Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height
MM117	Appendix 1 p41	MJP14 Development requirements criteria	Revise 1st bullet point: Mitigation of ecological issues, in particular with regard to avoiding impacts on the Ripon Parks and River Ure Bank Ripon Parks SSSIs and the River Ure to demonstrate that minerals extraction at this site will not destroy or damage the interest features for which the High Batts Nature Reserve, Ripon Parks and River Ure Bank Ripon Parks SSSIs are designated. This includes designing the development (including any bunds and discharge outfalls) to protect the SSSI ecological features from the impact of haul roads and the impacts of flood events and potential erosion by the river that might lead to river encroachment into the quarry and SSSI (to include a buffer zone between the north western part of the development and the River Ure), or alterations to the stability of the hydrology associated with the SSSI and to protect lamprey as an Annex ii species of the Humber Estuary SAC; and, in respect of protected species, including measures to address and control invasive species Revise last bullet point: An appropriate restoration using opportunities for habitat creation, but which is also appropriate to location within a birdstrike safeguarding zone and which includes long term management arrangements to ensure the protection and enhancement of the SSSI. Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming and RAF Topcliffe birdstrike safeguarding zones
MM118	Appendi	MJP10	Insert extra bullet point at the end of the Key Sensitivities:

	x 1 page 45		• Structures proposed over 91.4m in height or over 47.5m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted in respect of RAF Leeming on any structures proposed over 91.4m in height at this development; in respect of RAF Topcliffe on any structures proposed over 47.5m in height and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Leeming birdstrike safeguarding zone
MM119	Appendix 1 after page 47	MJP15	Insert MJP15 into Harrogate Borough section of Allocated sites in Appendix 1 (CD18) between end of MJP10 text on page 47 and beginning of WJP08 text on page 48. Text to comprise: • details from pages 40-41 of SD18 up to and including Key Sensitivities with the addition of text to the following bullet points: 1st bullet point: 'Ecological issues including as identified by the RSPB and the Yorkshire Wildlife Trust , including impacts on: North Pennine Moors SPA …' 3rd bullet point: 'Heritage asset issues as identified by Historic England, including proximity to …'. • The development requirements listed on page 107 of SD18 with the addition of text to the following bullet points: 1st bullet point: 'An Appropriate Assessment … mitigation of ecological issues including as identified by the RSPB and the Yorkshire Wildlife Trust, in particular with regard to avoiding … protected species' 4th bullet point: 'A suitable landscape assessment and appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified by Historic England, (Redshaw Hall …rights of way in the area. • **Reasons for allocating site**: The site could contribute to the supply of silica sand suitable for glass manufacture, which is a nationally scarce resource over the Plan period (Policy M12). No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environment which indicate any significant conflict with other relevant policies in the Plan. Although there are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an appropriate matter. Therefore this site is an allocated site.

			• Use plan shown on page 42 of SD18.
MM120	Appendix 1 page 49	WJP08	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Linton on Ouse birdstrike safeguarding zone
MM121	Appendix 1 page 53	WJP24	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height or over 47.5m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted in respect of RAF Leeming on any structures proposed over 91.4m in height at this development and in respect of RAF Topcliffe on any structures proposed over 47.5m in height
MM122	Appendix 1 after p55	WJP01	Insert WJP01 into Richmondshire District section of Allocated sites in Appendix 1 before WJP18 text on page 55. Text to comprise: • details from pages 52-53 of SD18 up to and including Key Sensitivities • The development requirements listed on page 111 of SD18 • **Reasons for allocating site**: The site could contribute to the provision of infrastructure which could help move waste up the waste hierarchy (Policy W01) and meeting capacity requirements for C & I waste (Policy W04) in this part of the Plan area. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environment which indicate any significant conflict with other relevant policies in the Plan including Policy W10 meeting overall requirements for the provision of waste capacity and Policy W11 waste site identification principles. Although there are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, no overriding constraints have been identified at this stage through the site assessment process to indicate that the site could not be developed and operated in an appropriate matter.

			Therefore this site is an allocated site. • Use plan shown on page 54 of SD18.
MM123	Appendix 1 page 56	WJP18	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted in respect of RAF Leeming on any structures proposed over 91.4m in height at this development.
MM124	Appendix 1 page 59	MJP08	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM125	Appendix 1 before page 62	MJP12	Insert MJP12 into Ryedale District section of Allocated sites in Appendix 1 between end of MJP08 text on page 61 and beginning of MJP30 text on page 62. Text to comprise: • details from pages 55-56 of SD18 up to and including Key Sensitivities with the addition of text to the following bullet points: 3rd bullet point: Heritage asset issues as identified by Historic England, including proximity to … and their settings. 9th bullet point: Amenity issues, including: noise, dust, air quality in Malton and Norton, vibration, quality of life and cumulative impact in relation to residential amenity and the proximity of the adjacent stables. • The development requirements listed on page 112 of SD18 with the addition of text to the following bullet points:

			3rd bullet point: Appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified by Historic England, (archaeological remains, Scheduled monuments … investigation and mitigation 5th bullet point: An appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site 7th bullet point: Appropriate arrangements for assessment, control of and mitigation of effects such as ancillary development, noise, blasting, ~~and~~ dust and including a cumulative impact assessment which demonstrates the relationship of any proposed development on the allocated site with existing operations; the potential for consolidated mitigation of the operation and control at the quarry and ancillary infrastructure; measures to ensure adequate protection against potential impacts on residential amenity and use of the stables; and monitoring (and where appropriate, reporting) of potential impacts. 8th bullet point: Appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry site • **Reasons for allocating site**: The site is consistent with the broad geographical approach to the supply of aggregates (Policy M01) and could contribute to maintaining the landbank of crushed rock (Policy M06) and a local source of supply of Jurassic Limestone as evidence, including from the adjacent existing quarry, indicates that there is a suitable resource in this location. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other strategic policies in the Plan. There are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application, when particular scrutiny will be required of potential impacts on traffic, residential amenity and the adjacent stables. • Use plan shown on page 57 of SD18.

MM126	Appendix 1 before page 62	MJP13	Insert MJP13 into Ryedale District section of Allocated sites in Appendix 1 after MJP63 plan on page 68. Text to comprise: • details from pages 64-65 of SD18 up to and including Key Sensitivities with the addition of text to the following bullet points: 2nd bullet point: 'Heritage asset issues as identified by Historic England, including proximity to … and their settings' 6th bullet point: Amenity issues, including: noise, dust and cumulative impact in relation to residential amenity and the proximity of the adjacent stable • The development requirements listed on page 115 of SD18 with the addition of text to the following bullet points: Insert new bullet point after 1st bullet point: Appropriate site design and landscaping of site to mitigate potential impacts on heritage assets as identified by Historic England (archaeological remains, Scheduled Monuments at The Three Dykes and West Wold Farm, Langton Conservation Area, Listed Buildings including Whitewall House, Whitewall Cottages & associated stable) and their respective settings including appropriate archaeological investigation and mitigation 4th bullet point: 'An appropriate transport assessment to ensure suitable arrangements for access onto Whitewall Corner Hill road and on local roads, including an appropriate traffic management plan that reflects the volume of traffic using the site in connection with the development and other activities taking place within the quarry site 6th bullet point: Appropriate arrangements for assessment, control of and mitigation of effects such as ancillary development, noise, ~~and~~ dust and including a cumulative impact assessment which demonstrates the relationship of any proposed development on the allocated site with existing operations; the potential for consolidated mitigation of the operation and control at the quarry and ancillary infrastructure and the measures to ensure adequate protection against potential impacts on residential amenity and use of the stables; monitoring and reporting as appropriate, of potential impacts of the recycling operation to the MPA. 7th bullet point: Appropriate restoration scheme using opportunities for habitat creation and which relates to the whole of the quarry site • **Reasons for allocating site**:

			This site is located within the existing Whitewall Quarry operational area where and is adjacent to the area where recycling currently takes place. This site could contribute to the provision of infrastructure which could help move waste up the waste hierarchy (Policy W01), facilitate net self-sufficiency in the management of waste (Policy W02) and to meeting capacity requirements for CD & E waste (Policy W05). Subject to it being linked to the life of Whitewall Quarry it would not conflict with Policy W11 waste site identification principles. No major issues have been raised by statutory consultees in respect of local amenity, landscape, biodiversity, historic and water environments which indicate any significant conflict with other strategic policies in the Plan. There are development requirements which have been identified through the Site Assessment process which would need to form part of the development proposals for any subsequent planning application and consideration will need to be given to potential impacts on residential amenity and the adjacent stables. Therefore this site is an **allocated site**. • Use plan shown on page 67 of SD18.
MM127	Appendix 1 page 63	MJP30	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM128	Appendix 1 page 66	MJP63	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development

MM129	Appendix 1 page 70	WJP15	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 15.2m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted in respect of Staxton Wold Radar on any structures proposed over 15.2m in height
MM130	Appendix 1 page 73	MJP45	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM131	Appendix 1 page 78	MJP55	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM132	Appendix 1 page 82	MJP28	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM133	Appendix 1 page 85	MJP29	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements:

			• The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM134	Appendix 1 p89	MJP23 Key Sensitivities and Development requirements	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM135	Appendix 1 page 93	MJP22	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM136	Appendix 1 page 99	MJP54	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM137	Appendix 1 page 102	MJP09	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with

			this development
MM138	Appendix 1 page 105	MJP24	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM139	Appendix 1 page 108	MJP27	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM140	Appendix 1 page 111	MJP26	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM141	Appendix 1 page 114	WJP10	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM142	Appendix 1 page 117	WJP16	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height

			Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM143	Appendix 1 page 120	WJP06	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM144	Appendix 1 page 125	WJP22	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM145	Appendix 1 p126	WJP22 – Reasons for allocating site, 2nd Para	Revise the Para: The allocation of this site could contribute to the further provision of a range of infrastructure which could help move waste up the waste hierarchy (Policy W01) and provide flexibility in capacity for management of C&I waste in line with Policy W04. ~~and it~~ The allocation would not conflict with other strategic policies in the Plan, including Policy W02 facilitating net self-sufficiency in the management of waste and would be consistent with the overall locational principles for waste capacity (Policy W10) and Policy W11 waste site identification principles.
MM146	Appendix 1 page 129	WJP03	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements:

			• The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM147	Appendix 1 page 132	WJP25	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM148	Appendix 1 page 135	WJP19	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development
MM149	Appendix 1 page 138	MJP52	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Linton on Ouse birdstrike safeguarding zone
MM150	Appendix 1 page 141	WJP02	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 50m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 50m in height in connection with this development

