

Minerals and Waste Joint Plan

York, North York Moors and North Yorkshire County Council Joint Minerals and Waste Plan Member Briefing Meeting Agenda

Friday 23rd January 2015, 1pm

City of York Council Offices – Auden Room (GO47), West Offices, Station Rise, York,

1. Appointment of a Chair
2. Apologies for Absence
3. Agree last meeting's Minutes
4. Presentation on Oil and Gas extraction followed by discussion
5. Preferred Options – Draft Oil and Gas policies
6. Preferred Options – Draft Vision and Objectives
7. Update on Sites Assessment Process
8. Duty to Cooperate
9. Any Other Business

York, North York Moors and North Yorkshire County Council

Joint Minerals and Waste Plan

Member Briefing Meeting

23 January 2015

Preferred Options Draft Oil and Gas Policies

1. Introduction to Chapter

- 1.1 National Policy identifies four forms of hydrocarbon development; Conventional on-shore oil and gas, Coal bed methane, Methane capture and Underground Coal Gasification, however more recently interest has arisen in the extraction of shale gas. There is no known oil resource in the Joint Plan area but resources of gas are present and have been exploited over a substantial period of time. Conventional hydrocarbons are oil and gas where the reservoir is porous rock such as sandstone or limestone. Conventional gas reserves are present in the eastern part of the Joint Plan area and licences for their exploration, appraisal and development have been granted in blocks around the western fringe of York, to the east in the Vale of Pickering and within the North York Moors.
- 1.2 Unconventional gas resources are those which cannot be extracted using traditional drilling techniques and include Underground Coal Gasification, Coal Bed Methane and Shale Gas. To date there has been no history of coal gasification or shale gas production in the area. However the British Geological Survey report 'The Carboniferous Bowland Shale Gas Study: Geology and Resource Estimation' (July 2013) identifies a significant prospective area for shale gas in both the Upper and Lower Bowland Hodder Unit, which extends right across northern England and in particular identifies possible resources in Ryedale, Scarborough, the North York Moors, York and Selby however it remains unclear as to whether the resource is commercially viable.
- 1.3 Coal Bed Methane is produced during the process of coal formation. The gas is either adsorbed onto the coal or dispersed into pore spaces around the coal seam. Coal bed methane can be extracted from coal seams which have not been mined and the exploitation typically involves drilling a network of wells, with the gas typically being extracted via the well through natural pressure release or through the pumping of water from the seam in order to reduce pressure. Exploration has taken place to the north of York in recent years, however there is no expectation at present that production will be brought forward in the foreseeable future.
- 1.4 Like Coal Bed Methane extraction, Underground Coal Gasification can be carried out on seams of coal which have not been mined. It is carried out by drilling boreholes into the coal seam, injecting water/oxygen mixtures down one pipe, igniting and partially combusting the coal and extracting the

gasification products through another pipe. It produces a mixture of gases including carbon monoxide, carbon dioxide, hydrogen and methane that can be processed to provide fuel for power generation, vehicle fuels and chemical food stocks. It is likely that any commercial interest in Underground Coal Gasification is likely to be offshore.

- 1.5 Shale gas is found within organic-rich shale beds or other fine grained rocks with low porosity, rather than in a conventional 'reservoir'. Shale gas itself is the same as other forms of natural gas and could provide both industrial and domestic power. Resources in the UK are likely to occur at depths of between 1500m and 4200m, which is well below the levels of ground water which goes down to depths of around 400m. The exploitation of shale gas in the UK involves relatively unfamiliar technologies, such as hydraulic fracturing ('fracking'), however it has the potential to be an important new source of energy for the UK and the Government is currently encouraging exploration for this form of gas.
- 1.6 In the Autumn 2012 Statement the Chancellor set out the Government's overall strategy for gas to ensure that the best use is made of lower gas power, including new sources of gas under the land. In October 2014 the Government published planning practice guidance for onshore oil and gas including unconventional sources, to give more certainty to local authorities taking planning decisions on onshore oil and gas about the sorts of considerations they should take into account. This includes specific guidance for how National Parks and AONBs should plan for unconventional hydrocarbons, stating that Minerals Planning Authorities should give great weight to conserving their landscape and scenic beauty.
- 1.7 There are three main phases of onshore hydrocarbon extraction: exploration, testing (appraisal) and production. Planning permission is required for each phase of hydrocarbon extraction, although some initial seismic work may have deemed consent under Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. In order to explore, test and produce oil and gas in the UK operators must first obtain a Petroleum Exploration Development Licence. In 2014 the government commenced a new round of on shore licensing (the 14th) and as a result there are currently # licensed areas within the Plan area.
- 1.8 With all hydrocarbon appraisal/production whether conventional or unconventional a well is drilled and several stages of metal pipes are set in concrete to seal and prevent any contamination with ground water. In some cases, particularly for shale gas wells, horizontal drilling depth may take place to enable maximum exposure to the gas resource. Gas held within shale beds is accessed through a technique called "hydraulic fracturing" (fracking) which involves injecting the fracture with liquid at high pressure. Small particles (usually sand) are also pumped into the fractures to keep them open when the pressure is released so that the gas can flow into the well. Although typically 98-99% of the liquid is water small quantities of chemicals are added, however operators must demonstrate to the Environment Agency that all the chemicals used in the process are non-hazardous. Once the rock has been

