

## Agenda

**Meeting: Executive**

**Venue: Meeting Room 3, County Hall,  
Northallerton DL7 8AD**

**Date: Tuesday, 17 October 2017 at 11.00 am**

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### Business

1. **Minutes of the meeting held on 26 September 2017** (Page 6 to 11)
2. **Any Declarations of Interest**
3. **Exclusion of the public from the meeting during consideration of each of the items of business listed in Column 1 of the following table on the grounds that they each involve the likely disclosure of exempt information as defined in the paragraph(s) specified in column 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006:-**

Item number on the agenda	Paragraph Number
13 - Appendix only	3
14	3

#### 4. Public Questions or Statements.

Members of the public may ask questions or make statements at this meeting if they have given notice to Josie O'Dowd of Democratic Services and supplied the text (*contact details below*) by midday on Thursday 12 October 2017, three working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

- at this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes);
- when the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

#### 5. Feedback from Area Committees

(Page 12 to 19)

- ◆ Ryedale Area Committee - 13 September 2017
- ◆ Selby Area Committee - 18 September 2017
- ◆ Craven Area Committee - 21 September 2017

Recommendations:

That the report be noted.

#### 6. Proposal to Cease to Maintain Skipton Ings Community Primary School and Nursery School - Report of the Corporate Director - Children and Young People's Service (Page 20 to 76)

Recommendations:

That statutory proposals and notices be published on 26 October 2017 proposing to cease to maintain Skipton Ings Community Primary and Nursery School with effect from 31 December 2017 and that a neighbouring school(s) will expand their catchment area to cover the area currently served by Skipton Ings Community Primary and Nursery School.

That the Executive schedule taking a final decision on these proposals on 5 December 2017.

#### 7. Additional Primary Places - Malton - Report of the Corporate Director - Children and Young People Services

(Page 77 to 91)

Recommendations:

It is recommended that the Executive:

- a) approve the publication of statutory notices for the expansion of St Mary's RC Primary School, Malton, up to 210 places as prescribed by the School Organisation Regulations with a final determination to be made by Executive on 16 January 2018 or by the Executive Member for Schools in the event of no objections.
- b) approve the continuation of design work in parallel to prepare a planning application for the proposed development.

c) note that implementation of this proposal is conditional upon the grant of planning permission by 30 June 2018.

**8. Minerals and Waste Joint Plan - Submission Stage - Report of the Corporate Director - Business and Environmental Services**

**(Page 92 to 175)**

Recommendations:

The Executive note the representations received during the consultation on the Addendum of Proposed Changes to Publication Draft of the Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park (Appendix A) and the draft response to those representations.

The Executive endorse the points made in paragraphs 4.5 – 4.8 that no substantial changes are needed to be made to the Draft Minerals and Waste Joint Plan.

The Executive recommend to full County Council that the published Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park, together with the approved schedule of proposed changes, be approved for submission for Examination in Public.

The Executive delegate authority to the Corporate Director, Business and Environmental Services, in consultation with the Executive Member, to agree any further or revised responses and proposed changes during the Examination period.

**9. Creation of a Shareholders Committee and Governance Arrangements - Report of the Assistant Chief Executive (Legal and Democratic Services)**

**(Page 176 to 198)**

Recommendations:

Executive is asked to approve:

- (a) The creation of a Shareholders Committee
- (b) Delegate the Chief Executive as the Chief Executive of NYCC and Group (Shareholder Representative)
- (c) Note the conflicts of interest paragraphs and to remind executive members of their need to declare interests when on the board of a company which discusses transactions with the Council.
- (d) Delegate to the Assistant Chief Executive (Legal and Democratic Services) all the necessary powers to implement the above, including reviewing the terms of the Companies governance documents.

**10. Joint Working with Health in Hambleton, Richmondshire and Whitby proposed partnership agreement under Section 75 National Health Service Act 2006 - Joint report of the Corporate Director - Health and Adult Services and Assistant Chief Executive (Legal and Democratic Services)**

**(Pages 199 to 255)**

Recommendations:

The Executive is asked to agree to enter into the Section 75 Partnership Agreement with Hambleton, Richmondshire and Whitby CCG and to delegate to the Assistant Chief Executive (Legal and Democratic Services) all the necessary powers to give effect to this decision including amending and signing the final Partnership Agreement in consultation with the relevant Executive Member.

**11. Appointments to Committees and Other Bodies**

**(Page 256 to 258)**

Recommendations:

That the Executive confirm the appointment to the outside body specified in paragraph 2.1

That the Executive are asked to recommend to County Council the appointments set out in paragraph 3.1.

That any proposals for the re-allocation of seats, if necessary to achieve political proportionality, or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments put forward by the relevant political group, prior to or at the meeting of the Council, be agreed.

**12. Forward Work Plan**

**(Page 259 to 262)**

**13. Submission of Joint Bid for Community Health Care in Scarborough and Ryedale - Report of the Corporate Director - Health and Adult Services**

**(Report not yet available – TO FOLLOW)**

**14. Other business which the Leader agrees should be considered as a matter of urgency because of special circumstances**

Barry Khan  
Assistant Chief Executive  
(Legal and Democratic Services)

County Hall  
Northallerton

Date: 9 October 2017

Notes:

**Emergency Procedures for Meetings**

**Fire**

The fire evacuation alarm is a continuous Klaxon. On hearing this you should leave the building by the nearest safe fire exit. If the main stairway is unsafe use either of the staircases at the end of the corridor. Once outside the building please proceed to the fire assembly point outside the main entrance.

Persons should not re-enter the building until authorised to do so by the Fire and Rescue Service or the Emergency Co-ordinator.

An intermittent alarm indicates an emergency in nearby building. It is not necessary to evacuate the building but you should be ready for instructions from the Fire Warden.

**Accident or Illness**

First Aid treatment can be obtained by telephoning Extension 7575.

## Executive Members

Name	Electoral Division	Areas of Responsibility
LES, Carl	Richmondshire Catterick Bridge	<b>Leader of the Council</b>  Communications, safer communities and emergency planning
DADD, Gareth	Hambleton Thirsk	<b>Deputy Leader of the Council</b>  Finance and Assets and Special Projects inc finance and HR performance management
CHANCE, David	Whitby/Mayfield cum Mulgrave	Stronger Communities - inc Legal and Democratic Services, Corporate Development, Overview and Scrutiny Committees, Area Committees, performance management
DICKINSON, Caroline	Northallerton	Public Health, Prevention and Supported Housing - inc STP issues regarding the Friarage and Darlington Hospitals
HARRISON, Michael	Lower Nidderdale and Bishop Monkton	Health and Adult Services - inc Health and Wellbeing Board, health integration and Extra Care
LEE, Andrew	Cawood and Saxton	Open to Business - inc growth, economic development, planning, waste management, trading standards and business relations
MACKENZIE, Don	Harrogate Saltergate	Access - inc highways, road and rail transport, broadband and mobile phones
MULLIGAN, Patrick	Airedale	Education and Skills - inc early years, schools, apprenticeships, FE colleges and UTC's and engagement with the skills part of the LEP
SANDERSON, Janet	Thornton Dale and the Wold	Children and Young People's Services with responsibility for foster and adoption, children's social care and prevention
WHITE, Greg	Pickering	Customer Engagement inc Contact Centre, web site, libraries, digital and performance management (complaints and compliments)

## North Yorkshire County Council

### Executive

Minutes of the meeting held at County Hall, Northallerton on Tuesday, 26 September 2017 commencing at 11.00 am.