MM151	Appendix 1 page 145	WJP05	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Linton on Ouse birdstrike safeguarding zone
MM152	Appendix 1 page 148	WJP11	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m in height Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m in height in connection with this development and any development of open water bodies, creation of wetland habitat, refuse or landfill site within the RAF Linton on Ouse birdstrike safeguarding zone
MM153	Appendix 1 page 153	Area of Search A	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m, 45.7 and 15.2 in height within this area Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m, 45.7m and 15.2m in height in connection with development within this area and any development as it lies within the RAF Topcliffe birdstrike safeguarding zone
MM154	Appendix 1 page 155	Area of Search C	Insert extra bullet point at the end of the Key Sensitivities: • Structures proposed over 91.4m, 45.7 and 15.2 in height within this area Insert extra bullet point at the end of the Development requirements: • The Ministry of Defence should be consulted on any structures proposed over 91.4m, 45.7m and 15.2m in height in connection with development within this area and any development as it lies within the RAF Dishforth birdstrike safeguarding zone

<table>
<tr><td>AC48</td><td>Appendix 2 p186</td><td>Knapton Quarry safeguarding plan</td><td>Revise plan area to reflect the inclusion of the existing additional facility types (transfer, treatment and recycling).</td></tr>
<tr><td>MM155</td><td>Appendix 3 – Monitoring p279</td><td></td><td>Insert new monitoring mechanism into Table titled ‘Monitoring of implementation of policies in Minerals and Waste Joint Plan’: for Policy D14 – Planning Obligations
<table>
<tr><th>Policy (inc. link to objectives)</th><th>Indicator Number</th><th>Indicator</th><th>Target</th><th>Method</th><th>Trigger Point</th><th>Action Required if Trigger Point hit</th></tr>
<tr><td>D14: Planning Obligations. Linked to Objectives 9, 10, 12</td><td>57</td><td>Approved applications are consistent with this policy (where appropriate)</td><td>NA</td><td>Monitoring of planning application decisions, annual monitoring</td><td>NA</td><td>NA</td></tr>
</table></td></tr>
<tr><td>MM156</td><td>Appendix 3 - Monitoring</td><td></td><td>Insert monitoring mechanism regarding new D15 Air Quality Policy</td></tr>
<tr><td>AC49</td><td></td><td>Policies Map</td><td>Revise MJP11, MJP17 and WJP22 site allocation boundaries, and safeguarded Showfield Lane waste facility on the interactive map</td></tr>
<tr><td>AC50</td><td></td><td>Policies Map</td><td>Revise MJP11, MJP17 and WJP22 site allocation boundaries and add in Allocations for WJP01, MJP12, MJP13 and</td></tr>
</table>

			MJP15 as well as safeguarded Showfield Lane waste facility on paper version of the following maps: • Aerodrome Safeguarding - Policy No. = D10 • Agricultural Land Classification - Policy No. = D12 • Coal Mining Development Referral Area - Policy No. = D13 • Water Environment including Flood Risk - Policy No. = D09 • PEDL licences - Policy No.s M16, M17 & M18 • Environmental and Historic Designations - MAP FIVE • Environmental and Historic Designations - MAP SIX • Environmental and Historic Designations - MAP EIGHT • Minerals Resource Safeguarding Maps - MAP 5 • Minerals Resource Safeguarding Maps - MAP 6 • Minerals Resource Safeguarding Maps - MAP 8
AC51		Policies Map	Revise title on 4th page of the paper version (CD23): ~~Coal Mining Development Referral Area~~ Development High Risk Area =– Policy Ref No. D13
AC52		Policies Map	Add in PEDL 258 onto hydrocarbon layer
MM157		Policies Map	Add Historic Character and Setting of York layer to Policies Map

North Yorkshire County Council, City of York Council and North York Moors National Park Authority Minerals and Waste Joint Plan

I have considered all the representations concerning the *Stephenson* judgement and the quashing of NPPF 209a. Due to the uncertainties arising from the scientific evidence, particularly over methane emissions from hydraulic fracturing, and the consequential uncertainties over the potential impact this could have on air quality in the vicinity of nearby receptors, I am content that the retention of the 500m buffer zone in the Plan is sound.

My full reasoning will be set out in my final report following public consultation and consideration of representations on the proposed main modifications.

I have considered the further proposed main modifications/amendments to proposed main modifications advanced by the Minerals Planning Authorities, and I am content that they are justified to make the Plan sound, subject to the following comments.

In Annex B, is the reference to carbon emissions correct? Should this refer to methane emissions? In terms of climate change, if the MPAs wanted to link methane and carbon dioxide, would a reference to methane's Global Warming Potential as a carbon dioxide equivalent be the best way to express this? With respect to the final paragraph, I am not convinced that this level of detail is necessary for soundness. Also, there is no need to express a view on the weight the MPAs give to the 2018 WMS. Would the MPAs reconsider the text and provide me with an amended version?

Once this has been done, I would like to see an updated schedule of main modifications ahead of formal public consultation.

The Planning Inspectorate

Report to the East Riding of Yorkshire Council and Kingston upon Hull City Council

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

Inspector appointed by the Secretary of State

Date: 19 July 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the

East Riding of Yorkshire & Kingston upon Hull Joint Minerals Local Plan 2016-2033

The Plan was submitted for examination on 20 July 2018

The examination hearings were held between 8 and 9 January 2019

File Ref: PINS/E2001/429/17

Abbreviations used in this report

AA	Appropriate Assessment
AWP	Aggregate Working Party
DtC	Duty to Co-operate
EIA	Environmental Impact Assessment
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
LDS	Local Development Scheme
MM	Main Modification
MPAs	Mineral Planning Authorities
MSA	Mineral Safeguarding Area
Mt	Million tonnes
Mtpa	Million tonnes per annum
NPPF	National Planning Policy Framework (March 2012)
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement

Non-Technical Summary

This report concludes that the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 provides an appropriate basis for mineral planning in the authorities of the East Riding of Yorkshire Council and Kingston upon Hull City Council, provided that a number of main modifications [MMs] are made to it. Both Councils have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs were proposed by the Councils and were subject to public consultation over a six week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The purposes of the recommended Main Modifications can be summarised as follows:

- Revising the approach in the Vision and Objectives to recognise that building and roofing stone may be needed in development where it is required to maintain the character and appearance of a place.
- Revising the approach for the consideration of the supply for aggregate minerals and in recognition that there is no maximum landbank.
- Revising the approach for the consideration of extensions to existing quarries.
- Revising the approach to the safeguarding of mineral infrastructure and facilities.
- Providing a more positively worded approach to the consideration of energy minerals development.
- Ensuring that the potential impacts of gas flaring and other arrangements for the disposal of unwanted gas are considered as part of energy minerals development.
- The provision of more standardised wording in the energy minerals policies of the factors to consider when locating a surface development for energy minerals in a location with no unacceptable adverse impacts.
- Ensuring that the policy for Coal Bed Methane development includes the consideration of impacts during the appraisal phase.
- Providing more explanatory text regarding Environment Impact Assessment.
- Amending the Development Management Policies to provide clarification.

Introduction

1. This report contains my assessment of the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicate that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.

3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, submitted in July 2018, is the basis for the examination. It is the same document as was published for consultation in April 2018.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.

5. Following the examination hearings the Councils prepared a schedule of proposed MMs. A Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) Note (CD57) was produced which sets out the implications for SA resulting from the MMs. This concluded that none of the modifications are considered to require additional SA assessments. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to the conclusions in this report.

6. The Councils have also put forward a number of minor amendments and corrections, described as Additional Modifications (AMs), that do not address matters of soundness. Therefore, I make no formal recommendations concerning them.

Policies Map

7. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 Proposed Submission Policies Map – April 2018 (Policies Map) as set out in Examination Document Ref CD02.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in the Plan.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regard to strategic, cross-boundary matters.

10. Details of how the Councils have met this duty are set out in the *Duty to Co-operate Statement - July 2018* (Ref CD04), the *Consultation Statement – July 2018* (Ref CD03) and the Councils' written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.

11. The evidence demonstrates that the Councils have worked closely with neighbouring minerals planning authorities, as well as some further afield where a strategic relationship was identified, the relevant Yorkshire and Humber Aggregate Working Party (AWP) and the North Yorkshire Development Plans Forum throughout the plan-making process.

12. Also evident is the effective relationship the Councils have established and maintained with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that many of the pre-submission changes to the Plan that were brought forward by the Councils were as a result of consultation with relevant parties to address their concerns in a constructive and active manner.

13. It should be emphasised that the DtC is not a duty to agree. Consequently, it is quite possible for it to be complied with, but for there to be outstanding matters between the Councils and other bodies. However, those matters do not lie with the DtC but with the content of the Plan which is addressed elsewhere in this report. Those disputes may relate to matters regarding the

soundness of the Plan, but an unresolved dispute is not evidence of a failure in the DtC.

14. Overall, I am satisfied that where necessary the Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

Assessment of Soundness

Main Issues

15. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings this report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Vision and Objectives of the Plan are the most appropriate, are soundly based and provide an appropriate basis for meeting the future demand for minerals sustainably.

16. The vision and objectives, informed by the underpinning SA, set out the spatial vision for minerals development within the Plan area and provide an appropriate basis that guides the policies of the Plan. The objectives of the Plan broadly follow on from the vision.

17. The vision also seeks to safeguard important mineral resources from non-minerals forms of development. However, in order to be consistent with the requirements of paragraph 143 of the NPPF **MM1** is required to ensure that important "known locations" of mineral resources are safeguarded. In addition, Objective 2 also refers to the unnecessary sterilisation of a number of named minerals which includes building and roofing stone. However, this objective only identifies the use of building and roof stone for historic building purposes. In recognition that building and roofing stone may also be used on buildings and structures that may contribute to the character of an area and which may not necessarily be defined as historic buildings, **MM2** is required. This MM is necessary in order for the Plan to be effective.

18. The objectives refer to the need to maintain a steady and adequate supply of minerals. In this regard they are therefore generally compliant with paragraphs 145 and 146 of the NPPF in relation to the supply of aggregates and non-aggregate minerals. The remainder of the objectives provide support for the working of minerals but recognise the need to minimise the impact on environmental assets and local communities.

