

## North York Moors National Park Authority Planning Committee

Public Minutes of the meeting held at The Old Vicarage, Helmsley on Thursday 22 October 2015.

**Present:** Malcolm Bowes, Guy Coulson, Ena Dent, Michael Dick, Alison Fisher, Janet Frank, Bryn Griffiths, David Hugill, Christopher Massey, Heather Moorhouse, Sarah Oswald, Caroline Patmore, Clive Pearson, Ted Sanderson, Andrew Scott, Jeremy Walker

**Apologies:** Jim Bailey, David Jeffels

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### Copies of all Documents Considered are in the Minute Book

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#### 72/15 Minutes

**Resolved:**

That the minutes of the meeting held on 17 September 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chair as a correct record.

#### 73/15 Members Interests

Members were reminded of their responsibility to declare any personal, prejudicial and/or discloseable interests relating to any agenda item prior to its consideration.

#### 74/15 Emergency Evacuation Procedure

The Chairman informed Members of the Public of the emergency evacuation Procedure.

#### 75/15 Minerals and Waste Joint Plan – Preferred Options

Considered:

The report of the Director of Planning

**Recommended:**

That Members agree, subject to any comments they may have, to public consultation on the Preferred Options document.

That Members note the proposed arrangements for consultation.

That Members authorise Officers to make any minor amendments to the Preferred Options document prior to consultation.

That Members authorise the Chair of Planning Committee to agree to any more significant changes arising from the Member approval process of the other two authorities.

**Resolved:**

That Members agreed to public consultation on the Preferred Options document, subject to the amendments set out on the Members Update Sheet:

**Policy M16: Overall spatial policy for hydrocarbon development**

Amendments are proposed to Policy M16 to better reflect the position of hydrocarbon development in protected areas. The amended Policy is as follows:

**Policy M16: Overall spatial policy for hydrocarbon development**

Proposals for development of unconventional hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are located within the National Park, AONBs, Protected Groundwater Source Areas and World Heritage Sites.

For conventional hydrocarbons development within and lateral hydraulic fracturing underneath designated areas identified above, applicants will need to demonstrate that all options for undertaking the development in other, non-designated, areas licensed to the applicant by DECC have been fully considered before bringing forward proposals in designated areas. Where such proposals for production are located in, or in the case of hydraulic fracturing underneath the National Park or AONBs, these will be considered to comprise major development and will be refused except in exceptional circumstances in accordance with Policy D04.

Where proposals are 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. Hydrocarbon developments which comprise “straddling applications” crossing National Park boundaries will be assessed in accordance with Policy D04

Proposals for conventional and unconventional hydrocarbons development across the rest of the Plan area will be supported where it can be demonstrated that there would be no unacceptable impacts, taking into account proposed mitigation measures, on the environment or on local amenity or on the setting of heritage assets including the historic City of York and where they are consistent with other relevant policies in the Plan. Particular regard will be had to protecting designated Green Belt from harm resulting from hydrocarbons development.

In determining proposals, consideration will be given to any cumulative impacts arising from other hydrocarbon development activity in proximity to the proposed development, including any impacts arising from successive hydrocarbons development taking place over substantial periods of time. Proposals will be supported where there would be no unacceptable cumulative impacts.

The supporting information is also to be amended to address the issues around lateral fracking underneath designated areas and also to make reference to protected areas of conservation. The amendments proposed are:

5.109 The NPPF indicates that great weight should be given to conserving landscape and scenic beauty in National Parks and AONBs, which have the highest status of protection in relation to landscape and scenic beauty.

The Government has set out through draft secondary legislation to the Infrastructure Act that fracking will not be supported at sites within National Parks, AONBs, protected groundwater source areas and world heritage sites. The Act also clearly prohibits hydraulic fracturing from taking place in any land at a depth of less than 1,200m.

However, there is more ambiguity when considering the potential for lateral fracking under the National Park or other protected areas from locations beyond their boundary. It is considered that mining operations and drilling at any depth would constitute “development” as defined in the Town and Country Planning Act (“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) and therefore a straddling application would need to be submitted to both relevant authorities. As the Act only refers to fracking it is considered that the starting point in Policy M16 is that for all applications for unconventional and conventional hydrocarbons proposals within the National Park and AONB’s 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.