County Councillor Carl Les in the Chair. County Councillors David Chance, Gareth Dadd, Caroline Dickinson, Michael Harrison, Andrew Lee, Don Mackenzie, Patrick Mulligan, Janet Sanderson and Greg White.

Officers present: Richard Flinton, Stuart Carlton, David Bowe, Gary Fielding, Barry Khan, Josie O'Dowd, Dr Lincoln Sargeant and Georgina Wilkinson.

Also present - one media representative - Radio York.

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#### Copies of all documents considered are in the Minute Book

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#### 54. Minutes

##### Resolved –

That the Minutes of the meeting held on 15 August 2017, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

#### 55. Declarations of Interest

There were no declarations of interest to note.

#### 56. Exclusion of the Public

##### Resolved –

That the public be excluded from the meeting during consideration of each of the items of business listed in column 1 of the following table on the grounds that each involves the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information)(Variation) Order 2006 as defined in column 2.

Item on the Agenda	Paragraph No
10	3

#### 57. Questions and Statements from members of the public

There were no questions or statements from members of the public.

## **58. Feedback from Area Committees**

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) relating to meetings of the:-

- ◆ Richmondshire Area Committee - 30 August 2017
- ◆ County Area Committee for the Harrogate District - 31 August 2017

County Councillor David Chance summarised the recommendations from the Area Committees. County Councillor Caroline Dickinson commented that a health representative had been present at both Richmondshire and Hambleton Area Committees, responding to the Friarage concerns.

Regarding the request from Richmondshire Area Committee concerning Matrix Boards (vehicle activated signs) County Councillor Don Mackenzie advised that this policy is presently due for review and it is scheduled for consideration by Transport Economy and Environment Overview and Scrutiny Committee. He stated that the Policy has served the County Council well for many years, and whilst acknowledging that it is appropriate to undertake periodic reviews, he urged a caution as the criteria are in place for good reason. County Councillor Gareth Dadd stressed the importance of an evidenced based approach and County Councillor Janet Sanderson recalled the big debate which took place on the last occasion the policy was reviewed – commenting that the main criteria for installation should not be which Parish Councils can afford to pay for the service.

**Resolved –**

- (a) That the report is noted.
- (b) That the comments from Richmondshire Area Committee regarding Matrix Boards(vehicle activated signs) policy are referred to the Transport Economy and Environment Overview and Scrutiny Committee for consideration during the forthcoming review.
- (c) That it is noted that Richmondshire Area Committee strongly oppose proposals to close two Mental Health Wards at the Friarage Hospital and these views will be passed to the Scrutiny of Health Committee and the Health and Wellbeing Board at the appropriate time.

## **59. NYCC Sexual Health Out of Area Cross Charging Policy**

Considered -

The report of the Corporate Director - Health and Adult Services seeking approval of the NYCC Sexual Health Out of Area Cross Charging Policy as appended to the report.

County Councillor Caroline Dickinson advised that the Public Health team are responsible for commissioning services for residents including those attending facilities out of area. She advised that the issue of out of area cross charging has not been resolved since 2013, when the responsibility for Public Health transferred to the County Council. She noted that both local authorities and providers have interpreted the charging policy very differently to date. A review has been conducted via the regional group of the Yorkshire

and Humber Directors of Public Health and a regional approach has been agreed. It was noted that approval for this charging policy needs to be approved by County Council and County Councillor Caroline Dickinson explained the benefits of being able to evidence a fair and transparent position in the event of legal challenge. A recent challenge by a London Trust to Councils in the region was highlighted, reiterating the need for a robust charging framework.

Dr Lincoln Sargeant, North Yorkshire Director of Public Health, advised that the financial risks associated with this are in the region of £300,000 per annum, this being the cost of residents accessing services out of area but excluding the City of York where a bilateral arrangement was in place. He spoke of the work being undertaken to reduce the number of residents accessing services in neighbouring authorities to the North, explaining that positive results have been achieved with halving of numbers. The impetus for the new approach is to provide a solid base to enable the Council to apply an equitable policy for all providers and better manage the financial risks.

County Councillor David Chance was supportive of the policy stressing the need to be able to challenge cross charging from further afield in a transparent way.

County Councillor Michael Harrison highlighted the exclusions shown at page 40 of the report which are helpful in terms of the wider regional basis for charging as it allowed the Council to enter into agreement where there was mutual benefit.

County Councillor Gareth Dadd welcomed the approach whilst recognising the sensitivity for service users accessing the service in smaller rural communities with respect to confidentiality compared to larger urban areas. Georgina Wilkinson, Health Improvement Manager, confirmed that those accessing services are only asked for a partial postcode to confirm that they are a North Yorkshire resident. The delicate balance to be achieved between conducting appropriate checks and balances, whilst encouraging people to access the service was acknowledged.

#### **Resolved –**

That the NYCC Sexual Health Out of Area Cross Charging Policy is approved.

#### **60. Annual Report of the North Yorkshire Pension Board**

Considered –

A report of the Assistant Chief Executive (Legal and Democratic Services) asking the Executive to consider the Annual Report of the North Yorkshire Pension Board.

Gary Fielding, Corporate Director - Strategic Resources, advised that this is the inaugural Annual Report of the Pension Board, it will proceed to County Council on 9 November.

County Councillor Carl Les queried the implications of pooling and Gary Fielding confirmed that these are very significant, the Pension Board seek to ensure that the Pension Fund Committee have good oversight of the arrangements. He noted the very practical approach of Pension Board Members commending the report produced.

County Councillor Patrick Mulligan acknowledged the doubts he had had at the outset regarding the need for a Pension Board, commenting that he is very impressed by the commitment of the Chairman David Portlock, stating that the work undertaken by the Board is taken very seriously.



There was discussion of who would present the report at County Council, this is to be confirmed nearer the time.

**Resolved –**

That the Annual Report of the Pension Board for 2016/17 is recommended to full Council, as Administering Authority for the North Yorkshire Pension Board, for noting.