19. The question arises whether the Plan adequately considers the impact of mineral development on climate change. However, the vision clearly identifies that the plan will seek to mitigate and adapt to the expected impacts of climate change. This approach is reflected in the development management policies. It also reflects the content of a Statement of Common Ground between the Councils and Friends of the Earth which responds to the concerns raised regarding climate change. This matter is discussed further in

this report. Overall, I consider that the Plan adequately addresses the impact of minerals development on climate change.

Conclusion on Issue 1

20. Subject to the identified modifications, I am satisfied that the Vision and Objectives reflect the most appropriate strategic approach for the Plan area and I find this part of the Plan to be sound subject to the identified MMs.

Issue 2 - Whether the Plan makes adequate provision for the steady and adequate supply of sand and gravel.

21. The NPPF looks to Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates by preparing a Local Aggregates Assessment (LAA) based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). The approach to the calculation of future demand for sand and gravel over the Plan period is set out in the *Aggregates Apportionment Background Paper (Update) – April 2018* (CD05).

Sand and Gravel Provision

22. The Background Paper (CD05) calculates the average sales rate of sand and gravel over a 10 year period based on the LAA (October 2017). However, the PPG advises that LAA's must also consider other relevant local information in addition to the 10 year rolling supply and seek to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. MPAs should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply (PPG ID: 27-064-20140306).

23. The Background Paper considers, amongst other matters, aggregates sales trends over the past three years; cross boundary aggregate movements; performance of the local economy; past and proposed future housing development trends and future planned major construction projects and infrastructure. Taking these factors into account, the Background Paper identifies that the preferred apportionment approach to calculate future sand and gravel demand for inclusion in the Plan is on the basis of the 3 year average sales (2014 – 2016).

24. The 3 year annual average sales of sand and gravel is 0.81 million tonnes per annum (Mtpa) which uplifts the requirement from the 0.74Mtpa based on the 10 year average sales. Using the 3 year average sales the total requirement over the plan period is 13.77 Million tonnes (Mt). The permitted reserves in the Plan area in 2016 were 6.32Mt. Therefore, there is a shortfall in provision over the Plan period to 2033 of 7.45Mt. In addition, there is a need to maintain a 7 year landbank at the end of the plan period which amounts to 5.67Mt. Consequently, the resources that need to be found over the Plan period are 13.12Mt.

25. Policy AGG1 confirms that the Councils will seek to ensure a steady and adequate supply of sand and gravel by allocating Preferred Areas and Areas of Search sufficient to maintain a landbank of at least 7 years supply over the Plan period at 0.81Mtpa. The policy identifies that maintenance of the landbank will be achieved from remaining reserves at existing permitted sites and extensions to existing permitted sites.

26. Policy AGG7 is supportive of the processing of recycled and secondary aggregates at existing active mineral sites. However, no substantive evidence was provided to suggest that these alternative sources will significantly substitute for land won aggregates in the short term and result in a need to revise downwards the amount of sand and gravel provided for in the Plan.

27. The question arises of whether there would be an under-provision of sand and gravel resources over the Plan period due to the likelihood of increased demand caused by economic growth in the region. However, without dismissing the possibility of significant future growth in the region, I consider that the LAA should be able to identify the consequences and impact there might be on sand and gravel resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than might otherwise be the case. Consequently, at this time, I see no convincing reason to depart from the basis of the supply figures defined in the Plan based on the last 3 years average sales data.

28. Furthermore, Criterion C of Policy AGG1 of the Plan provides general development principles for sand and gravel extraction from new sites outside of the Preferred Areas and Areas of Search. Subject to compliance with other relevant policies in the Plan, this part of the policy provides a degree of flexibility to enable the consideration of sand and gravel development proposals on unallocated sites that are necessary in order to maintain an adequate level of provision and meet any identified shortfall in the landbank.

29. Therefore, the annual provision of 0.81Mt of sand and gravel is sound and I conclude that the Plan makes adequate provision for sand and gravel over the Plan period.

Allocated sites for Sand and Gravel Provision

30. The Plan seeks to ensure that sufficient resources of sand and gravel are available within the Preferred Areas to meet anticipated supply requirements until at least 2033. Beyond that, Areas of Search are proposed in order to provide flexibility in meeting the landbank requirement at the end of the Plan period. However, there is no presumption that that Preferred Areas will all need to be commenced or worked out before sites within Areas of Search are released for extraction but this will be determined by reference to the position of the landbank at the time that any planning applications are considered.

31. Part A of Policy AGG2 identifies five locations as Preferred Areas and Part B identifies two locations as Areas of Search. Each of these allocated areas are shown in detail on the Identified Area Site Briefs in Appendix C of the Plan and were assessed, along with other potential areas, in the *Site Selection: Background Paper – April 2018* (CD07). The potential areas were assessed

against a range of social, economic and environmental factors linked to the SA objectives and to determine consistency with the emerging Plan vision and objectives. The purpose of which is to determine general conformity with the emerging planning policy approach, identify major constraints and confirm deliverability.

32. Part B of Policy AGG2 supports the extraction of sand and gravel within the Areas of Search subject to a number of criteria. However, this part of the policy does not distinguish as to whether these criteria are applicable to new freestanding quarries or also relate to extensions to existing quarries. In addition, criterion 1 of Part B indicates that proposals would only be supported that are required to maintain the landbank.

33. The approach in Part B of Policy AGG2 would be unduly restrictive in only supporting proposals that were needed to maintain the landbank, whether these be extensions to existing quarries or new sites. As such, this would prohibit production responses to be made to an unforeseen localised demand for sand and gravel during the plan period as permissions granted to maintain the landbank would not necessarily be worked until towards the end of the plan period and therefore may be unable to respond to an unforeseen localised demand.

34. In order for the Plan to be effective, **MM3** and **MM4** are therefore required to amend criterion 1 of Part B of Policy AGG2 to make it clear that in the case of new quarry sites there is a need for additional sand and gravel reserves to be permitted and remove reference for the need for reserves to only be permitted in order to maintain the landbank. This approach also ensures that the Plan is consistent with the NPPF which refers to a landbank of at least 7 years for sand and gravel but provides no maximum period.

35. **MM5** provides an additional supporting paragraph to Policy AGG2 to refer to the fact that even if the landbank was maintained, further large construction projects could come forward that require local aggregate resources to be permitted in a timely manner. In supporting the MMs made to the policy, MM5 is required in order for the Plan to be effective.

36. The Plan recognises that a degree of flexibility will be required to ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period. Policy AGG5 allows unallocated extensions to existing quarries to come forward outside Preferred Areas and Areas of Search. However, the policy does not refer to extensions to quarries that may be located within a Preferred Area or an Area of Search. In addition, Policy AGG5 as worded would be inconsistent with the modifications made to Policy AGG2 as a consequence of MM3 and MM4. **MM9** is therefore required so that Policy AGG5 also applies to extension proposals to existing mineral extraction sites irrespective of whether these are located within Preferred Areas, Areas of Search or on unallocated sites. This MM is necessary in order for the Plan to be effective.

Conclusion on Issue 2

37. I am satisfied that the Plan, when considered with the recommended MMs makes adequate provision for the steady and adequate supply of sand and gravel and is fully justified by the evidence and is soundly based.

Issue 3 - Whether the Plan makes adequate provision for the steady and adequate supply of crushed rock.

38. The only crushed rock currently worked in the Plan area is chalk, which lies close to the surface as the underlying bedrock of the Yorkshire Wolds. The chalk in East Yorkshire is harder and contains less moisture than the chalk in southern England and can therefore be used for aggregate purposes, but only for less demanding applications such as fill and sub-base roadstone. Most is of a lower quality, which can be used in bulk fill for major infrastructure or residential building projects. The area's higher quality chalk deposits are used in industrial uses such as paper manufacture, coatings (including paints), polymers, and sealants.

39. The *Aggregates Apportionment Background Paper (Update) – April 2018* (CD05) identifies that the preferred approach for crushed rock is to take the past ten year average annual sales rate and project that forward as the future annual apportionment for the East Riding's primary crushed rock supply. No 'uplift' in addition to the 10 year annual average sales rate of 0.13 million tonnes per annum is proposed.

40. The tonnage required to maintain production at 0.13Mtpa over the plan period is 2.21Mt. Permitted reserves of chalk (as at the end of 2013) were 6.59Mt which provides for a surplus in provision over the plan period of 4.38Mt. Consequently, sufficient permitted reserves already exist to sustain the requirement throughout the plan period and maintain a 10 year landbank at the end of the period.

41. Policy AGG3 of the Plan provides general development principles for crushed rock extraction. Subject to compliance with other relevant policies in the Plan, this policy provides a degree of flexibility to enable the consideration of crushed rock proposals that may be necessary in order to maintain an adequate level of provision and meet any unexpected identified shortfall in the landbank.

42. Representations from the minerals industry referred to a possible under-provision of crushed rock resources over the plan period due to the likelihood of increased economic growth in the region. However, taking into account the level of permitted reserves, the evidence provided in the Background Paper and the flexibility provided in Policy AGG3, I see no convincing reason to depart from the advice that 10 years sales data should be the basis of future crushed rock supplies to be provided for in the Plan or that the annual provision of 0.13Mt is unsound. I therefore conclude that the Plan makes adequate provision for crushed rock over the Plan period.

Future Crushed Rock Provision

43. There are already sufficient reserves in sites with planning permission within the Plan area for crushed rock throughout the Plan period, as well as provision for maintenance of a 10 year landbank at the end of the Plan period. There is

therefore only a need to provide for the supply of mineral to safeguard production at existing quarries. Consequently, there is no need to identify any Preferred Areas or sites to meet anticipated supply requirements until at least 2033. However, an Area of Search, CR-A: Greenwick Quarry, is proposed in order to provide for an ongoing source of mineral to safeguard production at the existing quarry and would assist in meeting any unexpected shortfall in the landbank requirement at the end of the Plan period.

44. Policy AGG4 identifies an Area of Search for crushed rock which is shown in detail on the Identified Area Site Briefs in Appendix C of the Plan and was assessed, along with other potential sites, in the *Site Selection: Background Paper – April 2018* (CD07). The policy supports the extraction of crushed rock within the Area of Search. However, the policy does not distinguish as to whether this is applicable to new freestanding quarries or also relate to extensions to existing quarries. In addition, criterion 1 indicates that proposals would only be supported that are required to maintain the landbank.