**Policy M23: Potash, polyhalite and salt supply**

Revised Policy and supporting text:

**Policy M23: Potash, polyhalite and salt supply**

Proposals for the extraction of potash, salt or polyhalite from new sites within the North York Moors National Park 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 sub-surface lateral extensions to the permitted working area for Boulby Potash Mine and the Doves Nest Farm site in locations accessible from the existing site and proposals for new sites outside of the National Park, will be supported where it can be demonstrated that the following criteria have been satisfactorily addressed;

- i. The proposals will reduce the impact on the special qualities of the National Park or where this is not possible include substantial mitigation measures to improve the special qualities of the Park;
- ii. The effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, can be monitored and controlled so as to prevent unacceptable impacts;
- iii. The proposed arrangements for disposal of mining waste materials arising from the development are acceptable; and
- iv. The requirements of Policy I01 for transport and infrastructure have been fully considered; and
- v. The proposals would be consistent with other relevant development management policies in the Plan.

5.144 Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for its extraction. There is however no requirement within national policy to maintain a certain level of potash reserves.

Potentially viable resources of potash are understood to lie mainly beneath the North York Moors National Park. Where proposals for new potash (including polyhalite) mining activities are located within the National Park they will need to be considered in accordance with the requirements of the major development test. This includes extensions to the operating period or renewal applications for the existing mine sites at Boulby and Doves Nest Farm.

For these reasons it is not considered appropriate to allocate proposed sites in the Minerals and Waste Joint Plan but to consider any new proposals against the policy requirements set out above.

5.145 The UK's only working potash mine is located at Boulby which is in the north eastern area of the North York Moors National Park. The mine has been producing potash since 1973, with mining currently occurring at depths of 800-1350m below ground with operations extending to 14km off-shore. In 2014 a planning application was submitted for a new mine in the National Park at Doves Nest Farm for the extraction of polyhalite. The proposal also includes a 37km tunnel which will be used to convey the material to a handling facility at Wilton on Teesside. The National Park Authority resolved in June 2015 to grant permission for the development, subject to completion of a legal agreement.

5.146 Rock salt is mined as a by-product of potash extraction at Boulby mine. The rock salt is transported by rail to Teesside from where it is either exported or transported to locations within the UK, with a small amount transported by road to local authorities for use on roads.

#### **Policy D01 - Presumption in favour of sustainable minerals and waste development**

To add to last paragraph:

Where proposals constitute major development in the National Park and AONBs they will be assessed against the requirements for major development in designated areas set out in national policy **and Policy D04 of this Plan**.

#### **Policy D04 – North York Moors National Park and the AONBs**

Amendment to Part Two of Policy to read:

Part Two – All other developments

The CYC reported the Preferred Options Plan to their Local Plan Working Group (held on 19.10.2015) and agreed to recommend to the CYC's Executive Members to agree the documents for public consultation subject to amendments discussed at the meeting. The proposed amendments refer to:

1. the inclusion of additional wording regarding the de-commissioning (making safe) of shale gas (fracking) wells post-production;
2. considering whether it is feasible (not contrary to Government policy) to make reference to nature conservation sites (SSSI and SPA) in policy M16 (shale gas) or at least make stronger linkages with other biodiversity policies in the Plan (DO7);
3. make reference to potential hazardous waste water as a result of shale gas production.

Amendments to the Plan have been suggested to address these concerns, which are summarised as follows:

1. Additional criteria are to be added to Policy M17 and M18 requiring well sites to be safely sealed in accordance with best practice following completion of exploration and/or appraisal.  
Within the supporting text, an additional paragraph is to be added requiring that following completion of drilling and appraisal activities any wells not to be used for subsequent production should be sealed in accordance with best practice to ensure their longer term safety.

Additional information will include information about the dismantling of equipment and clearance of the site, sealing of any wells in accordance with best practice to ensure long term safety.

2. Additional paragraph inserting into the policy justification to accompany Policy M16 highlighting the internationally and nationally significant sites which fall outside the definition of “protected areas” (such as SAC’s, SPA’s, RAMSAR sites and SSSI’s) and reiterate that these sites are covered under the development management policies of D06, D07 and D08 which provide specific policy protection for these and other assets.
3. Paragraph 6.89 (Waste Water and Sewage Sludge) will highlight potential hazardous waste and the need for it to be managed through specialist facilities in order to ensure appropriate protection of the environment and local communities.

**Members made the following comments/suggestions:**

- That Officers seek clarification from Mineral Planners at North Yorkshire County Council of the accepted terminology for ‘unconventional hydrocarbons’
- That point ii of Policy M23 covers defence against coastal erosion
- That Policy M23 includes ‘surface development and infrastructure’

Members noted the proposed arrangements for consultation.

Members authorised Officers to make minor amendments to the Preferred Options document prior to consultation.

Members authorised the Chair of Planning Committee to agree to any more significant changes arising from the Member approval process of the other two authorities.

**76/15 Miscellaneous Items**

Considered:

The report of the Director of Planning.

**Resolved:**

That the report be noted.