**61. Accelerated roll-out of LED Street Lights**

Considered –

A report of the Corporate Director - Business and Environmental Services and the Corporate Director - Strategic Resources seeking approval to replace 7,000 of North Yorkshire County Council's existing street lights with new energy efficient Light Emitting Diode (LED) lanterns during the remainder of 2017/18; seeking approval for Capital investment of £2,042,303 to fund the replacement of the 7,000 LED lanterns during the remainder of 2017/18 and seeking approval of the procurement of the initial 7,000 LED lanterns through an existing PBO (Public Buying Organisation) framework and to offer the installation of these lanterns to Ringway to be undertaken within the framework of the existing Highways Maintenance Contract by the end of 2017/2018.

County Councillor Don Mackenzie advised that the recommendations seek approval to use capital reserves to reduce revenue payments year on year. Across the county there are 50,400 County Council owned street lights plus others owned by the District Councils. 6,000 have been converted on an ad hoc basis, with 44,000 still to be done. Approval is sought to undertake Stage 1 of the accelerated programme and replace a further 7,000 yellow sodium lights. To do so will achieve savings in both energy consumption and ongoing maintenance. Adopting this approach will repay the capital invested within ten years - the equivalent of a 10% rate of return on the initial investment, far better than the rate of return presently achievable via the banks. On this basis he commended the financial benefits to Members.

Commenting on the impact of street lights on the public, County Councillor Don Mackenzie noted that they are very much in the frontline and as such residents may have very different views about what they want. Prior to installation some Harrogate residents had commented to him that they thought they would prefer a warmer soft yellow light, and they felt less inclined to LED lights, whilst recognising that LEDs are more effective at lighting an area. Following an emergency replacement of certain cast lamps in Harrogate, they were fitted with LEDs. County Councillor Don Mackenzie was pleased to report that the installations had been praised and seem popular with most people - residents acknowledging that LEDs direct the light downwards and away from upstairs bedroom windows. Concluding he stated that he hoped that the remaining 37,000 sodium street lights would be replaced on an accelerated basis in future years.

David Bowe, Corporate Director - Business and Environmental Services, advised that whilst this changeover is being pursued as programmed work, there are significant financial benefits in accelerating the programme. Without acceleration, only 1,100 street lights will be changed per year.

County Councillor Janet Sanderson noted the complexities of the issue and she mentioned the localised problem in Ryedale District Council where street lighting is the subject of percept for Parish Councils. She wished to know if there if any economies of

scale could be afforded to the District Councils and Parish Councils to enable them share the benefits. David Bowe advised that joint work is already underway - where a Parish or District Council are prepared to fund the upgrade of a street light to the County Council's standard, then the County Council is prepared to take on the subsequent on-going maintenance. Alternatively the County will work with Parish Councils and maintain street lights for them on the basis of County Council contract rates.

County Councillor Gareth Dadd expressed his support for the proposals particularly given the equivalent of a 10% rate of return. He looked forward to the continued acceleration of the programme over future years, noting that this issue would be revisited during budget setting in the February 2018.

There was general support for the proposal particularly in view of the anticipated increase in energy prices next year. The approach proposed was one which County Councillor Patrick Mulligan wished to see applied in other areas.

**Resolved –**

- (a) That the recommended option to replace 7,000 of North Yorkshire County Council's existing street lights with new energy efficient LED lanterns during the remainder of 2017/18 is approved.
- (b) That the Capital investment of £2,042,303 to fund the replacement of the initial 7,000 LED lanterns during the remainder of 2017/18 is approved. Approval for the capital investment for the financial years 2018/19 and 2019/20 will be sought via the annual budget report to the Executive in February 2018 subject to availability of corporate funding.
- (c) That procurement of the 7,000 lanterns through an existing PBO (Public Buying Organisation) framework such as YPO then offer the installation of these lanterns to Ringway to be undertaken within the framework of the existing Highways Maintenance Contract is approved.

**62. Forward Work Programme**

The Forward Plan for period 1 September 2017 to 30 September 2018 was presented.

**Resolved –**

The forward work programme is noted.

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**The following item was considered in private and the public have no right of access.  
Minute No. 63 is a public summary of business conducted in private.**

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**63. Private Minutes of Executive Meeting held on 15 August 2017**

**Resolved -**

That the Private Minutes of the meeting held on 15 August 2017, having been printed and circulated, are taken as read and are confirmed and signed by the Chairman as a correct record.

The meeting concluded at 11.35 am.

JOD/JR

# North Yorkshire County Council

## Executive

17 October 2017

### Feedback from the Area Committees

#### 1.0 Purpose of the Report

To bring to the attention of the Executive specific issues considered at the recent meetings of the County Council's:-

- ◆ Ryedale Area Committee - 13 September 2017
- ◆ Selby Area Committee - 18 September 2017
- ◆ Craven Area Committee - 21 September 2017

#### 2.0 Ryedale Area Committee - 13 September 2017

##### 2.1 Appointment of Area Committee Co-opted Members

The Committee appointed Leah Swain of Community First Yorkshire and Parish Councillor Philip Chapman as non-voting Co-opted Members, to serve until the Committee's meeting which follows the Annual Meeting of the County Council in 2018.

##### 2.2 Appointment to Outside Bodies

The Committee resolved as follows:

That Mr M Dickinson and Mrs Julia Bretnam, be appointed to the John Stockton Education Foundation (Kirbymoorside) and Mrs M Gamble to replace Mrs E Capstick, each to serve until a replacement is appointed.

The Committee asked the Clerk to contact each of the Outside Bodies they had been asked to appoint to and ask them to contact the relevant County Councillor to explain the function of the Outside Body.

That a decision be deferred to a future meeting of the Area Committee concerning the appointment to the following: Amotherby Educational Foundation, Christopher Wharton Educational Foundation, Lady Lumley's Educational Foundation (Pickering), Old Meeting House Trust in Helmsley, Oswaldkirk and Ampleforth Education Foundation, Poad's Education Foundation (Newton upon Rawcliffe) and Rev James Graves' Foundation at Thorpe Bassett.

##### 2.3 Community First Yorkshire

The Committee received a presentation from Leah Swain (Chief Executive of Community First Yorkshire) about the work of Community First Yorkshire and Members said that they look forward to working with the organisation.

##### 2.4 Update on the A64 from Highways England

The Committee received an update on the Barton Hill scheme from Russell Mclean, the Service Deliver Manager from the operational side of Highways England ,

delivering schemes on the A64 including the forthcoming Barton Hill junction improvement. The Committee were informed that the aim of the scheme is to improve safety and reduce the number of accidents. The Committee were given a plan of the scheme which showed changes to the existing staggered junction which should remove the conflict for right turners and improve visibility at the junction east bound. The scheme will also widen the central reservation. Work is expected to begin in early November 2017 running until April 2018, and local residents will receive a letter and leaflet outlining the scheme. The Committee also received an update on work at Scotchman Lane - following a Road Safety Audit Stage 3, the identified bollards would be removed to address concerns raised regarding visibility.