45. The approach set out in Policy AGG4 would be unduly restrictive in only supporting proposals that were only needed to maintain the landbank, whether these be extensions to existing quarries or new sites. In addition, it would require proposals to extend existing quarries that may be required to sustain production to have to demonstrate that there was a need to maintain the landbank. As such, this approach is unduly restrictive on existing operations and would prohibit production responses to be made to an unforeseen localised demand for crushed rock.

46. In order for the Plan to be effective, **MM6** and **MM7** are therefore required to amend criterion 1 of Policy AGG5 to make it clear that in the case of new quarry sites there is a need for additional crushed rock reserves to be permitted and remove reference for the need for reserves to be only permitted in order to maintain the landbank. These modifications address the inconsistency that would occur between Policy AGG4 and the modification made to Policy AGG5 as a consequence of MM9. They also address other concerns from the minerals industry that the NPPF refers to a landbank of at least 10 years for crushed rock but provides no maximum period.

47. **MM8** provides an additional supporting paragraph to Policy AGG4 to refer to the fact that even if the landbank was maintained further large construction projects could come forward that require local aggregate resources to be permitted in a timely manner. In supporting the MMs made to the policy, MM8 is required in order for the Plan to be effective.

Conclusion on Issue 3

48. I am satisfied that the Plan, when considered with the recommended MMs, makes adequate provision for a steady and adequate supply of crushed rock aggregate minerals and is fully justified by the evidence and soundly based.

Issue 4: Whether the Plan strikes the appropriate balance between the supply of energy minerals and the protection of the environment and the living conditions of nearby residents.

49. Energy minerals are defined as those which may be burnt to produce energy. The Plan includes policies reflecting the potential for energy mineral development and associated infrastructure within the Plan area. It includes policies relating to deep coal mining (EM1), oil and gas production and distribution (EM4), coal bed methane (EM5), shale gas (hydraulic fracturing) (EM6) and the underground storage of natural gas (EM7). It also includes policies relating to the initial phases of development for energy minerals including exploration boreholes (EM2) and appraisal boreholes (EM3).

50. The question arises whether the above suite of policies relating to energy minerals are unnecessarily negatively worded and do not provide positive support for such development. In particular, all of these policies indicate that such development will 'only' be supported provided that the criteria set out in each of the policies are met.

51. **MM12**, **MM13**, **MM16**, **MM19**, **MM21**, **MM23** and **MM28** propose the removal of the word 'only' in the opening sentence of policies EM1 to EM7. These modifications provide a more positive emphasis to the policies but do not change the fundamental context or requirements of the criteria that are required to be satisfied to protect the environment and the living conditions of nearby residents. These MMs are necessary to ensure that the Plan is positively prepared.

52. Policies EM2, EM3, EM4 and EM6 all require, amongst other things, that the relevant development is located in the least environmentally sensitive part of the geological prospect as practically possible. In order to standardise the wording of these relevant parts of the policies and ensure that environmental, geological and technical factors to minimise the impacts on any identified asset are taken into account, **MM14**, **MM17**, **MM20** and **MM25** are proposed. These MMs are necessary in order for the Plan to be effective.

53. Policy EM4 (Oil and Gas Production) provides a number of criteria for the consideration of related development proposals which require, amongst other matters, that mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties or other land uses and their users nearby.

54. However, the Plan does not adequately address the fact that gas flaring or other arrangements for the disposal of unwanted gas can also occur in some circumstances associated with development involving Exploration Boreholes (Policy EM2), Appraisal Boreholes (Policy EM3) and in the Extraction of Shale Gas (EM6). **MM15**, **MM18** and **MM26** are therefore required to ensure that the potential impacts of flaring and other arrangements for the disposal of unwanted gas are also taken into account in the consideration of development involving Exploration Boreholes, Appraisal Boreholes and the Extraction of Shale Gas. The wording of these MMs is proposed to be consistent with that used in Policy EM4. These MMs are necessary in order for the Plan to be effective.

55. Evidence suggests that the Plan may not adequately address the potential environmental and amenity impacts of energy minerals development with

particular regard to the extraction of shale gas. However, subject to the respective MMs identified above to the Energy Minerals Policies and those to the Development Management Policies which I will consider later in this report, I am satisfied that the Plan adequately considers these matters.

Deep Coal Mining

56. The western part of the Plan area is underlain by deep coal deposits occurring between 50m and 1200m in depth. Deposits are at a greater than 1200m depth throughout most of the rest of the Plan area. Currently, there is no active coal mining in the Plan area. Paragraph 149 of the NPPF identifies that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

57. Policy EM1 provides a criterion based approach for the consideration of proposals for the extraction of coal and is consistent with the guidance provided in the NPPF. As such the Plan is sound in the way that it has dealt with coal.

Coal Bed Methane

58. The Plan recognises the opportunity for exploiting Coal Bed Methane. Policy EM5 sets out the approach for the consideration of development proposals for the exploration and production phases of the gas. However, the policy does not address the appraisal phase of Coal Bed Methane development. It is therefore inconsistent with paragraph 147 of the NPPF which requires MPAs to clearly distinguish between the three phases of development (exploration, appraisal and production) when planning for on-shore oil and gas development.

59. **MM22** is therefore required to provide an additional part to Policy EM5 to address proposals for the appraisal phase of Coal Bed Methane. This MM is necessary to ensure that the Plan is consistent with national policy.

Extraction of Shale Gas (Hydraulic Fracturing)

60. Shale Gas extraction does not currently occur within the Plan Area and it is not known if there is any potential for its exploitation at this stage. Policy EM6 provides a criteria based approach for the consideration of proposals for the exploration, appraisal and production phases of shale gas extraction. Parts A and D of the policy refer to the consideration of environmental risks by the submission of a robust environmental risk assessment.

61. However, the policy and the supporting text are not clear as to what is meant by an 'environmental risk assessment' and how this may relate to the statutory Environmental Impact Assessment requirements. **MM24** and **MM27** are therefore required which remove reference to 'environmental risk assessment' but require that development proposals for the extraction of shale gas demonstrate that environmental risks are assessed, rather than

considered, and measures will be taken to minimise any adverse impacts on the environment and the local community. These MMs are necessary in order for the plan to be effective.

62. There was debate whether a 500m buffer should be applied for all surface fracking development from residential properties. However, Policy EM6 is sound without further modification.

Conclusion on Issue 4

63. I am satisfied that the Plan, when considered with the recommended MM's, strikes the appropriate balance between the supply of energy minerals and the protection of the environment and the living conditions of nearby residents. It therefore makes suitable provision for energy minerals development and is positively prepared, justified, effective and consistent with national policy

Issue 5 - Whether the Plan adequately balances the safeguarding of mineral resources and infrastructure and needs of competing development.

64. The Objectives of the Plan provide for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development. This is consistent with paragraph 143 of the NPPF.

65. The mechanism for balancing the needs of competing non-mineral development with the need to protect the resource is through the identification of Mineral Safeguarding Areas (MSAs). The approach taken to define MSAs is set out in the *Mineral Resource and Infrastructure Safeguarding Background Paper – April 2018* (CD06). The boundaries of the MSAs are identified on the Policies Map (CD02). Mineral extraction does not occur within Kingston Upon Hull and therefore no MSAs are identified in this part of the Plan area.

66. Policy EC6 - Protecting Mineral Resources, of the adopted East Riding Local Plan 2012 -2029 Strategy Document (CD22-A) identifies that within or adjacent to MSAs non-mineral development, which would adversely affect the viability of exploiting the underlying or adjacent deposit in the future, will only be supported where a number of criteria set out in the policy can be satisfied. This policy was 'tested' in the examination of the East Riding Local Plan and found to be sound.

67. Policies AGG8 (Safeguarding capacity for marine importation of mineral resources), AGG9 (Safeguarding of rail facilities used for the importation of Aggregates and other minerals) and AGG10 (Safeguarding of Mineral Infrastructure and Facilities) of the Plan provide an appropriate framework for the safeguarding of minerals infrastructure which are desired to be kept safeguarded from non-mineral development.

68. However, evidence suggests that Policies AGG8 – AGG10 do not adequately reflect the 'agent of change' principle. This requires that where the operation of an existing business or community facility could have a significant effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed.

69. I do not consider that any modifications are required to Policies AGG8 and AGG9. However, I consider that **MM10** is required to delete reference in Policy AGG10 to 'inappropriate' development and replace this by 'non-mineral development which would adversely impact on the operation and costs associated with the infrastructure'. This MM is more reflective of the 'agent of change' principle and is necessary for the Plan to be effective.

70. **MM11** is necessary as it provides additional text to paragraph 4.96 which supports Policy AGG10. This MM provides examples as to how existing infrastructure could be prejudiced by non-mineral development and why suitable mitigation would be required to reduce this impact. In supporting the MM made to Policy AGG10, MM11 is required in order for the Plan to be effective.

71. The requirements of these Policies, the identification of MSAs, and the requirements of Policy EC6 of the adopted East Riding Local Plan 2012 -2029 are consistent with national policy. As such, they provide an appropriate framework that supports the objectives of the Plan for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development.

Conclusion on Issue 5

72. I am satisfied that the Plan, when considered with the recommended MMs, appropriately balances the needs of competing development and makes adequate provision for the safeguarding of mineral resources and associated infrastructure.

Issue 6 - Whether the Development Management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment.

73. The Plan contains a number of development management policies (Policies DM1 to DM6) that collectively seek to control impacts from future minerals development. These include criteria-based policies that consider the impacts of mineral development, protection of residential amenity, restoration and aftercare, best and most versatile agricultural land, public rights of way and transportation.

74. Apart from Policies DM1 and DM3, which are considered below, the remaining development management policies are sound without modification.

Policy DM1: Impacts of Mineral Development

75. Criterion A2 of the policy starts with a position which seeks to 'minimise' harm rather than seeking to avoid it. As such the policy implies that it would be acceptable, in principle, to cause some harm. With regard to the need to conserve the historic environment, the policy as worded would be inconsistent with paragraph 129 of the NPPF. This paragraph makes it clear that local planning authorities should seek to avoid or minimise conflict between a heritage asset's conservation and any aspect of a proposal. **MM29** is

therefore required to ensure that the emphasis of Criterion A2 of Policy DM1 is from a position of seeking to avoid harm to the environment or communities and thereby ensuring consistency with the NPPF.

76. Criterion A2 also refers to the cumulative impacts of other existing and proposed mineral and other forms of development. However, the wording of this part of the policy does not relate to the potential impacts to the factors set out in Criteria B1-10 of the policy. In addition, the policy does not adequately address climate change as reference is made to carbon emissions only when in fact other non-carbon related emissions could have an effect on climate change.