**77/15 Applications for Planning Permission**

The following members of the public addressed the meeting regarding the Plans List Items indicated:

Plans List Item 1 – Colleen Alexander spoke in favour of the application, Martin Connell spoke against the application, Sir Michael Carlisle spoke on behalf of Lastingham Parish Meeting and Mrs Cawley spoke on behalf of Spaunton Parish Meeting. At the Chair’s discretion the representative of Lastingham Parish Meeting spoke before the objector.

Plans List Item 2 – Matthew Waugh spoke in favour of the application and Philip Trevelyan spoke against the application.

Plans List Item 4 – Paul Osborne spoke in favour of the application.

Plans List Item 6 – Gareth Dockerty spoke in favour of the application.

Considered:

The report listing applications and the Director of Planning's recommendations thereon. Members also considered further information circulated on the Members' Update Sheet at the meeting including; updated recommendations from the Director of Planning and comments received after the agenda was printed from: consultees, objectors and supporters.

Resolved:

- (a) That with regard to all applications listed in the report and subject to:
- (i) the amendments specified below; and
  - (ii) the imposition of conditions in accordance with the relevant provisions of Sections 91-94 of the Town and Country Planning Act 1990, except in those instances where an alternative condition is contained in the Director of Planning's recommendation or in an amendment referred to in (i) above;
- decisions be given in accordance with the Director of Planning's recommendations:

List No	Plan No and Description of Proposal
1.	<p>NYM/2015/0587/FL – Erection of a 25 metre mast with 6 no. antenna, 2 no. dishes, 3 no. RRUs and 9 no. MHAs together with associated ground based equipment cabinets and timber fenced compound at land at Manor House Farm, Hallings Lane, Spaunton for Arqiva Ltd, fao: Mr Matthew Waugh, Town Planning Manager, Property and Infrastructure, Trafalgar House, 110 Manchester Road, Altrincham, Cheshire, WA14 1NU</p> <p><b>Decision</b> A recommendation of approval was moved and seconded and a vote taken which was lost. A subsequent recommendation of refusal contrary to Officer recommendation was moved and seconded and the vote carried. Refused contrary to Officer recommendation as Members, having heard there was an overwhelming local community concern over the landscape impact, considered that the landscape impact, taking into account the 25m height and cumulative impact from the approved Hutton le Hole mast was unacceptable.</p>
2.	<p>NYM/2015/0539/FL – Erection of a 15 metre mast with 6 no. antenna, 2 no. dishes and siting of ground level cabinet with timber fenced compound at land at Riccal Heads, Grange Farm, Spaunton Bank for Arqiva Ltd fao: Mr Matthew Waugh, Town Planning Manager, Property and Infrastructure, Trafalgar House, 110 Manchester Road, Altrincham, Cheshire, WA14 1NU</p> <p><b>Decision</b> Approved as recommended</p>
3.	<p>NYM/2015/0546/FL – Conversion of and extension to outbuilding to form meeting/function room to serve camp site and to provide facilities for shoot parties at Low Bell End Farm, Rosedale Abbey for Mr &amp; Mrs P Beecroft, Low Bell End Farm, Rosedale Abbey, Pickering, North Yorkshire. YO18 8RE</p> <p><b>Decision</b> <b>Alison Fisher declared a personal interest in this item as the agent is a plan drawer she has previously used</b> Approved as recommended</p>

4.	NYM/2015/0496/FL – Conversion of a lean-to-extension to disused timber bungalow to form agricultural store at Old Rye Kennels Bungalow, Peak Scar Road, Hawnby for Mr Anthony Pooleman, 2 Southside, Old Byland, York, North Yorkshire, YO62 5LG
	<p><b>Decision</b>  Approved as recommended with the decision delegated to the Director of Planning to clear additional conditions relating to external storage and programme of works to mitigate the impact of the development on the bats</p>
5.	NYM/2015/0598/FL – Use of land for the keeping of horses and erection of a timber stable block and field shelter (revised scheme to NYM/2014/0009/FL) (part retrospective) at land on Willow Wood Way, Stainsacre for Mr John Knaggs, 26 Rigg View, Stainsacre, Whitby, North Yorkshire, YO22 4NR.
	<p><b>Decision</b>  Approved as recommended</p>
6.	NYM/2015/0533/R3 – Application under regulation 3 (Town and Country Planning General Regulations 1992) for construction of mosaic to cover inner face of parapet at Sea Wall Parapet, Robin Hoods Bay for North York Moors National Park Authority, fao: Mr R Gunton, The Old Vicarage, Bondgate, Helmsley, YO62 5BP.
	<p><b>Decision</b>  Approved as recommended</p>