fractured some fluid returns to the surface (known as flow-back) and this is then sealed in containers before it is treated and disposed of in accordance with the required environmental permits.

- 1.9 If significant environmental impacts are likely the minerals planning authority will require the applicant to undertake an Environmental Impact Assessment. However outside of the planning legislation applicants will need to satisfy a number of other regulatory regimes.

2. Other Regulatory Regimes

- 2.1 The Department of Energy and Climate Change (DECC) is responsible for issuing the licences which grants exclusivity to operators in the licencing area to explore and produce hydrocarbons. Final consent for drilling also lies with DECC who will check with the Environment Agency and Health and Safety Executive (HSE) that they have no objections and review the operator's plans to minimise the risk of seismic activity before giving consent.
- 2.2 Each proposal site is assessed by the Environment Agency who regulate discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.
- 2.3 All drilling operations are subject to notification to the Health and Safety Executive, who will check operators' plans, assess engineering designs and reports and will be responsible for checking sites to ensure they are meeting the requirements of the relevant legislation. Before drilling begins the Health and Safety Executive regulations require that an independent and competent person examines the well's design and construction. Operators must also notify the Environment Agency of their intention to drill.
- 2.4 Concerns have been expressed about the potential impacts of the hydraulic fracturing (fracking) techniques used in extraction of shale gas in particular in relation to matters such as pollution of ground and surface water, use of water resources and air pollution. In 2012 DECC introduced measures to control seismic risks which are one of the risks from fracking. Operators are now required to assess the location of any relevant faults before fracking operations can take place. Operators must submit to DECC the plan of operations starting with small test fractures before main operations and install real-time monitoring systems. Operators must stop and investigate if they detect tremors above the normal range. Further guidance on the regulation for hydrocarbon proposals is set out in the 'Onshore Oil and Gas Exploration in the UK: regulation and best practice.
- 2.5 The Planning Policy Guidance and case law makes it clear that Minerals Planning Authorities do not need to carry out their own assessments of

potential environmental effects which are controlled by other regulatory bodies and that they can determine applications on the advice of those bodies without waiting for the related approval processes to be concluded. Although these issues will need to be determined through other regulatory frameworks their views will need to form part of the decision making process of the Minerals Planning Authority.

- 2.6 A range of other issues and impacts may be associated with exploration, appraisal and development of oil and gas resources, including visual impact and impacts on the landscape as a result of the presence of drilling rigs and other equipment, noise, vibration and air pollution and impacts from traffic. Traffic may be a particular consideration for shale gas development due to the need, in some cases, to bring in substantial quantities of water and to dispose of waste water. The availability of suitable water resources may also need to be considered.
- 2.7 The current known distribution of gas resources in the Joint Plan area suggests that there is potential for conflict between the benefits of development of gas resources and impacts on the environment and local amenity, including within particularly sensitive parts of the Plan area such as the North York Moors National Park and the Howardian Hills AONB. This suggests that it will be important to ensure that appropriate policy protection is in place.

3. Overall Spatial Policy for Hydrocarbon Development

Applicants should demonstrate that all options for new hydrocarbon development, within areas licensed to the applicant by DECC and located outside of the National Park and AONBs have been fully considered before bringing forward proposals at locations within such designated areas. Where proposals in the National Park and AONBs are considered to be major development they will only be supported in exceptional circumstances and where it can be demonstrated that they are in the public interest. Where proposals are within or in close proximity to the National Park and AONBs special care must be taken to avoid harming the setting and/or special qualities of these designated areas.

Proposals across the rest of the plan area will be supported where it can be demonstrated that there would be no unacceptable impacts on the environment or on local amenity or on the setting of heritage assets including the historic City of York and where they are consistent with other relevant policies in the plan.