77. **MM30** is therefore required which ensures that the cumulative impacts of the factors set out in Criteria B1-10 are taken into account and that reference to carbon emissions is replaced by 'greenhouse gas' emissions. This MM is necessary in order for the Plan to be effective.

78. Criterion A1 of the policy refers to support for a proposal where there is a 'clear need'. However, neither the policy nor the supporting text adequately explain the factors that will be taken into account in defining how a clear need should be demonstrated. **MM31** is therefore necessary to provide additional supporting text to identify some of the factors that will be taken into account in demonstrating a clear need for a proposed development. This MM is necessary in order for the Plan to be effective.

Policy DM3: Restoration and Aftercare

79. Criterion A1 of the policy requires the restoration of mineral development to contribute to the delivery of local objectives for biodiversity and community use. This requirement is inconsistent with paragraph 109 of the NPPF which seeks to achieve net gains in biodiversity 'where possible'. **MM32** is therefore required which recognises that it may not always be practicable to restore mineral sites to contribute to deliver the objectives for biodiversity or community use. This MM is necessary in order for the Plan to be consistent with paragraph 109 of the NPPF.

80. Criterion B5 of the policy requires that restoration objectives should provide for the enhancement of the landscape character and where relevant the setting of heritage assets. **MM33** recognises that these objectives may not necessarily be interdependent and therefore is necessary to identify landscape enhancement and the enhancement of the setting of heritage assets as two distinct objectives. This MM is necessary in order for the Plan to be effective.

Conclusion on Issue 6

81. Subject to the identified MMs, the development management policies and their supporting text reflect a balanced and comprehensive approach to the control and management of development that accords with national policy. Accordingly, I find this part of the Plan to be sound.

Issue 7 - Whether the implementation and monitoring arrangements for the minerals and waste sections of the Plan will be effective.

82. Table 8.1 comprises the Monitoring and Implementation framework that lists the key indicator targets and implementation actions for corrective and/or mitigation measures to monitor the effectiveness of the Plan. It also identifies the necessary co-operation and participation of appropriate interested parties in undertaking the monitoring.

83. The Plan provides for Annual Monitoring Reports to be prepared to enable assessments to be made of the impacts of the policies and for reviews to take place should any parts of the Plan be found to need adjustment or replacement. LAAs also provide a monitoring mechanism specific to aggregate landbanks.

84. The Plan contains sufficient realistic, indicators to monitor the performance of the policies. It provides for regular, deliverable assessment of how effective the policies are proving to be in meeting their objectives, thereby facilitating the identification of any changes needed.

Conclusion on Issue 7

85. The Monitoring and Implementation framework provides a comprehensive, effective and sound framework for the delivery and monitoring of the Plan and is sound without modification.

Public Sector Equality Duty

86. Throughout the examination, I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. An Equalities Impact Assessment was prepared (CD19). This indicates that the Plan does not lead to any adverse impacts or causes discrimination to any particular groups within the Plan Area. There is no compelling evidence that the Plan as a whole would bear disproportionately or negatively on them or others in this category.

Assessment of Legal Compliance

87. My examination of the legal compliance of the Plan with the legal requirements is summarised below. I conclude that the Plan meets them all.

88. The Local Plan has been prepared in accordance with both Councils' Local Development Schemes (LDSs). East Riding of Yorkshire Council adopted the LDS in October 2017 and Kingston upon Hull City Council adopted the LDS in June 2018.

89. Consultation on the Local Plan and the MMs was carried out in compliance with both Councils' Statement of Community Involvement (SCI). The SCI was adopted in by East Riding of Yorkshire Council in 2017, updated in 2018, and adopted by Kingston upon Hull City Council in 2013. Consultation on the Local Plan and the MMs has complied with the SCI requirements.

90. Sustainability Appraisal (SA) has been carried out. The SA/HRA Note (CD57) sets out the implications for SA resulting from the MMs. This concluded that none of the modifications are considered to require additional SA assessments. Overall, the SA is adequate.

91. The Habitats Regulations Screening Assessment (April 2018) sets out why an Appropriate Assessment is not necessary.

92. The Plan includes objectives and policies designed to secure that the development and use of land in the Mineral Planning Authorities' areas contribute to the mitigation of, and adaptation to, climate change (Vision for Minerals Development and Policy DM1).

93. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated and MM's are recommended.

Overall Conclusion and Recommendation

94. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

95. The Councils have requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (2012).

Stephen Normington

INSPECTOR

This report is accompanied by Appendix 1 containing the Schedule of Main Modifications.

Appendix 1 – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	24 and 25	Vision for Minerals Development	Minerals development in East Riding of Yorkshire and Hull will seek to: • respond to the needs of communities and the wider economy; • safeguard important known locations of mineral resources; • provide for the careful management of mineral resources; • promote efficient use of materials; • protect the environment and the living conditions of local communities; and • mitigate and adapt to the expected impacts of climate change. The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation. In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a way that maximises the contribution of minerals development to communities, the economy and the environment. There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of

Ref	Page	Policy/ Paragraph	Main Modification
			existing development and for new development needs. The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration. The Plan will re-define the extent of potentially important known mineral deposits to be safeguarded from sterilisation by non-mineral surface development. Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained. The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings recognising the positive contribution of building and roofing stone to the character of a place and place-making. Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.
MM2	25	Joint Minerals Local Plan Objectives	2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and ~~historic~~ building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.
MM3	39	Policy AGG2, Part B	B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided: I. In the case of new quarry sites, ~~T~~there is a need for sand and gravel reserves in order to maintain the landbank; and
MM4	39	Policy AGG2, Part B	B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided: I. There is a need for additional sand and gravel reserves to be permitted~~in order to maintain the~~

Ref	Page	Policy/ Paragraph	Main Modification
			~~landbank~~; and
MM5	39	Additional paragraph after paragraph 4.34	Insert additional paragraph as follows: 4.35 In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.
MM6	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. In the case of new quarry sites, ~~T~~there is a need for crushed rock reserves in order to maintain the landbank; and….
MM7	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. There is a need for additional crushed rock reserves to be permitted~~in order to maintain the landbank~~; and….
MM8	44	Additional paragraph after paragraph 4.49	Insert additional paragraph as follows: 4.51 In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.
MM9	45	Policy AGG5 Title and Part A	**Policy AGG5: ~~Unallocated e~~Extensions to existing quarries** A. Proposals for extensions to existing minerals extraction sites ~~on land not allocated as a Preferred Area or Area of Search~~ will be supported where it is demonstrated that it:…..

Ref	Page	Policy/ Paragraph	Main Modification
MM10	55	Policy AGG10	**Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities** A. Existing minerals infrastructure ~~supporting the minerals industry~~ will be safeguarded from ~~inappropriate~~ non-mineral development, which would adversely impact on the operation and costs associated with the infrastructure, unless it can be demonstrated that: 1. Replacement infrastructure provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or 2. Sufficient ~~facilities~~ infrastructure already exists in the area serving the same market(s). B. ~~Sensitive or inappropriate~~Non-mineral development, which would adversely impact on the operation of ~~that would conflict with the use of such sites~~ minerals infrastructure ~~for these purposes~~ will be ~~prevented~~required to provide suitable mitigation to reduce this impact to acceptable levels.
MM11	55	Additional paragraphs after paragraph 4.96	4.100 Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed. 4.101 Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels. 4.102 This policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those

Ref	Page	Policy/ Paragraph	Main Modification
			within existing quarries and elsewhere, are safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.
MM12	69	Policy EM1 Part A	A. Proposals for the extraction of coal by deep coal mining, including any surface development, will ~~only~~ be supported provided……..
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will ~~only~~ be supported provided……
MM14	73	Policy EM2 Part A1	A. Proposals for exploration boreholes will only be supported provided: 1. They are located in the least environmentally sensitive part of the geological prospect as practically possible, ~~minimising impacts to designated heritage, geological and biodiversity assets~~taking into account environmental, geological and technical factors to minimise impacts on any identified asset;
MM15	73	Policy EM2 Part A (in between criterion 3 and 4)	3. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 4. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 5. Site selection takes account……
MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will ~~only~~ be supported provided…….
MM17	74	Policy EM3 Part A2	2. They are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset~~minimising impacts to designated heritage, geological and biodiversity assets~~;
MM18	74	Policy EM3 Part A (in between criterion 4	Insert additional criteria as follows: 4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies;

Ref	Page	Policy/ Paragraph	Main Modification
		and 5)	5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and
MM19	75	Policy EM4 Part A	A. Proposals for oil and gas production and distribution will ~~only~~ be supported provided:
MM20	75	Policy EM4 Part A1	1. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset~~minimising impacts to designated heritage, geological and biodiversity assets~~;
MM21	77	Policy EM5 Part A	A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will ~~only~~ be supported where it:
MM22	77	Policy EM5 (in between Parts B and C)	Insert new criteria as follows: A. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area. Appraisal Phase B. Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above. Commercial production:

Ref	Page	Policy/ Paragraph	Main Modification
			C. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant, will be determined strictly on their merits in terms of the balance of need against environmental impact, subject to meeting the requirements of the criteria A2 and A3 above.
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will ~~only~~ be supported provide:
MM24	79	Policy EM6 Part A1	1. Environmental risks have been assessed~~considered by submission of a robust environmental risk assessment,~~ and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels;
MM25	79	Policy EM6 Part A2	2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors</u> <u>to minimise impacts on any identified asset</u>~~minimising impacts to heritage, geological and biodiversity assets~~;
MM26	79 and 80	Policy EM6 Part A (in between criterion4 and 5) Part D (in between criterion 4 and 5)	4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. They include measures to avoid air pollution; and 7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development. *Appraisal Phase* B. Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to

Ref	Page	Policy/ Paragraph	Main Modification
			A7~~6~~ above. *Production Phase* C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors. D. Proposals for the extraction of shale gas will only be supported provided: 1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; 2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; 5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 6. They will not generate unacceptable adverse impacts on the environment and local amenity:
MM27	80	Policy EM6 Part D6	6. Environmental risks have been ~~considered by submission of a robust environmental risk~~ assessed~~ment,~~ and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;
MM28	82	Policy EM7 Part A	1. The formation of caverns for the underground storage of gas and related surface development will ~~only~~ be supported where:
MM29	87	Policy DM1 Part A2	2. The development would avoid harm to the