During Members' discussion, the following clarifications and comments were provided:-

- The need to keep disruption for visitors - especially to Castle Howard - to a minimum at the Barton Hill Scheme.
- Following a question on changes for pedestrians and cyclists, Members were informed that existing footpaths would not be affected.
- Pleased to see, following the Road Safety Audit, the removal of the bollards at Scotchman Lane, however, when turning right when another vehicle is alongside it was difficult to see oncoming traffic.
- Thanks were recorded for the work taking place in Sherburn on the drains and the positive site meeting which had taken place - could this be extended to Rillington and Staxton Willerby?
- Concerns were expressed regarding children using the pedestrian Islands at Rillington Fields and Staxton Willerby with 60 mph traffic both sides.

The Committee agreed, now that the new technical drawings and report had been produced for the Hopgrove Scheme, it is appropriate to invite the Major Projects Manager for the Scheme to the November to talk through the options.

#### **2.4 Stronger Communities**

The Committee received an update on the work of the Stronger Communities programme in the Ryedale area.

#### **2.5 North Yorkshire Fire and Rescue Service**

Community safety activities and providing an update regarding other issues from within the Ryedale District.

Danny Westmoreland updated the Committee on the Police and Crime Commissioners business case to take over responsibility of the Fire Authority.

The Committee thanked Danny Westmoreland for attending and presenting reports to the Committee over recent years, and wished him well on his retirement. The Committee welcomed Marc Warren his successor.

#### **2.6 North Yorkshire Police on initiatives currently being undertaken within the Ryedale District**

During Members' discussion, the following clarifications and comments were provided:-

- Were the rural community surgeries well published? Inspector Dennison advised that apart from on the internet, there was information in the local Gazette and posters and leaflets in the weeks preceding the surgeries.

- It would be useful for residents of Kirby Misperton to understand the Police presence, are there any Police cameras to help local residents? Inspector Dennison advised that the Police have deployed a number of resources to the area which he was unable to divulge.
- Speeding in smaller villages and the presence of Traffic Officers. A Member was aware of 40 visits to one village whilst other villages had none. Inspector Dennison explained the rationale behind approving a site for speed monitoring. He explained that there needs to be a minimum of 6 recruited speed watch volunteers in villages who are equipped to undertake speed checks. There had been a lot of interest but some villages were finding it difficult to find 6 volunteers.
- A Member commented that speed vans could do a lot of damage to the Police' reputation, he asked whether the money raised via speeding fines is really about road safety or just a way of raising funds. Inspector Dennison said that it was his understanding that the primary purpose of speed camera vans is to ensure safety on the roads.

## **2.7 Ryedale Highways Office – Update**

The Committee received an oral report from James Malcolm, Highways Area Manager which included advice that 250,000 square metres of surface dressing had been carried out this summer in Ryedale at a cost of £1 Million and the 2017/2018 Winter Service/Maintenance period will commence in October. The highway contract with Ringway allows for the provision of the replacement of the gritter fleet dependant on age, therefore this season there will be 10 new gritters countywide replaced; the Tour de Yorkshire will be over 4 days next year. The Richmond to Scarborough stage on the Saturday will go through the Ryedale area; WSP are working on the Norton Level Crossing HGV ban and have been asked to carry out a re-design of some of the proposed signage in relation to the HGV order coming into place. Currently the Authority are looking at how the exception permits will be introduced and enforced; WSP are also working on the Kirkham Bridge signs design and liaising with Highways England on the specific A64 signage. A report will have to be taken to BES Executive in relation to the single outstanding objection.

## **3.0 Selby Area Committee - 18 September 2017**

### **3.1 Membership of the Area Committee - Appointment of Co-opted Members**

The following Co-opted Members were appointed to serve until the first meeting of the Area Committee following the Annual Meeting of the County Council in 2018:-

#### Parish Council Representatives:-

Rita Stephenson (Fairburn Parish Council) - Selby South  
Elizabeth Johnston (Brayton Parish Council) - Selby North

#### Selby District Council Representatives:-

Councillor Ian Chilvers  
Councillor David Hutchinson  
Councillor Brian Marshall  
Councillor Chris Metcalfe

## Selby - Community First Yorkshire:-

Mark Hopley

### 3.2 **Appointment to Outside Body**

Bea Rowntree was appointed to a vacancy on the Oglethorpe and Dawson Educational Foundation

### 3.3 **Highways Update**

The following issues were highlighted:-

- Delivery of the programme of work for the 2017/18
- Progress with design in relation to the 2018/19 programme
- The winter maintenance season would commence on 2 October 2017
- The completion of the Cawood Bridge works
- Phase 3 of the A63 Selby By-pass works and the pursuit of costs in relation to this
- The gritting of school routes and residential areas leading to primary routes
- The condition of non-adopted roads at Staynor Hall, Selby

### 3.4 **Development and Infrastructure in the Selby District**

The Head of Network Strategy at NYCC, the Chief Operating Officer for the York, North Yorkshire and East Riding LEP and the Director of Economic Regeneration and Place at Selby District Council attended the meeting and assisted Members with discussions relating to development and related infrastructure in the Selby District, following on from the in-depth analysis undertaken by the Committee previously.

The following issues were highlighted as part of those discussions:-

- The cohesive and co-ordinated approach being undertaken in relation to the development of business growth and an industrial strategy for the Selby District
- The need to develop better quality, higher paid employment rather than just creating jobs
- Ensuring that available grant funding was fully utilised
- Utilising existing infrastructure and ensuring appropriate infrastructure is in place for future development
- Future development – Sherburn 2, Energy Corridor, Olympia Park
- Unpicking the blockages to create connectivity throughout the Selby District to enable access to employment opportunities and development
- The development of appropriate transport links to other areas, including public transport, and transport hubs
- Ensuring that the district had adequate and appropriate flood defences in place
- Developing and enhancing the local skills base to encourage better quality employment to come into the area

### 3.5 **Bus Services in the Selby District**

The Assistant Director, Waste Management, Waste and Countryside Services provided an update on the provision of bus services in the Selby District following the recent liquidation of Utopia Travel a major bus contractor for the area.