Supporting Text

- 3.1 The NPPF states 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. It is therefore considered that the starting point in all applications for hydrocarbon

development should be to steer development away from these areas unless it can be fully demonstrated that this is not feasible. Further details on how proposals are assessed in terms of the Major Development Test are set out in Policy ##.

- 3.2 Natural gas was first discovered in the geology of the North York Moors in the 1940's. In the 1970's gas was extracted from a wellhead in the National Park and processed at a processing plant in Pickering, however the operation ceased after a short period of time as a result of the wells producing water. In 1994 the Knapton gas and power generation plant was commissioned by Scottish Power with its gas supplies sourced from outside the National park within the Vale of Pickering at Kirby Misperton, Marishes, Cloughton and Pickering and production still continues. The operator of the Knapton plant has carried out some exploratory drilling within the North York Moors National Park with a view to extracting the gas and sending it through a pipeline to the processing plant. In the past the exploration and appraisal of gas resources has been carried out without harming the special qualities of the North York Moors, however each proposal will need to be assessed on its own merit.
- 3.3 The relatively flat and low lying landscape of York allows for long distance views of the Minster, which is integral to the setting of the Historic City. For this reason applicants will need to carefully consider the setting of the City when designing and siting proposals and ensure there are appropriate mitigation measures to prevent any harm.

4. Exploration and Appraisal of Hydrocarbon Resources

Proposals for the exploration and appraisal of hydrocarbon resources will be supported where they are considered to be in accordance with the overall spatial policy as set out in policy # for onshore hydrocarbon development and the following requirements are met:-

- **any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and**
- **a robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, ground stability and public safety issues; and**
- **development would be consistent with other relevant policies in the Plan.**

Supporting Text

- 4.1 Exploration may initially begin with seismic investigations to identify prospective structures and may not require planning permission, but applicants must notify the Minerals Planning Authority. Exploration for hydrocarbons can only take place where the gas is located and typically takes the form of drilling a well, which will normally consist of a vertical well and potentially a small number of lateral extensions. These wells are designed to

log and take samples of rock ('core') in order to acquire the geological data from the potential hydrocarbon layers of interest. However in the case of shale gas exploration and appraisal hydraulic fracturing may be required. This stage takes place over a short period of time (typically around 12 to 25 weeks, after which the well is capped and the site vacated) and therefore as long it doesn't cause significant harm to the environment or local amenity because of the proposed location of the development, proposals should be supported. This follows the advice set out in the Planning Guidance which states that planning authorities should not take account for future activities at the exploration stage.

- 4.2 The National Planning Guidance says that it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing. However when considering the need for an assessment it is important to consider factors such as the nature, size and location of the proposed development.
- 4.3 Where the exploratory stage has proven the existence of oil and gas the operator will need to test the resource to establish whether it can be economically exploited. The testing of hydrocarbons can take a number of forms and may involve additional seismic work, longer term flow tests or the drilling of further wells. The exploration and appraisal of shale gas resources is likely to involve hydraulic fracturing followed by flow testing in order to establish the economic viability of the resource and its potential productive life. Proposals for the appraisal stage must address the implications, where relevant, of noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability/subsidence including as a result of the presence of faults; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare; surface and ground water resource and pollution issues. When determining applications for the testing of unconventional hydrocarbon resources additional details will also be required on the geological structure, including faulting information,
- 4.4 All drilling operations are subject to notification to the Health and Safety Executive. Each proposal site is assessed by the Environment Agency who regulates discharges to the environment, issue water abstraction licences, and are statutory consultees in the planning process. The Environment Agency has issued guidance on this which notes that a mining waste permit will be required for drill cuttings, spent drill muds and drill fluids, flow-back fluids, waste gases and wastes left underground. A permit will also be needed if large quantities of gas are to be flared and for groundwater activities, depending on the local hydrology.

5. Extraction and Processing of Hydrocarbon Resources

The extraction and processing of hydrocarbon resources will be supported where they are considered to be in accordance with the overall spatial policy as set out in policy # for onshore hydrocarbon development and the following requirements are met:-

- any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to; the quality and availability of ground and surface water resources, ground stability and public safety; and
- Transportation of gas from locations of production to any remote processing facilities will be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact; and
- Proposals are in accordance with other relevant policies in the plan.

Where practical, a co-ordinated approach should be adopted through the preferential use and/or adaptation of any available and suitable processing infrastructure for the processing of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development away from sites of best and most versatile quality agricultural land. The Minerals Planning Authority will support co-ordination between licence operators and encourage the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity.