Ref	Page	Policy/ Paragraph	Main Modification
			environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and
MM30	87 and 88	Policy DM1	A. Mineral development will be supported where it can be demonstrated that: 1. There is a clear need for the development proposed; 2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively (including the impact of the factors in part B below) with other existing and proposed mineral and other forms of development; and 3. Enhancement opportunities are taken as part of development or its restoration. B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following ~~will be considered~~ must be addressed where relevant: 1. ~~Carbon~~Greenhouse gas emissions reduction and resource efficiency. Proposals that reduce overall ~~carbon~~greenhouse gas emissions and improve resource efficiency during construction, operation, and restoration will be supported;
MM31	88	Above paragraph 7.22	Insert new paragraph: In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to

Ref	Page	Policy/ Paragraph	Main Modification
			<u>situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.</u>
MM32	92	Policy DM3 Part A1	A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that: 1. Ensures the site is restored in a manner which is sympathetic to the character, appearance and setting of the locality, and <u>where practicable</u> contributes to the delivery of local objectives for biodiversity and community use;
MM33	92	Policy DM3 Part B5 (insert new criterion 6)	Split criterion 5 and create new criterion 6 as follows: B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives: 1. The creation, improvement or re-instatement of high quality agricultural or forestry land; 2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area 3. Improve the strategic network of green infrastructure; 4. The creation or improvement of geo-diversity; 5. The enhancement of landscape character and where relevant the setting of~~;~~ designated local landscapes<u>;</u>~~,~~ 6. <u>The appropriate enhancement of a</u> ~~and~~ heritage asset~~s~~ especially in terms of better revealing ~~their~~ <u>its</u> significance and access;

Ref	Page	Policy/ Paragraph	Main Modification
			7. The provision of leisure and recreation facilities in the countryside; 8. The improvement of public access to the natural environment; and 9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas.

Proposed Main Modifications to the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan

Set out below are a number of proposed Main Modifications (MMs) to the East Riding of Yorkshire and Kingston upon Hull Proposed Submission Joint Minerals Local Plan (JMLP) as discussed at the Examination hearing sessions on 8 and 9 January 2019. These modifications are published for a 6 week consultation, responses to which will be put forward to the Inspector for his consideration. The MMs are proposed without prejudice to the Inspector's final conclusions.

The page and paragraph numbering below refer to the Proposed Submission JMLP and do not take account of the deletion or addition of text.

Key:

MM1 (for example) = potential Main Modification reference number

Red underlined text = text insertion

~~Red strikethrough text~~ = text deletion

Main Mod. Ref. Number	Page Number	Paragraph/ Policy/Map	Proposed Change	Reason for change
Chapter 3: Vision and Objectives for Minerals Development				
MM1	24 and 25	Vision for Minerals Development	Minerals development in East Riding of Yorkshire and Hull will seek to: • respond to the needs of communities and the wider economy; • safeguard important known locations of mineral resources; • provide for the careful management of mineral resources; • promote efficient use of materials; • protect the environment and the living conditions of local communities; and • mitigate and adapt to the expected impacts of climate change. The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation. In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a	To reflect the wording of the NPPF (2012), which refers to 'known' locations of specific minerals resources. Further change relating to building stone reflects the importance of building and roofing stone more generally and not just specifically to locally distinctive buildings.

			way that maximises the contribution of minerals development to communities, the economy and the environment. There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of existing development and for new development needs. The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration. The Plan will re-define the extent of potentially important known mineral deposits to be safeguarded from sterilisation by non-mineral surface development. Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained. The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings recognising the positive contribution of building and roofing stone to the character of a place and place-making. Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.	
MM2	25	Joint Minerals Local Plan Objectives	2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and ~~historic~~ building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.	Amendment reflects the fact that the importance of building and roofing stone is not just a historical importance.
Chapter 4: Aggregate Minerals				
MM3	39	Policy AGG2 Part B1	B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided: 1. In the case of new quarry sites, ~~T~~there is a need for sand and gravel reserves in order to maintain the landbank; and	This change means proposals for extending existing sand and gravel quarries within areas of search would not need to demonstrate need in compliance with Policy

				AGG2, Part B1. This ensures such quarry extensions are treated in the same way whether inside or outside the area of search allocations.
MM4	39	Policy AGG2 Part B1	B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided: 1. There is a need for additional sand and gravel reserves to be permitted~~in order to maintain the landbank~~; and	Insertion of 'additional' sand and gravel reserves and removal of reference to the landbank recognises that there is no maximum landbank. This amendment also negates the need to amend monitoring framework to recognise when there has been sharp upturns in sand and gravel aggregate demand.
MM5	39	Underneath Paragraph 4.34	Insert additional paragraph as follows: In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.	To provide supporting text in support of MM4 to Policy AGG2.
MM6	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. In the case of new quarry sites, ~~T~~there is a need for crushed rock reserves in order to maintain the landbank; and	This change means proposals for extending existing crushed rock quarries within areas of search would not need to demonstrate need in compliance with Policy AGG4, Part A1. This ensures such quarry extensions are treated in the same way whether inside or outside the area of search allocations.

MM7	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. There is a need for additional crushed rock reserves to be permitted~~in order to maintain the landbank~~; and	As agreed during the hearing sessions. Insertion of 'additional' crushed rock reserves and removal of reference to the landbank recognises that there is no maximum landbank. This amendment also negates the need to amend monitoring framework to recognise when there has been sharp upturns in crushed rock aggregate demand.
MM8	44	Underneath Paragraph 4.49	Insert additional paragraph as follows: In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.	To provide supporting text in support of MM7 to Policy AGG4.
MM9	45	Policy AGG5 Title and Part A	**Policy AGG5: ~~Unallocated e~~Extensions to existing quarries** A. Proposals for extensions to existing minerals extraction sites ~~on land not allocated as a Preferred Area or Area of Search~~ will be supported where it is demonstrated that it:	This amendment means Policy AGG5 can be applied to relevant proposals inside of preferred area and area of search allocations as well outside.
MM10	55	Policy AGG10	**Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities** A. Existing minerals infrastructure ~~supporting the minerals industry~~ will be safeguarded from ~~inappropriate~~ non-mineral development, which would adversely impact on the operation and costs associated with the infrastructure, unless it can be demonstrated that: 1. Replacement infrastructure provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or	Amendments to better define what is meant by inappropriate development and to reflect the 'agent of change' principle.

			2. Sufficient ~~facilities~~ infrastructure already exists in the area serving the same market(s). B. ~~Sensitive or inappropriate~~Non-mineral development, which would adversely impact on the operation of ~~that would conflict with the use of such sites~~ minerals infrastructure ~~for these purposes~~ will be ~~prevented~~required to provide suitable mitigation to reduce this impact to acceptable levels.	
MM11	55	Underneath Paragraph 4.96	Insert additional paragraphs as follows: Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed. Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels. This policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those within existing quarries and elsewhere, are safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.	Additional supporting text to support changes to Policy AGG10 (MM10)
Chapter 6: Energy Minerals				
MM12	69	Policy EM1 Part A	A. Proposals for the extraction of coal by deep coal mining, including any surface development, will ~~only~~ be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will ~~only~~ be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM14	73	Policy EM2 Part A1	A. Proposals for exploration boreholes will only be supported provided: 1. They are located in the least environmentally sensitive part of the geological prospect as practically possible, ~~minimising impacts to designated heritage, geological and biodiversity assets~~taking into account	To standardise the wording of factors to consider when locating an energy mineral surface development in the

			environmental, geological and technical factors to minimise impacts on any identified asset;	least environmentally sensitive part of the geological prospect.
MM15	73	Policy EM2 Part A (in between criterion 3 and 4)	Insert additional criteria as follows: 3. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 4. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 5. Site selection takes account of impacts over the proposed lifetime of the borehole and the potential for it to be retained for long term appraisal and development; and	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.
MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will ~~only~~ be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM17	74	Policy EM3 Part A2	2. They are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset~~minimising impacts to designated heritage, geological and biodiversity assets~~;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM18	74	Policy EM3 Part A (in between criterion 4 and 5)	Insert additional criteria as follows: 4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.

MM19	75	Policy EM4 Part A	A. Proposals for oil and gas production and distribution will ~~only~~ be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM20	75	Policy EM4 Part A1	1. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset~~minimising impacts to designated heritage, geological and biodiversity assets~~;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM21	77	Policy EM5 Part A	A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will ~~only~~ be supported where it:	Deletion of 'only' results in the policy being more positively worded.
MM22	77	Policy EM5 (in between Parts B and C)	Insert new criteria as follows: B. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area. *Appraisal Phase* C. Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above. *Commercial production:* D. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant, will be determined strictly on their merits in terms of the balance of need against environmental impact, subject to meeting the requirements of the criteria A2 and A3 above.	Additional part to the policy added to address proposals for the appraisal phase of coal bed methane development.
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will ~~only~~ be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM24	79	Policy EM6 Part A1	A. Proposals for shale gas exploration will only be supported provided: 1. Environmental risks have been assessed~~considered by submission of a~~	Deletion of reference to environmental risk

			~~robust environmental risk assessment,~~ and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels;	assessment and inclusion of supporting text regarding Environmental Impact Assessment instead.
MM25	79	Policy EM6 Part A2	2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset~~minimising impacts to heritage, geological and biodiversity assets~~;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM26	79 and 80	Policy EM6 Part A (in between criterion 4 and 5) Part D (in between criterion 4 and 5)	4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 6. They include measures to avoid air pollution; and 7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development. *Appraisal Phase* B. Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A7~~6~~ above. *Production Phase* C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors. D. Proposals for the extraction of shale gas will only be supported provided:	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.