The following issues were highlighted:-

- The liquidation of Utopia Travel had happened quickly and without warning, therefore, there had been a major impact on Integrated Passenger Transport services at NYCC
- Services that had been under direct contract to NYCC (no. 37 service and school services) had been re-introduced by the County Council as quickly as possible through re-tendering.
- A skeleton service was being provided by the County Council in respect of the loss of commercial services and it was hoped that a commercial operator would come in to provide the services that had been lost, however, this cannot be guaranteed.
- Local Members and residents outlined the difficulties they were encountering resulting from the loss of the bus services, with elderly and infirm residents facing significant problems in respect of access to services and the expense being incurred to address this.
- Concern was expressed by Members of the Committee and public regarding the Policy of the County Council not to assist in providing subsidised transport access to employment locations and opportunities, as they considered this contradicted earlier discussions on connectivity. It was noted that, potentially, developer contribution funding could be utilised to address this.
- Particular concern was expressed in relation to the loss of the no. 42 service.
- Members noted the extremely difficult situation that Integrated Passenger Transport had faced and praised the response provided.
- The Assistant Director met with local residents to further outline the current situation at the conclusion of the meeting.

### 3.6 **Selby District Council Air Quality Action Plan**

Members were provided with a copy of the draft Plan and invited to participate in the forthcoming consultation.

## 4.0 **Craven Area Committee - 21 September 2017**

### 4.1 **Public Questions or Statements**

Mrs Joyce addressed the Area Committee regarding a fatal accident on the Alms Houses access on A682 Long Preston. She had attended the inquest where the need for better signage and the realignment of the exit been acknowledged. Whilst stressing the need for urgent action to be taken to reduce the risk of further accidents, she acknowledged the complexities of any compulsory purchase which may be necessary to facilitate such change.

### 4.2 **Area Committee Membership - Appointment of Co-opted Members**

The following Co-opted Members were appointed to serve until the first meeting of the Area Committee following the Annual Meeting of the County Council in 2018:-

Craven District Council                      Alan Sutcliffe

#### Voluntary Sector

Community First Yorkshire              Mark Hopley  
Craven Voluntary Sector                  Hazel Chatwin

#### Parish/Town Councils

Bradley Parish Council                      Veronicka Dancer  
Carleton Parish Council                    John Waterhouse  
Bentham Parish Council                    Marion Swales



It was also agreed that Marion Tweed-Rycroft, Stronger Communities Delivery Manager Craven, will seek a nominee for the remaining voluntary sector vacancy, to be reported to the following meeting.

#### **4.3 Appointment to Outside Bodies**

The Committee appointed the following as the County Council's representative on that outside body indicated, to serve until a replacement is appointed:

Boyle and Petyt Foundation (Bolton Abbey)	Mrs M Longden
Hargraves and Green Educational Foundation (Giggleswick/Austwick)	Mr C Fryer
Horton-in-Ribblesdale Exhibition Foundation Governors	Mr J Davis Mrs S Ireton
Horton-in-Ribblesdale Foundation Governors	Mrs L Booth

#### **4.4 Update regarding Policing in Craven**

The detailed performance report provided by Inspector Geoff Crocker was noted, and the incidence of burglary, particularly in South Craven, was discussed. Andy Tooke spoke of the work of speed camera vans and motorcycles explaining that the aim of such deployment is to seek to detect various vehicle related offences, whether drivers failing to wear seatbelts, speeding, or the use of mobile phones whilst driving. Enforcement of this type leads to a reduction of around two thirds in the incidents of speeding is over time. There was discussion of enforcement action against speeding motorcyclists who obscure their number plates to try and evade prosecution, this can result in imprisonment for the perversion of course of justice, a much weightier sanction than an £85 speeding ticket.

#### **4.5 Future Options for Services following the Temporary Closure of Castleberg Hospital**

A presentation was delivered by Dr Colin Renwick and his colleagues from NHS Airedale, Wharfedale and Craven CCG - Sue Pitkethly and Lynne Scrutton, and also Karina Dare of the NHS Property Service. The background to the unexpected temporary closure of the hospital in April 2017 was explained and the future options for the future delivery of end of life and terminal care in the locality. These options are the subject of public consultation and feedback from this will inform the recommendation to be made by the Clinical Executive Group to the Governing Body in April or May 2018 – the final decision will be taken at a public meeting of the Governing Body. Members expressed concerns about the approach to maintenance of all NHS buildings, and some scepticism was evident regarding the timing of the closure during the purdah period before the County Council election in May 2017. Sue Pitkethly and Karina Dare assured Members that the decision was a response to circumstances arising out of the blue.

#### **4.6 Stronger Communities**

The Committee received an update on the work of the Stronger Communities programme in the Craven area covering recent grants, forthcoming events, and future projects which included details of a collaboration to bring a building into community use.

#### **4.7 Highways Update**

James Malcom, Area Highways Manager, gave an update covering:

- Petition follow-up: request to speed limit on Gargrave Road to 20mph to address the road traffic issues and to find sustainable solutions to school transport and parking.
- Coniston Bridge
- Long Preston Alms Houses
- Completion of the resurfacing programme
- Replacement of gritter fleet
- Tour de Yorkshire 2018

#### **4.8 A59 Kex Gill Realignment Update**

The Committee noted progress of work on a scheme to realign the A59 at Kex Gill and the arrangements for public consultation. The A59 is a key trans-Pennine route between Skipton and Harrogate which has a long history of land instability and movement of land above the A59 to the west of Blubberhouses at Kex Gill. The County Council wishes to develop a business case to enable it to submit a bid for funding to the DfT for the delivery of a realigned route.

The key information reported to the Committee's meeting was as follows:-

- Key objectives for the alignment had been identified and a document setting out consultation information had been produced.
- Sixteen potential alignment options had been developed for the diversion of the A59 at Kex Gill. 12 of the 16 potential options had been discounted. The four which remained formed the 'Consultation Corridor' which was reported to the Committee.
- The current cost estimates range between approximately £33m and £40m. However, there was a small risk that the final scheme cost could be up to £57m.
- Public consultation on the proposed Consultation Corridor alignment takes place between late August and early October 2017, including three consultation events to be held within the scheme study area and opportunities to respond to the consultation via paper and on-line questionnaires.
- Alongside the work on consultation, officers were progressing technical aspects of scheme development, including ground investigation, environmental assessment, and discussions with key landowners and statutory bodies.

Members were highly supportive of the work being undertaken and requested that the following resolution be reflected in the minutes of the meeting and also be forwarded to the Executive as a formal recommendation:

**It is a recommendation to the Executive:-**

That the A59 Kex Gill Realignment Update report is noted and strongly supported by Craven Area Committee who urge the Executive to approve the final proposals when they are submitted, to improve this strategically significant route in terms of North

Yorkshire County Council's transportation priority east – west connectivity. The Area Committee also support the closure old road in view of the ongoing risk of landslip.