At the end of production facilities should be dismantled and the site restored to its former use or other agreed use in accordance with policy # Reclamation and after-use of minerals and waste sites.

Supporting text

- 5.1 The production phase of hydrocarbon development usually involves the drilling of a number of wells, which may be at the sites drilled at exploration or testing stages. In addition to the wellhead equipment development is likely to comprise pipelines for gas transport where processing is to take place away from the well sites and processing equipment, including potentially plant for generation of power using the gas produced. Proposals must address the implications where relevant of noise, dust, air quality, lighting, visual impact on the local and wider landscape, archaeological and heritage features; traffic; risk of contamination to land; soil resources; geological structure, including faulting information; impact on best and most versatile agricultural land; blast vibration; flood risk; land stability including as a result of the presence of

faults; internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks; impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty); nationally protected geological and geo-morphological sites and features; site restoration and aftercare; surface and, groundwater resource and pollution issues.

- 5.2 The production of an oil or gas field can last up to 20 years, however it is important to ensure the applicants provide appropriate details setting out how the site will be restored to an appropriate after use when operations cease.
- 5.3 Once the hydrocarbons are extracted they will need to be taken away by pipeline or processed. Due the scale and nature of processing facilities it is considered appropriate to share or co-locate facilities where this is feasible and viable, in order to minimise overall impacts. Where co-location is not proven to be practicable the priority should be for facilities to be located on brownfield sites, industrial or employment land or, where necessary on land of lower agricultural quality.

6. Carbon and Gas Storage

Proposals for carbon capture and storage will be permitted where it has been demonstrated that:

- **The local geological circumstances are suitable; and**
- **There will be no harm to the quality and availability of ground and surface water resources, land stability and public safety**
- **There would be no unacceptable impact on the environment or local amenity**
- **The proposals are consistent with other relevant policies in the plan.**

Transport of carbon is expected to be via pipeline with the routing of lines selected to give rise to the least environmental or amenity impact.

Supporting text

- 6.1 Carbon capture and storage is a method which can be used for reducing carbon dioxide emissions into the atmosphere from sources such as fossil fuel power stations and Underground Coal Gasification. It involves capturing carbon dioxide, either before or after burning, transporting it in pipelines and permanently storing it deep underground in suitable geological formations. The Government believes Carbon Capture and Storage has potential to be an important technology in climate change mitigation. Potentially suitable geologies have been identified across the UK including areas within Ryedale and Scarborough which may be suitable for such processes. Current proposals are under consideration (via the National Strategic Infrastructure Planning procedures) for the capture and storage of carbon from Drax power station, in North Yorkshire. Whilst the proposals involve construction of a carbon transport pipeline across part of the Plan area, carbon storage would

take place within depleted gas fields under the North Sea. It is not expected that proposals for storage within the Plan area are likely within the Plan period, national policy requires Minerals Planning Authorities to encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility.

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Preferred Options Draft Vision and Objectives

Text from the Draft Chapter 4: Development of a Vision and Objectives

- 4.1 A Plan's vision and objectives help give direction to the policies it contains. This section of the document sets out a draft vision and related objectives for the Minerals and Waste Joint Plan. It responds to the issues and challenges facing the area, as discussed in the previous section, which reflect the outcomes of public consultation to date, as well as the emerging evidence base and the national policy context. In developing the vision and objectives for the Joint Plan, the outcomes of previous consultation on a vision and objectives for minerals and waste plans in the NYCC area have also been taken into account as well as the consultation responses from the Issues and Options consultation undertaken for the Joint Plan in spring 2014.
- 4.2 The following interconnected priorities underpin the vision and objectives:
- Delivering sustainable waste management
 - Achieving the efficient use of minerals resources
 - Optimising the spatial distribution of minerals and waste development
 - Protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change.

Vision

Over the period to 2030 a careful balance will be maintained between meeting requirements for minerals and waste development and infrastructure whilst protecting and enhancing the Joint Plan area's environment, supporting its communities and strengthening its economy.

Delivering Sustainable Waste Management

- Less waste will be being generated and the Joint Plan area will have moved substantially closer to a zero waste economy, with more waste being used as a resource and disposal of waste arising in the Joint Plan area only taking place as a last resort. National and local targets for recycling and diversion of waste*

will, as a minimum, have been met and, where practicable, exceeded. Important waste management infrastructure will have been safeguarded for the future and the Joint Plan area will have delivered sufficient waste management capacity to meet needs equivalent to waste arising in North Yorkshire and the City of York, with waste only being exported out of or imported into the Joint Plan area where necessary or more sustainable.