			1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; 2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; 5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby; 6. They will not generate unacceptable adverse impacts on the environment and local amenity;	
MM27	80	Policy EM6 Part D6	6. Environmental risks have been ~~considered by submission of a robust environmental risk~~ assess~~ed~~ment~~,~~ and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;	Deletion of reference to environmental risk assessment and inclusion of supporting text regarding Environmental Impact Assessment instead.
MM28	82	Policy EM7 Part A	A. The formation of caverns for the underground storage of gas and related surface development will ~~only~~ be supported where:	Deletion of 'only' results in the policy being more positively worded.
Chapter 7: Development Management Policies				
MM29	87	Policy DM1 Part A2	2. The development would avoid harm to the environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and	Amendment to ensure Policy DM1 is consistent with paragraph 129 of the NPPF (2012).
MM30	87 and 88	Policy DM1	A. Mineral development will be supported where it can be demonstrated that: 1. There is a clear need for the development proposed;	Amendments to ensure greater consistency with the Planning and Compulsory

			2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively (including the impact of the factors in part B below) with other existing and proposed mineral and other forms of development; and 3. Enhancement opportunities are taken as part of development or its restoration. B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following ~~will be considered~~ must be addressed where relevant: 1. ~~Carbon~~Greenhouse gas emissions reduction and resource efficiency. Proposals that reduce overall ~~carbon~~greenhouse gas emissions and improve resource efficiency during construction, operation, and restoration will be supported~~.~~;	Purchase Act 2004, Section 19 (1A). This relates to the requirement that: Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
MM31	88	Above paragraph 7.22	Insert new paragraph: In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.	Additional supporting text explaining how 'clear need' is demonstrated in Policy DM1, part A 1
MM32	92	Policy DM3 Part A1	A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that: 1. Ensures the site is restored in a manner which is sympathetic to the	Reflects the fact it is not always practicable to restore mineral sites to contribute to deliver objectives for biodiversity and community

			character, appearance and setting of the locality, and where practicable contributes to the delivery of local objectives for biodiversity and community use;	use.
MM33	92	Policy DM3 Part B5 (create new criteria 6)	Split criterion 5 and create new criterion as follows: B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives: 1. The creation, improvement or re-instatement of high quality agricultural or forestry land; 2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area 3. Improve the strategic network of green infrastructure; 4. The creation or improvement of geo-diversity; 5. The enhancement of landscape character and where relevant the setting of~~;~~ designated local landscapes;~~,~~ 6. The appropriate enhancement of a ~~and~~ heritage asset~~s~~ especially in terms of better revealing ~~their~~ its significance and access; 7. The provision of leisure and recreation facilities in the countryside; 8. The improvement of public access to the natural environment; and 9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas.	Separates out landscape and heritage assets as discrete considerations within the Policy.

Northumberland Local Plan
Chapter 13: Managing natural resources

Statement of Common Ground between Friends of the Earth and Northumberland County Council

February 2020

1. Introduction

1.1 This statement of common Ground has been prepared jointly by Northumberland County Council and Friends of the Earth to support the examination of the Northumberland Local Plan.

1.2 This Statement of Common Ground has been prepared to address the outstanding issues raised by Friends of the Earth in their Regulation 19 representations and their response to the Inspector's matters, issues and questions.

1.3 It sets out confirmed points of agreement and disagreement in relation to the policies in Chapter 13.

2. Background

2.1 Northumberland County Council has been working to prepare the Northumberland Local Plan, which will set out a strategic planning policy framework, site allocations and development management policies to guide and determine proposals for new development in Northumberland up to 2036.

2.2 Friends of the Earth have proactively engaged with the emerging Local Plan during its preparation. Written representations have been made on both the Regulation 18 Draft Northumberland Local Plan (received 14 August 2018) and the Regulation 19 Publication Draft Local Plan (received 12 March 2019). These representations have focussed on climate change and the extraction of hydrocarbons. Friends of the Earth have also submitted a response to the Inspector's matters, issues and questions.

2.3 Friends of the Earth have acknowledged that the emerging Local Plan includes objectives and policies in relation to climate change but have, in particular, raised concerns:

- Impacts of coal extraction and oil and gas extraction on climate change and conflict with climate change mitigation; and
- Local impacts of hydrocarbon extraction.

3. Agreed matters

3.1 Table 1 below summarises the comments made by Friends of the Earth on Chapter 13 of the Northumberland Local Plan where changes are sought to address issues of soundness. The table also provides a summary of Northumberland County Council's response to the comment and whether a modification to the Northumberland Local Plan is proposed as a result. Where no modification is proposed or an alternative approach has been put forward by Northumberland County Council an explanation has been provided as to why the proposed approach is considered to be appropriate.

3.2 Friends of the Earth have set out where they agree or disagree with the proposed modifications or Northumberland County Council's position.

Table 1: Summary of areas of agreement and disagreement between Friends of the Earth and Northumberland County Council on Chapter 13 (Managing natural resources) of the Northumberland Local Plan

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 1: Environmental criteria for assessing minerals proposals	Wording of Part 1 (n) of Policy MIN 1, which deals with climate change, to be changed to delete 'should' with 'must'.	A modification to this policy criteria has been proposed by NCC as follows: n. Climate change – applicants ~~should~~ will be required to demonstrate how the proposal impacts on climate change and targets to reduce greenhouse gas emissions and, where appropriate, propose~~d~~ mitigation and adaptation measures. The proposed wording differs from that sought by Friends of the Earth but it is considered that this would address the representation and would also be consistent with the wording used in respect to the other policy criteria in Policy MIN 1 where 'will be required to' is used instead of 'should'.	We support the change as it makes the policy Sc19(1A) PCPA compliant. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 1: Environmental criteria for assessing minerals proposals	Policy MIN 1 should include a specific requirement for applications to address cumulative impacts on climate change.	No change proposed. Part 3 of Policy MIN 1 includes policy criteria to deal with the cumulative effects of all of the policy criteria listed, including climate change, in Part 2 of Policy MIN 1. It is therefore not considered necessary to include a specific reference to 'cumulative' impacts on climate change in Part 2 (n) of Policy MIN 1 as it is covered by policy criteria in Part 3 of Policy MIN 1.	Agreed – Pt 3 of MIN1 covers this aspect. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 2: Benefits of mineral extraction	Policy MIN 2 should include additional policy criteria dealing with benefits associated with assisting the UK to meet its binding carbon budgets.	On review of the hearing statements submitted in response to the Inspector's MIQs it is considered that a modification to Policy MIN 2 should be made to include additional policy criteria dealing with benefits associated with assisting the UK to meet its binding carbon budgets. This would help support the effectiveness of the Local Plan in terms of integrating climate adaptation and mitigation measures into this plan and ensure the potential for mineral proposals to contribute to binding UK carbon budgets is recognised as a potential benefit. The following modification is put forward for consideration: h. The benefits of assisting the UK in meeting its binding carbon budgets and targets to reduce greenhouse gas emissions.	We support this amendment as the additional criterion h. specifically identifies contributions to assisting the UK meet its binding targets as a consideration to avoid any ambiguity.

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 2: Benefits of mineral extraction	Reference to coal extraction should be removed from Policy MIN 2.	No change proposed to Policy MIN 2. The reasons for this are set out in NCC's response to Question 13 of the Inspector's MIQs (in particular Paragraphs 13.2 and 13.3). Policy MIN 2 is clear that 'great weight' should not be given to the benefits of coal extraction but the benefits can be considered when determining a proposal where Part 1 (b) of Policy MIN 9 (criteria consistent with Paragraph 211 of the NPPF) is engaged in the event that a proposal is not considered to be environmentally acceptable in relation to Part 1 (a) of Policy MIN 9. A modification is proposed to Paragraph 13.10 (supporting text for Policy MIN 2) to ensure consistency with NPPF and provide clarity on the approach to considering any potential benefits associated with coal extraction: 13.10 The benefits need to be given great weight in the decision making process (except in relation to proposals for coal extraction) and balanced against the environmental	Following EIP discussions, as advised by the council's policy team, we support the case by case basis approach and wording added to para 13.10.

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
		effects (see Policy MIN 1) arising from the mineral extraction, transportation and processing. When considering proposals for coal extraction, the weight to be attached to any potential benefits will be determined on a case-by-case basis in the context Policy MIN 9.	
Policy MIN 9: Coal	Policy MIN 9 should include a reference to targets for the reduction of greenhouse gas emissions.	No change proposed. Part 2 (n) of Policy MIN 1 includes policy criteria to deal with climate change in relation to all proposals for minerals extraction, including hydrocarbons. Part 3 of Policy MIN 1 additionally includes policy criteria to deal with the cumulative effects of all of the policy criteria listed in Part 2 of Policy MIN 1. The policies in the Local Plan should be read as a whole and proposals will be judged against all relevant policies. It is therefore not considered necessary to include a specific reference to climate change in Policy MIN 9 as it is covered by policy criteria in Policy MIN 1.	This policy change was proposed in light of Inspector's Main Matter 7. Despite current policy MIN 9 wording being NPPF compliant (as verbatim), coal is still recognised as the dirtiest of fossil fuels and 'great weight' to its extraction was deleted from the NPPF. The removal of such great weight should be seen alongside, and in turn increases, the considerable weight that should be given to climate change considerations – see NPPF Chapter 14. This, in our view, justifies further policy tweaks at a local level. Both the council and Banks' reasoning is that upstream emissions should not be considered, as imported coal

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
			would otherwise be burned. Such arguments, however, fail to take into account recent evidence that demand for industrial coal will decline over time. A Green Alliance[1] report (2020) projects significant decreases in industrial coal demand as steel recycling, greater use of arc & hydrogen reactor technology and alternative construction methods come online. Only yesterday (3oth Jan 20) the steelmaker SSAB announced it will bring CO2 free steel to the market by 2026[2]. In light of such evidence, any assumption that alternative sources of industrial coal would otherwise be used over the plan period for steel making is misguided, ignores available evidence and fails to address the imperative fact: most fossil fuels need to stay in the ground to meet Paris Agreement targets[3]. We therefore feel our amendment

[1] Green Alliance Report: https://www.green-alliance.org.uk/case_against_new_coal_mines.php https://www.green-alliance.org.uk/the_case_against_new_coal_mines_press_release.php
[2] https://teknologiateollisuus.fi/en/ajankohtaista/article/giant-investment-reduces-7-finlands-carbon-dioxide-emissions-fast-track
[3] https://www.ipcc.ch/sr15/chapter/spm/