#### **4.9 Kildwick Level Crossing Delays/Signalling Refurbishment/Upgrade**

Graham North, Policy Support Officer – Rail, appraised the Committee of the frequent delays and consequent disruption to road users being experienced at Kildwick Level Crossing. A member of the public present advised that on occasion the barriers are down for 50 minutes out of an hour, with a wait of up to 7 minutes for a train to pass, creating huge traffic tailbacks. Graham North advised that this problem may be alleviated if proposed improvements are undertaken at Crosshills - a separate report on this issue is to come a future meeting of the Committee. Members were assured that the problem is being addressed by both Craven District Council and the County Council - it has an impact on Craven as a whole. It was also noted that both Councils are part of Rail North. Thanks to access funding, improvement work is to be undertaken by Craven District Council at Skipton station through which over a million passengers passed in the last year – reflecting the popularity of the line.

#### **5.0 Recommendations**

5.1 That the report be noted.

5.2 From Craven Area Committee

##### **It is a recommendation to the Executive:-**

That the A59 Kex Gill Realignment Update report is noted and strongly supported by Craven Area Committee who urge the Executive to approve the final proposals when they are submitted, to improve this strategically significant route in terms of North Yorkshire County Council's transportation priority east – west connectivity. The Area Committee also support the closure of the old road in view of the ongoing risk of landslip.

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton

9 October 2017

**Background Documents:** the published agendas and reports for each of the meetings identified in the headings in this report.

**NORTH YORKSHIRE COUNTY COUNCIL****THE EXECUTIVE****17 October 2017****PROPOSAL TO CEASE TO MAINTAIN SKIPTON INGS COMMUNITY  
PRIMARY AND NURSERY SCHOOL****Report by the Corporate Director – Children and Young People’s  
Service****1.0 PURPOSE OF REPORT**

- 1.1 This report details the outcome of the public consultation carried out by the Children and Young People’s Service on a proposal to close Skipton Ings Community Primary and Nursery School and asks the Executive to consider the responses to the consultation, to authorise the publication of statutory proposals, and to schedule taking a final decision on the proposal on 5 December 2017.

**2.0 EXECUTIVE SUMMARY**

- 2.1 On 13 June 2017 Executive Members for Children and Young People’s Service gave approval for consultation on a proposal to close Skipton Ings Community Primary and Nursery School with effect from 31 December 2017. The report provided the full background and is attached as Appendix 1.
- 2.2 The proposal published for consultation was that the local authority would cease maintaining the school and that the catchment area of another school would be extended to become the normal school to serve the catchment area of Skipton Ings.
- 2.3 The consultation commenced on 26 June 2017 and closed on 15 September 2017. This report details the responses to the consultation and asks the Executive to consider authorising the publication of a proposal and statutory notices, and to schedule taking a final decision on the proposal on 5 December 2017.
- 2.4 The report is supported by a number of Appendices as listed below:

- Appendix 1: Report of Corporate Director Meeting with Executive Members – 13 June 2017
- Appendix 2: Published consultation document
- Appendix 3: List of consultees
- Appendix 4: Notes of the public consultation meeting
- Appendix 5: Responses to the consultation document
- Appendix 6: Equality Impact Assessment
- Appendix 7: Draft Statutory notice
- Appendix 8: Draft Statutory proposals

### **3.0 CONSULTATION UNDERTAKEN**

- 3.1 A consultation document (Appendix 2) was distributed to the list of consultees attached as Appendix 3. The document was also published on the websites of both Skipton Ings Community Primary and Nursery School and NYCC. The consultation period ran from 26 June to 15 September 2017.
- 3.2 By the closing date 17 written consultation responses had been received, ten were against the proposal, one was supportive, and six were neutral. Two responses were received from parents who had children at Skipton Ings at the time.
- 3.3 The neutral responses focused on the future of the school site indicating support for conversion of it to form a new primary Pupil Referral Unit. There is already an existing secondary PRU within the town of Skipton and the need for a primary base for this service has not been demonstrated.
- 3.4 The local authority undertook a review of specialist and alternative provision across the county in 2016 and it identified two main priorities in terms of provision including meeting the needs of children with SEMH (social, emotional and mental health needs). The local authority is currently working with schools and education providers in various localities to identify how we can better meet the needs of these children, and this includes analysing whether locality based provision is sufficient for the future and how any gaps in provision can be addressed. The local authority is aware that there is a need to strengthen SEMH provision at primary level and this is being considered as provision is remodeled across North Yorkshire. The Ings school site would be a consideration as part of the wider strategic plan if a decision to close the school were to be reached.
- 3.5 The Regional Schools Commissioner has also been consulted about the future use of the site for education provision. There is the potential for opening a new academy on the site after a period of closure. In this scenario the Ings site would continue to provide mainstream primary school places in future. We remain in negotiation with local multi-academy trusts with the support of the Regional Schools Commissioner but confidentiality has been requested until discussions are concluded. Members will be provided with further information as soon as this is possible.
- 3.6 The concerns raised by other responders related to:
- The impact on the local community of the loss of the school
  - Travel distances to other schools
  - Availability of places at other local schools, and the impact of additional housing in Skipton
  - Future of the multi-use games area on the school site

#### **3.7 Impact on the local community**

The school has in the past run a wide variety of after school and extra-curricular clubs and activities for children, including a before and after school club. There have also been a wide variety of sport clubs on offer such as football, netball and cricket. The reduction in pupil numbers has meant that these clubs have now stopped.

The governing body has encouraged community use of the school buildings and has attempted to increase lettings of the premises to support the budget. The school has also made links with the Adult Learning Service to broaden the range of services offered with a view to increasing regular contact with the community. Despite these attempts community use of the facilities remains low. Given the small number of community uses of the school premises, and the alternative venues available locally, the impact on the community should be minimal.

### 3.8 Travel distances to other schools

Walking distance in miles	Christ Church	Ings CP	Water Street	Parish Church CE	St Stephen's Catholic	Greatwood CP
Christ Church		0.8	0.4	0.4	0.4	0.5
Ings CP	0.8		1	1.1	0.9	1.4
Water Street	0.4	1		0.6	0.1	0.9
Parish Church CE	0.4	1.1	0.6		0.5	0.5
St Stephen's Catholic	0.4	0.9	0.1	0.5		0.8
Greatwood CP	0.5	1.4	0.9	0.5	0.8	

All other Primary Schools within Skipton town are within 1.5 miles of each other.

### 3.9 Availability of places

At the start of the consultation process there were 42 pupils on roll at Skipton Ings but a number of those were already seeking alternative placements for September 2017 due to dissatisfaction with unstable staffing and the revised class structure to be adopted. One pupil was due to leave the area but all other 41 pupils were offered alternative places at local schools for September 2017. All but one pupil has subsequently transferred to another school.