Achieving the Efficient Use of Minerals Resources

- ii. Whilst maximising the use of alternatives to primary minerals, the provision of an adequate and steady supply of minerals will have been maintained, recognising the important role the Joint Plan area has in the supply of a range of minerals and in particular recognising the area's role in aggregates provision in the Yorkshire and Humber area and the adjacent North East region. Provision will have also reflected the importance of using local minerals to help maintain and improve the quality of the area's built environment. Important minerals resources and minerals supply infrastructure including railheads and wharfs will have been safeguarded effectively for the future.*

Optimising the Spatial Distribution of Minerals and Waste Development

- iii. Where geological and infrastructure considerations allow, opportunities to ensure a good match between locations of minerals supply and demand will have been taken, and appropriately located mineral workings will also be playing a role as locations for the recycling of construction materials.*
- iv. For both minerals and waste development, an adequate network of suitably scaled and sustainably located facilities will have been delivered in order to meet requirements identified in the Plan and the distribution of these will have had regard to the availability of suitable transportation networks, any opportunities for modal shift to sustainable methods of transport such as rail or water and the benefits of minimising the overall distance waste and minerals are transported.*
- v. Waste arising in both urban and rural areas will be being managed as near to where it arises as practicable, appropriate to the waste stream and scale of arisings, in order to provide a network of facilities accessible to local communities and businesses. New waste facilities will, where practicable, have been co-located with complementary industries, businesses and producers or users of waste, in order to maximise the overall efficiency of waste management and the delivery of wider benefits to local businesses and the economy, including from the generation of heat and power through the recovery of waste.*
- vi. In identifying appropriate locations for the delivery of both minerals and waste development the distinguished natural, historic and cultural environment and*

unique and special landscapes of the Joint Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty and the historic City of York.

Protecting and Enhancing the Environment, Supporting Communities and Businesses and Mitigating and Adapting to Climate Change

- vii. *Minerals and waste development will be taking place in accordance with the highest practicable standards of design, operation and mitigation throughout the life of the development in order to ensure that the amenity of local communities, the sustainability of local businesses and the high quality environment of the Joint Plan area are given robust protection. Liaison between developers and local communities, businesses, regulators and landowners will have been key in delivering this.*
- viii. *Improved efficiency in energy and resource use, including increased use of alternatives to primary minerals and appropriate design and mitigation to address effects on, and from, climate change, including reducing the carbon footprint associated with minerals and waste and reducing flooding will have occurred, and a high standard of reclamation and afteruse of minerals and waste sites will be being delivered, providing a range of benefits for local communities and the environment of the area including the aim to connect habitats and enhance biodiversity as well as protect and restore agricultural land.*

Objectives

- 4.3 Based on the proposed Vision above, the following objectives are proposed as a means of taking this forward. These are split into four groups based on the interconnected priorities identified above.

Delivering sustainable waste management

Objective 1: Encouraging the management of waste further up the hierarchy

Background explanation supporting the objective.

This includes supporting the efficient use of materials in the design and construction of development and supporting a reduction in the amount of waste generated by individuals and organisations; meeting and where practicable exceeding national and local targets for recycling, composting and diversion of waste from landfill; using waste as a resource, incinerating waste without energy recovery and disposing of waste via landfill only as a last resort or to ensure that landfill sites or quarries are restored to beneficial use, and; building appropriate links between waste and minerals policy.

Objective 2: Making adequate provision for the waste management capacity needed to manage waste arising within the sub-region

Background explanation supporting the objective.

This includes planning for the delivery, where practicable, of the new waste management infrastructure needed to manage a level of arisings equivalent to the anticipated future arisings of waste in the Joint Plan area, including arisings of Local Authority Collected Waste arising within the adjacent Yorkshire Dales National Park Authority area, and; safeguarding important waste management infrastructure and ensuring appropriate co-ordination with District and Borough Councils in North Yorkshire to ensure a joined-up approach to safeguarding. It also helps support the contribution of the waste industry to the local and wider economy.

Achieving the efficient use of minerals resources

Objective 3: Safeguarding important minerals resources and minerals infrastructure for the future

Background explanation supporting the objective.

This includes safeguarding relevant surface and underground minerals resources of national and local importance, important aggregates supply and transport infrastructure such as railheads, wharfs, coating and concrete plants; and ensuring appropriate co-ordination with District and Borough Councils in North Yorkshire to ensure a joined-up approach to safeguarding.