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
			future proofs the policy and takes into account the fact the industrial process will adapt away from metallurgical coal over the plan period.
Policy MIN 9: Coal	Policy MIN 9 should require a health impact assessment to be submitted with proposals for surface coal extraction.	No change proposed. As explained in NCC's response to Question 15, the matter of health impact assessments is dealt with comprehensively in Policy STP 5.In addition, Policy MIN 1 includes policy criteria that address impacts that are relevant to health and well-being. For example, Part 2 (a) of Policy MIN 1 deals with noise, dust and air pollution. The policies in the Local Plan should be read as a whole and proposals will be judged against all relevant policies. It is, therefore, not considered necessary for the circumstances where a health impact assessment would be required to be specifically mentioned in Policy MIN 9 or the other policies in Chapter 13.	Agreed – STP 5 sufficiently covers Health Impact Assessments. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Policy MIN 12 should include policy criteria requiring that proposals should provide robust scientific evidence to satisfy safety concerns regarding induced seismicity.	On review of the hearing statements submitted in response to the Inspector's MIQs it is considered that a modification to Policy MIN 12 should be made to include a reference to induced seismicity, which is an issue that is applicable to hydrocarbon extraction and not particularly relevant to the extraction of other minerals in Northumberland. The following modification to Part 1 (b) and Part 2 (b) of Policy MIN 12 is put forward for consideration: b. There would be no unacceptable adverse impact on the underlying integrity of the geological structure and measures are included to avoid induced seismicity;	We support this amendment. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Policy MIN 12 should include policy criteria dealing with cumulative impacts of development on climate change.	No change proposed. The policies in the Local Plan should be read as a whole and proposals will be judged against all relevant policies. Part 2 (n) of Policy MIN 1 includes policy criteria to deal with climate change in relation to all proposals for minerals extraction, including hydrocarbons. Part 3 of Policy MIN 1 additionally includes policy criteria to deal with the cumulative effects of all of the policy criteria listed in Part 2 of Policy MIN 1. It is therefore not considered necessary to include a specific reference to climate change in Policy MIN 12 as it is covered by policy criteria in Policy MIN 1.	Agreed. Policy MIN 1 would cover aspects of cumulative climate change. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Policy MIN 12 should include a set-back distance of 500 metres between surface site for hydraulic fracturing and residential dwellings and other sensitive land uses.	No change proposed. The reasons for this are set out in NCC's response to Question 54 of the Inspector's MIQs (in particular Paragraph 54.3). The proposed approach is to determine whether the separation distance is appropriate on a case-by-case basis. The appropriate set back distance would be determined when the proposal is assessed against the policy criteria in Policy MIN 12 and Policy MIN 1 (2, a). It is considered that this approach is consistent with the advice on this issue provided in the Planning Practice Guidance (Minerals, Paragraph 018, Reference ID 27-018-20140306).	While the matter is perhaps less urgent for NCC – as there are no PEDLs in Northumberland - we still feel the council should seek to understand the detail of the North Yorkshire Minerals and Waste Joint Local Plan approach – in particular their justification for a set-back distance. While such case by case impacts may be assessed on whether they are "acceptable" as per the minerals chapter of the NPPF (and MIN 12 and 1), grey areas remain in terms of how fracking actually impacts on air and water quality, as well as induced seismicity which led the joint North Yorkshire authorities to add additional protections in light of the serious consequences that could result otherwise.

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Policy MIN 12 should include policy criteria dealing with water quality in relation to proposals for hydraulic fracturing.	No change proposed. The policies in the Local Plan should be read as a whole and proposals will be judged against all relevant policies. Part 2 (j) of Policy MIN 1 deals with water quality and it is not considered necessary to include policy criteria on this matter in Policy MIN 12. The policy criteria in Policy MIN 1 would need to be considered in assessing whether the proposal would have unacceptable environmental effects against Policy MIN 12.	We consider part 'j' of Policy MIN 1 provides enough protection for ground and surface water. **NFA**.
Policy MIN 12: Conventional and unconventional hydrocarbons	Policy MIN 12 should include policy criteria requiring a restoration bond for proposals involving unconventional hydrocarbon development.	No change proposed. The policies in the Local Plan should be read as a whole and proposals will be judged against all relevant policies. Policy MIN 3 deals specifically with the restoration of mineral extraction sites. Part 2 (h) covers restoration bonds and it is considered that the criteria is consistent with Paragraph 205 (e) of the NPPF on this matter. As this matter is covered by Policy MIN 3 it is not considered necessary to include policy criteria on this matter in Policy MIN 12.	Agreed. Policy MIN 3 provides adequate protection re restoration bonds. **NFA**

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Reference should be made to the potential requirement for Environmental Impact Assessment in Policy MIN 12.	No change proposed. As explained in NCC's response to Question 51, it is not considered necessary to refer to the potential requirement for Environmental Impact Assessment in Policy MIN 12 and/or the supporting text as the requirements for Environmental Impact Assessment are covered in the relevant regulations (The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) and operate separately to any planning policy requirements. Environmental Impact Assessment is also relevant to potential proposals involving the extraction of other mineral resources and if a reference for the potential requirement for an Environmental Impact Assessment were to be included, NCC considers that it would be more appropriately referenced after Paragraph 13.7 under the supporting text for Policy MIN 1.	While the regulations provide the mechanism for screening subject to thresholds and assessment of significant effect linked to schedules 2 and 3, the screening opinion option can be manipulated in some instances, where site areas are reduced to just below relevant surface area (i.e. below 0.5Ha) and where for instance, dry core drilling – a phase 1 technique for hydraulic fracturing used by INEOS (see Harthill) is proposed and that methodology is not considered to introduce significant effects – despite the fact future phases (monitoring and production) will involve hydraulic fracturing. Our rationale is to prevent such schemes and drilling methodologies slipping under the net, as PPG contradicts the essence of the EIA regs by stating that only one phase of HF need be considered at a time. This is the point, but again, your concerns are perhaps more limited in light of no PEDLs.

Policy	Summary of Friends of the Earth comment and change sought	Northumberland County Council response	Friends of the Earth response
Policy MIN 12: Conventional and unconventional hydrocarbons	Deletion of criteria (a) and (b) under Part 2 of Policy MIN 12.	No change proposed. Part 1 and Part 2 of Policy MIN 12 assist in distinguishing between the phases of development as required by Paragraph 209 (b) of the NPPF. It is therefore considered to be appropriate to include criteria under Part 2 of Policy MIN 12.	The rationale was merely to reduce repetition and streamline the wording, but we note this particular change does not impact on the plans' soundness. **NFA**
Equality issues	Issues of equality in the context of climate change and the impact on young people are not adequately addressed. Failure to adopt robust climate change mitigation and adaptation policies causes indirect discrimination to the young.	The Council does not consider that the climate change approach set out in the Local Plan will disadvantage any of the 'protected characteristics'. Indeed, the Plan's approach on climate change, which reflects national planning policy and guidance, should result in benefits that become more apparent over time as compared with an approach that does not include such policies. This means there could be greater benefits for younger people as a result of the policy approach versus an approach that does not include such policies.	We would maintain that equality issues remain an issue for some policies, especially MIN 9 Coal - if left in its current state. The evidence is clear that as the dirtiest fossil fuel its extraction needs to end, not be further planned for, especially as 'great weight' has been removed from the NPPF. With PPW10 only allowing in exceptional circumstances and bearing in mind alternative production processes in steel making, some additional protections are justified and would help safeguard future generations from unneeded GHG release from the mining and burning of coal for either industry or in power generation.

4. Declaration

Signed on behalf of Friends of the Earth		
Name and position	Signed	Date
Magnus Gallie Planner		11th January 2020

Signed on behalf of Northumberland County Council		
Name and position	Signed	Date
Rob Murfin Director of Planning		

Planner: Magnus Gallie
Mob: 07764 364377
Email: magnus.gallie@foe.co.uk

12th June 2019

BY EMAIL ONLY: planning.policy@nottscc.gov.uk

FAO: Head of Planning Policy/Planning Services

Your ref: New Nottinghamshire Minerals Local Plan

Dear Sir/Madam,

Re Talk Fracking Judgement and Implications for decision and plan makers

Having previously responded to your mineral plan consultation early last year, we submit additional evidence that has implications for the wording of draft hydrocarbon policies in your plan.

As you may be aware, following a case brought by Talk Fracking, a court order has quashed paragraph 209a of the revised NPPF - which previously stated:

'Minerals planning authorities should:

recognise the benefits of on-shore oil and gas development, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction;"

As a result of the quashing, paragraph 209(a) is no longer a lawful or legal part of the NPPF. This paragraph has now been redacted. OBJ

The case was won on two grounds:

i) The government failed to carry out a proper and fair consultation on the draft policy. The judge stated: "*The consultation on the draft revised Framework paragraph 204a was so flawed in its design and processes as to be unlawful*" (para. 62 of the Judgment).

ii) The government should have taken into consideration new scientific evidence, namely the report commissioned by Talk Fracking known as The Mobbs report[1], as this was an obviously material consideration relevant to its decision. This report contradicted many of the findings of the government's older Mackay and Stone report. None of the evidence outlined in the submitted Mobbs Report was considered before the government published the revised version of the NPPF in July 2018.

Implications for Plan Makers and Decision Takers

The quashing of paragraph 209(a) means that it can no longer factor in the requirements for 'soundness' when Minerals Planning Authorities are drawing up local plans, or when planning inspectors are considering draft plans under Examination. In addition, for decision makers, the paragraph can no longer be taken into account when determining individual planning applications or appeals.

Written Ministerial Statements on Fracking

Following the quashing of paragraph 209a, a statement by the minister, James Brokenshire (23 May, HLWS1549) has confirmed that both the 2015 and 2018 Fracking WMSs, together with paragraphs 204 and 205 of the NPPF remain extant for the purposes of considering onshore shale gas and oil developments. However, as Talk Fracking's counsel has observed in a Legal Briefing Paper: *"these WMSs now have to be seen in the light of the judge's conclusion that the Government's 'in principle support for hydrocarbon extraction …will have to be considered alongside any objections and evidence produced relating to the impact of shale gas extraction on climate change. These are conflicting issues which the decision-maker will have to resolve'* (paragraph 73 - Judgment)*...in other words, a Minerals Planning Authority, or an Inspector considering an application for planning permission for a fracking development, is no longer constrained by a WMS as was sometimes suggested before".*

Conclusion

We trust the above is useful in considering the wording of draft fracking policies and other fossil fuel extraction policies for your new minerals local plan, especially regarding consistency with the NPPF (re tests of soundness). Where the plan is currently under EiP, we have also copied in the relevant Inspector (via the Programme Officer) to advise accordingly. Finally, we believe this judgment has significant implications which could potentially bolster efforts of planning authorities who seek to take a proactive stance to

[1] https://theecologist.org/sites/default/files/NG_media/404161.pdf

tackling climate change, by setting bold policies in line with the NPPF paragraphs 148 and 149. For further analysis of this judgement please see our briefing[2].

Yours sincerely,

Magnus Gallie MRTPI

Planner

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[2] https://policy.friendsoftheearth.uk/insight/court-order-quashes-fracking-policy