The 41 places were offered at the following schools with no more than 4 children admitted to a single year group at any school:

Christ Church CE VC – 7 pupils  
 St Stephens Catholic Primary – 5  
 Skipton Greatwood CP – 1  
 Skipton Parish CE VC – 14  
 Carleton Endowed – 5  
 Cracoe and Rylstone VC CE – 4  
 Gargrave CE VC – 1  
 Embsay CE VC – 4

3.10 There remain 127 places available across three Skipton Town primary schools as of 3 October 2017. This represents 11.5% of all available places excluding the Ings capacity.

	St Stephens RC VA Primary	Parish CE VC Primary School	Greatwood CP School
Reception	7	8	1
Year 1	4	0	0
Year 2	6	11	0
Year 3	8	8	0
Year 4	0	17	0
Year 5	11	16	0
Year 6	9	21	0
Totals	45	81	1

### 3.11 Impact of additional housing

There are forecast to be 1,054 primary aged pupils in Skipton Town by 2021/22, based on the forecast birth rates, a rise from the current level of 1,030. Additionally, there are forecast to be 189 additional pupils from existing housing permissions, and 348 pupils from the proposed Local Plan allocations. The timing of the impact of housing is uncertain but it does mean that by 2029/30 it is estimated there is likely to be a shortfall of 480 places for primary aged pupils in Skipton Town. As part of our response to the draft Craven Local Plan we have stated there will be a requirement for two new sites for primary school provision of 210 places each. Additional places are also likely to be required within one or more existing schools, potentially on the Greatwood Community Primary School site which is the only primary school site in Skipton which has scope for significant expansion.

We have been in discussion with colleagues from Craven DC to explain the circumstances around this closure proposal and how by 2016/17 Skipton Ings was not in reality contributing to the supply of primary school places in Skipton due to significant under-subscription and with no prospect of this changing.

The situation for the requirement of additional places will be reviewed once the future use of the Skipton Ings site becomes clearer. If the site can become utilised for Primary places to its fullest potential then this will reduce the requirement for new provision elsewhere in the town.

### 3.12 Future use of the multi-use games area

The multi-use games area is a school managed facility which is available for use by the community out of school hours. The local authority is aware of the value this facility holds within the community and this would be taken into consideration when decisions are being taken about the future of the school site, should the decision be made to close the school.

- 3.13 A public meeting was held at the School on 19 July 2017. This was attended by 17 members of the community of which eight identified themselves as parents or grandparents of children attending the school, two local residents, and the others included staff, governors and a representative from the local press. A record of the meeting is attached as Appendix 4.

## **4 KEY ISSUES**

- 4.1 The consultation document set out the key concerns. The latest position on these issues is summarised below:

### **4.2 Standards of teaching and learning**

At the last two Ofsted inspections (October 2014 and November 2016) the school was judged as Requires Improvement. Governors and school leaders have made progress in very challenging circumstances, however, significant improvement has not been possible due to staffing turbulence and difficulties in recruiting high quality staff.

Local Authority staff, Governors, and teachers at the school have concerns about the impact of falling numbers on ensuring appropriate curriculum delivery and a broad and balanced experience to the children.

### **4.3 Pupil Numbers**

On announcing the public consultation the Governing Body invited parents and carers to a meeting held at the school with the NYCC Schools Admissions Team. This was arranged in recognition that in communicating the vulnerability of the school this would create uncertainty and some parents may wish to look at options for alternative school places for September 2017 and would be seeking advice and guidance. At that meeting information was provided on all local schools, Ofsted ratings, travel distances and the Home to School Transport Policy. NYCC and local schools then adopted a coordinated approach for applications taking into account family groups, parental preference and travel distances. By the end of the summer term, following parental requests, offers of alternative school places had been made to all pupils, apart from one who was leaving the area.

At the start of the September term, and at the time of publishing this report, only one pupil was on roll at the school. Irrespective of this unusual situation the LA is legally obliged to maintain the school until the implementation date of any closure decision, which would be 31 December 2017 in this case.

### **4.4 The Financial Position**

Pupil numbers determine the school budget. Since compiling the June report to Executive Members, revised budget projections based on lower pupil numbers of 31 have shown larger in-year financial deficits for 2017/18 and 2018/19 at £56,300 and £105,300 respectively and a projected cumulative deficit at the end of 2018/19 of



£249,400. Clearly with now even lower numbers this position is much worse.

#### 4.5 Staffing

During the last academic year Governors made the decision to reduce to a two class structure from September 2017 and advised that a number of teaching staff had already left the school and others were exploring other opportunities. They had been heavily reliant on supply teachers during the summer term 2016/17 and subsequently a number of staff did leave at the end of fixed term contracts or due to resignation.

The current position is that appropriate staffing is being maintained in accordance with our obligation to provide the best possible education while the school remains open. The exact staffing provision is being reviewed regularly and where possible staff are contributing to work on a wider basis than that purely related to Ings School. In parallel with this School Organisation proposal NYCC Human Resource Advisers are working with the school regarding the contractual position of staff including redeployment activity where necessary.

#### 4.6 Conclusion

There has been relatively little response to the informal consultation and the process has failed to identify a viable alternative option that would secure the school's future. It appears unlikely that such an option could be identified in future. LA Officers have concluded that closure of the School would be in the best interests of the children at the school and the future education of pupils in the area. There are places available at other local schools and within a reasonable travel distance. It is therefore the view that there is a strong case for closure which outweighs other considerations.

### 5.0 **PROPOSAL**

5.1 The proposal is to cease to maintain Skipton Ings Community Primary and Nursery School from 31 December 2017. The full statutory proposal is set out in Appendix 8.

5.2 The proposed timetable would be:

26 October 2017	Publication of Statutory Proposals
23 November 2017	Closing date for representations (4 weeks as prescribed in regulations and cannot be shortened or lengthened)
5 December 2017	Final decision by Executive
31 December 2017	Proposed closure date

### 6 **FINANCIAL IMPLICATIONS**

#### 6.1 School revenue funding

Any annual savings to the Dedicated Schools Grant arising from the closure, if approved, would remain within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. The current lump sum figure for Skipton Ings Community Primary and Nursery School is £89,047. Any revenue or capital balances would be made

available to the receiving school(s) in line with the Closing School Accounting Policy.

## 6.2 Transport costs

If the school closed, currently there would be no potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided for entitled pupils in accordance with the revised catchment area arrangements in accordance with the County Council's Home to School transport policy. Based on current pupil numbers and places of residence there are no eligible pupils.

## 7.0 LEGAL IMPLICATIONS

7.1 The School Organisation regulations and guidance<sup>1</sup> cover the processes involved in school closures. Careful regard has been had to these provisions.