Objective 4: Prioritising the long-term conservation of minerals through facilitating provision of sustainable alternatives to primary land won minerals extraction, including increasing the re-use and recycling of minerals and the use of secondary and marine aggregates

Background explanation supporting the objective.

This includes identifying an appropriate balance of supply through a Local Aggregates Assessment; supporting the development of alternative sources in appropriate locations; encouraging the efficient use of minerals resources through the sustainable design and construction of new development; and building appropriate policy links between minerals and waste policy.

Objective 5: Planning for the steady and adequate supply of the minerals needed to contribute to local and wider economic growth, development, quality of life, local distinctiveness and energy requirements, within the principles of sustainable development

Background explanation supporting the objective.

This includes identifying and maintaining future supply requirements for minerals, in line with national planning policy and the North Yorkshire Local Aggregates

Assessment and maintaining adequate landbanks, particularly for aggregates; recognising the role of the Joint Plan area in supply of minerals, particularly aggregates, beyond the Joint Plan area boundary, whilst also considering and responding to the ability of the area to sustain minerals extraction without compromising other social, economic or environmental goals.

Optimising the spatial distribution of minerals and waste development

Objective 6: Identifying suitable locations for the extraction and recycling of minerals, the production of secondary aggregate, key minerals supply and transport infrastructure and the management of waste

Background explanation supporting the objective.

This includes identifying and allocating appropriate sites or areas for future minerals working, the provision of secondary and recycled aggregate, minerals supply and transport infrastructure and the disposal of mineral waste, as well as identifying and allocating appropriate sites or areas for the management and where necessary disposal of waste. Identification of strategically important sites or areas will be the priority.

Objective 7: Seeking a good match between locations for waste management infrastructure and the places where waste arises, and between locations for mineral working and minerals supply infrastructure and the places where minerals and mineral products are used, in order to minimise the overall need for transport

Background explanation supporting the objective.

This includes developing locational policy which encourages new waste management infrastructure in locations as near as practicable to existing sources of arisings and expected patterns of future growth; co-locating waste facilities, where practicable, with complementary industries, businesses and producers or end users of waste including taking opportunities to utilise heat and/or power for the benefit of local communities and businesses, and; encouraging new minerals workings and infrastructure, including sites for the supply of secondary and recycled aggregate, in locations well related to existing markets within and near to the Joint Plan area and expected patterns of future growth.

Objective 8: Promoting the use of alternatives to road transport and ensuring that new development is served by suitable transport networks

Background explanation supporting the objective.

This includes developing policy which encourages new waste management infrastructure, minerals workings and minerals supply infrastructure, where practicable for longer distance and large scale movements, to locations where sustainable

transport modes such as rail, water and pipeline can be utilised, and; where such modes are not practicable, that locations for development are well connected to suitable highways infrastructure.

Protecting and enhancing the environment, supporting communities and businesses and mitigating and adapting to climate change

Objective 9: Protecting and, where appropriate, enhancing the natural and historic environment, landscapes and tranquil areas of the Joint Plan area

Background explanation supporting the objective.

This includes developing policy to protect, conserve and where practicable enhance the environment of the Joint Plan area, including natural and heritage assets, landscapes and environments, priority habitats and biodiversity, geodiversity, ground and surface waters, green infrastructure (including agricultural land) and ecosystems services; protecting the Green Belt from inappropriate development; recognising and protecting the special qualities of the North York Moors National Park and the AONBs, and the historic views into York and supporting the use of local building stone to help maintain and improve the quality of the built environment and local distinctiveness.

Objective 10: Protecting local communities, businesses and visitors from the impacts of minerals and waste development, including transport

Background explanation supporting the objective.

This includes promoting high standards of design, operation and where relevant reclamation of minerals and waste sites (including sites for the supply of secondary and recycled aggregate and the disposal of mineral waste) and high standards in the transport of minerals and waste; as well as promoting the involvement of local communities and businesses in proposals for minerals and waste development in order to help protect and where practicable enhance local amenity, quality of life including public safety and the local economy.

Objective 11: Addressing the causes and effects of climate change relating to minerals and waste development activity, including using opportunities arising from minerals and waste development and reclamation activity to mitigate and adapt to climate change

Background explanation supporting the objective.

This includes planning for more sustainable design and working practices, including those aimed at carbon reduction, at minerals and waste sites; considering opportunities for the delivery of renewable and low carbon energy; and taking a long term view of the potential for reclaimed minerals sites for purposes such as flood alleviation, the provision of ecosystems services and maintenance of agricultural

capacity. This objective would also contribute to meeting the national requirement to reduce greenhouse gas emissions by 80% below 1990 levels by 2050.

Objective 12: Delivering benefits for biodiversitythe environment, recreation opportunities and climate change adaptation through reclamation of minerals workings

Background explanation supporting the objective.

This objective supports wider objectives within the NPPF and within local strategies which seek to enhance conditions for biodiversity and other important environmental objectives, increase opportunities available for recreation and ensure measures are in place to adapt to climate change. This objective would also support the utilisation of a strategic, landscape scale, approach to reclamation where this could help minimise overall impacts and deliver maximum benefits.

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Duty to Cooperate

1. Introduction

- 1.1 This Paper considers how work relevant to the statutory 'Duty to Cooperate' in plan making is being taken forward in the context of preparation of the Minerals and Waste Joint Plan. It outlines further measures which could be taken to ensure a robust approach to addressing the Duty.
- 1.2 The main purpose of the Duty is to ensure that matters of cross-boundary significance (ie of importance to more than one local authority) are addressed in order to deliver appropriate coordination in strategic planning. Both minerals and waste are identified in national policy and guidance as issues which may be relevant for the purposes of fulfilling the Duty.

2.0 Main Duty to Cooperate Issues to be addressed in the Plan

- 2.1 The main issues identified that require consideration under the Duty are;

The cross-boundary movement of minerals, particularly aggregate

- 2.2 There are major imbalances in locations of supply and demand for aggregate, both within the Yorkshire and Humber area and between the North Yorkshire Sub-region and the Tees Valley Sub-region. The Joint Plan area is a substantial net exporter of aggregate, particularly to the Tees Valley and West and South Yorkshire areas. Evidence (as summarised in the North Yorkshire sub-region Local Aggregates Assessment) suggests that this demand on the sub-region is likely to continue over the Plan period as indigenous sources of supply in receiving areas are scarce. As national minerals policy requires mineral planning authorities with resources to make an appropriate contribution to maintaining supply in areas where there is a shortage, it will be important to ensure that the approach to supply of aggregate takes into account requirements arising elsewhere.

- 2.3 This issue is being taken forward through the approach to demand forecasting for aggregate set out in the draft Local Aggregates Assessment (LAA) for the NY Sub-region. The LAA includes an allowance for demand arising in key market areas, using projected housing growth as a proxy for demand for aggregate. Consultation is taking place with other relevant MPAs as part of the process of finalising the LAA. The LAA will also be scrutinised by the Aggregates Working Party for Yorkshire and Humber prior to finalisation. Once finalised, the demand forecast contained in the LAA will provide the basis for the scale of provision for aggregate to be included in the Joint Plan.

The cross-boundary movement of waste

- 2.4 There are known cross-boundary movements of waste, both imports and exports, across the boundary of the Plan area. Of particular importance is consideration of waste exports. Where waste is exported for management outside the Plan area as a result of a lack of suitable capacity within it, then consideration needs to be given for the potential for such movements to be able to continue, if necessary, in order to ensure that waste expected to arise in the Plan area can be dealt with.
- 2.5 Many waste planning authorities are planning for waste management on a 'net self-sufficiency' basis. In effect this means that they will seek to provide capacity at a level sufficient to meet expected arisings in their area, even where it is expected that a degree of cross-boundary movement will continue. This is generally seen as a pragmatic approach reflecting the fact that market circumstances will often dictate where waste is actually managed and that this can vary over time and be difficult to predict. It also helps provide a degree of flexibility taking into account difficulties in obtaining reliable and up to date information on movements of many kinds of waste. A review of the adopted or emerging approaches for WPAs adjacent to the Plan area suggests that such an approach is generally being followed.
- 2.6 In order to gain a picture of the pattern of movements of waste arising in the Plan area, information from the Environment Agency's Waste Data Interrogator has been analysed. Contact has been made with all WPAs (in excess of 40) where annual export movements of more than 1000 tonnes have occurred over the past three years, in order to verify data and seek an opinion on the potential for such exports from the Plan area to be able to continue in future if necessary. The main export destinations for waste arising in the Plan area are in West Yorkshire and the Tees Valley, although some waste is transported large distances for management. In general, other WPAs currently receiving waste from the Plan area do not foresee significant difficulties in continuing to receive waste from the Plan area if necessary. Whilst this is helpful, it should also be noted that if a 'net self-sufficiency' approach is adopted in the Joint Plan then

this may result in reduced need for export in future, particularly in a scenario where other nearby WPAs are also planning on a similar basis.

- 2.7 A further specific consideration relevant to waste is the role of the Joint Plan area in relation to waste arising in that part of the North York Moors National Park area which falls within Redcar and Cleveland (which constitutes the relevant waste collection and management authority, but not planning authority). Discussion with Redcar and Cleveland Borough Council has taken place and this has led to the drafting of a memorandum of understanding, to the effect that the Joint Plan authorities should not plan for those waste streams generated within the Redcar and Cleveland part of the NYMNP, as this waste is already planned for within the Tees Valley Joint Minerals and Waste Plan.
- 2.8 Similarly, officer discussion has taken place with the Yorkshire Dales National Park Authority in relation to the role of the Joint Plan area in the management of waste arising in the Yorkshire Dales. A draft memorandum has been prepared which indicates that with the exception of small scale recycling provision, mining and quarrying waste and agricultural waste which can be managed on farm, provision for waste arising in the Park will be provided within the Minerals and Waste Joint Plan area, in accordance with current practice.

Safeguarding of minerals resources and minerals and waste infrastructure

- 2.9 This is a particular issue for the NYCC area, where a requirement for cooperation arises between NYCC and the seven North Yorkshire District and Borough Councils. National policy requires all mineral planning authorities to include policies for the safeguarding of important minerals resources and minerals infrastructure, such as minerals processing plant and transport facilities as well as important waste infrastructure. This is to protect the resource or infrastructure from replacement or encroachment by other forms of development, without proper consideration of relevant issues having taken place. In the two-tier parts of the Plan area safeguarding will require cooperation between NYCC and the District/Borough Councils, as development decisions taken by the latter may impact on resources or infrastructure safeguarded in the Joint Plan. In some cases formal consultation with NYCC may be required before decisions can be taken. Formal and informal consultation with the District and Borough Councils is taking place as the Joint Plan is prepared and officer meetings have taken place to help draw attention to this issue. It is intended to include the matter on the agenda at a future meeting of the North Yorkshire Development Plans Officers group to help ensure that agreement is reached on any intended approach.

3. Member involvement in addressing the Duty to Cooperate

3.1 Work undertaken so far on addressing the Duty has been at officer level. Good practice guidance on Plan Making indicates that important cross-boundary matters should preferably be subject of member agreement, as this indicates a higher level of commitment of behalf of the relevant planning authorities. Delivering this presents a number of challenges in the context of the Minerals and Waste Joint Plan as a result of:

- The wide range of other planning authorities potentially needed to be involved;
- The inter-regional or sub-regional nature of some cross-boundary issues and the absence of existing member groupings/structures across all relevant geographies;
- The relatively low priority afforded to minerals and waste issues, compared with other strategic planning issues, by some other authorities particularly large urban unitary authorities, and the corresponding difficulty in achieving a high level of engagement.

3.2 In order to address the good practice guidance which encourages member involvement in fulfilling the Duty, it is considered that any approach should be proportionate to the scope and significance of the issues involved. The absence of an existing member body with the right geographical scope to act as a key forum for consideration of all cross-boundary issues relevant to the Plan, together with the likely difficulties in establishing such a body, suggests that activity will need to be more targeted. The following priorities could be used to guide the approach:

- 1) Seeking member endorsement (within the three Joint Plan authorities) to the Local Aggregates Assessment for the North Yorkshire Sub-region.
- 2) In respect of issues relevant to the two tiers of planning authorities within the NYCC area (eg minerals safeguarding), taking issues and the proposed approach to the YNYER Spatial Planning and Transportation Board.
- 3) Seeking member agreement on memoranda of understanding directly with Redcar and Cleveland Borough Council and the Yorkshire Dales National Park Authority. For the Joint Plan authorities a view needs to be taken as to whether such agreement should be via the Joint Member Working Group or via separate member approval within each individual authority, although it is considered that the former may be proportionate in the context of the issues covered in the draft MoUs prepared so far.
- 4) Seeking member level agreement as necessary with individual minerals and waste planning authorities where evidence, including responses to consultation at Preferred Options stage, suggests that significant interdependencies exist, particularly in relation to any export of waste. As with 1) above, a view would need to be taken on the level at which agreement should be sought from the perspective of the Joint Plan authorities.

- 5) Reporting issues and progress at key stages to the Leeds City Region portfolio holders group.
- 6) If considered necessary as the Plan progresses, taking issues to the equivalent member bodies for the Sheffield City Region and Tees Valley.

4. Recommendation

- 4.1 That members consider and discuss the approach to member engagement in fulfilling the Duty to Cooperate during preparation of the Minerals and Waste Joint Plan.

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