## 8.0 HUMAN RIGHTS IMPLICATIONS

8.1 There are no Human Rights issues in relation to this decision.

## 9.0 OTHER IMPLICATIONS

9.1 An Equality Impact Assessment has been undertaken in respect of this proposal and is attached (Appendix 6).

## 10.0 NEXT STEPS

10.1 It is proposed to publish proposals and statutory notices on 26 October 2017. The proposals would be published on the County Council's website and the statutory notice would be published in a local newspaper and displayed at the main entrance to the school. These would provide four weeks for representations to be made to the Local Authority, by 23 November 2017.

10.2 During the consultation period no responses were received relating to future catchment areas of neighbouring school(s) being expanded to cover the area currently served by Skipton Ings Community Primary and Nursery School. During the representation period officers will contact headteachers and Chairs of Governors at local schools to discuss future treatment of catchment areas; the result of these conversations will be reported to the Executive on 5 December 2017.

In the event that closure is agreed, and a proposal subsequently comes forward to create a new school on the Ings CP School site, then the current catchment area will remain in place when determining the allocation of pupil places for September 2018.

10.3 The Executive agreed a model for decision-making on school organisation proposals on 25 September 2007. If approval is given to publish statutory proposals and notices, it is proposed that a final decision is taken by the Executive on 5 December 2017.

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<sup>1</sup> School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and Department for Education statutory guidance Opening and closing maintained schools and Guidance for decision makers April 2016

## 11.0 RECOMMENDATIONS

- 11.1 That statutory proposals and notices be published on 26 October 2017 proposing to cease to maintain Skipton Ings Community Primary and Nursery School with effect from 31 December 2017 and that a neighbouring school(s) will expand their catchment area to cover the area currently served by Skipton Ings Community Primary and Nursery School.
- 11.2 That the Executive schedule taking a final decision on these proposals on 5 December 2017.

Stuart Carlton  
Corporate Director – Children and Young People’s Service

Report prepared by Julia Temple and John Lee, Strategic Planning Team.

### List of Appendices

- Appendix 1: Report of Corporate Director Meeting with Executive Members –13 June 2017
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NORTH YORKSHIRE COUNTY COUNCIL  
CHILDREN AND YOUNG PEOPLE'S SERVICE  
CORPORATE DIRECTOR MEETING WITH EXECUTIVE MEMBERS

13 June 2017

**Skipton Town Primary School places**

1.0 PURPOSE OF REPORT

- 1.1 To seek Member approval to consult on a proposal that the County Council should close Skipton Ings Community Primary and Nursery School from 31 December 2017.
- 1.2 To update on initial discussions with the Regional Schools Commissioner and the wider position regarding primary school places in Skipton Town.

2 BACKGROUND

- 2.1 Skipton Ings Community Primary and Nursery School is facing multiple but not unrelated challenges around issues of educational standards, finance, pupil numbers, governance and staffing. The Shadow Governing Body have concluded that, with little prospect for improvement, they should ask the County Council to consider commencing consultation on a proposal to close the school. In considering this request, consideration must also be taken of the wider contextual picture concerning the availability of Primary School places in Skipton both now and to serve anticipated future growth.

3 SKIPTON INGS COMMUNITY PRIMARY AND NURSERY SCHOOL

Pupil numbers

- 3.1 Skipton Ings Community Primary and Nursery School currently has only 42 children on roll and 5 children in the nursery. The school forecast that numbers may be as low as 23 by 2020, although our forecasts suggest 33 pupils by Sept 2020, excluding any possible children from housing permissions in the area. Ings currently has a net capacity of 84. There are however, other rooms, not currently used as classrooms, which if designated as classrooms, could increase the net capacity to 180, and the scope, with building adaptations, to create a net capacity of 210.
- 3.2 The vast majority of pupils at the school are from minority ethnic heritages, particularly British Pakistani. Several pupils have recently arrived from other countries, including Syria. The proportion of pupils who speak English as an additional language is above the national average. Mobility of pupils across the school is higher than the national average, with almost a quarter of pupils on roll joining the school at times other than the normal point of entry.

Finance

- 3.3 Pupil numbers drive funding and the school is forecasting in-year deficits and, as a result, cumulative year-end deficits of £70k in 2018/19 and £150k in 2019/20.

### Standards

- 3.4 In July 2013 this school was judged by Ofsted as Inadequate. The school has been re-inspected by Ofsted in October 2014 and November 2016 and on both inspections was judged as Requires Improvement. Governors and school leaders have made progress in very challenging circumstances. However unless the school achieves significant progress in the next 18 months to achieve a 'good' outcome, it will be facing special measures and an academy order. Little or no improvement has been possible since the most recent inspection as a result of significant staffing turbulence and the difficulties in recruiting high quality staff. Part of the challenge for recruitment is the school's reputation and its precarious position in relation to Ofsted. The financial challenge and/or long-term staff absence means that it cannot offer full-time permanent contracts.

### Governance

- 3.5 The school has faced a number of negative perceptions locally. The school has been unable to find governors to form its own Governing Body. The Local Authority has provided a Shadow Governing Body.
- 3.6 The Governors believe that continuation of the school in its existing form is not an option. Attempts to rebrand and to try to change local perceptions have been undertaken but have proved insufficient. The school would not be attractive to another school under a federation arrangement and any partnership with another school is unlikely to resolve the challenging issues the school faces. The Governors have therefore examined two options:
- A 'slimmed' down Ings
  - or
  - Closure proposal
- 3.7 Governors believe that continuing 'as is' is not conducive to providing the best for children. They also feel that a 'slimmed' down school would not give the capacity to offer a broad and balanced experience to the children or to continue to improve the school. The governors have had to reduce to a 2 class structure from September 2017 and have already reduced teaching assistant support. Even so, the in-year deficit will take the school into an overall cumulative year-end deficit of £12K by March 2018. There is no room to 'trim' staffing any further without significantly reducing further the quality of provision and support available for some pupils with higher levels of need.
- 3.8 Governors have advised that a number of teaching staff have already left the school while others are exploring other opportunities. They are now heavily reliant on supply teachers including for the upper Key Stage 2 and lower Key Stage 2/Year 2 classes. Other recent staff departures include a teaching assistant with SEN responsibilities and the school's administrator.
- 3.9 Governors are unanimous in the view that consultation on closure is not delayed and have asked that urgent consideration is given to achieving this. They have written to parents informing them of their request to the County Council to consider closure.

#### 4 FUTURE OPTIONS

##### 4.1 Pupil places – Summer term 2017

Potential spaces are currently available for any children moving from Ings within Skipton Town primary schools at:

	St Stephens RC VA potential places	Parish CE potential places	Greatwood CP potential places	Ings CP Current pupil numbers
<b>Reception</b>	7	0	0	<b>7</b>
<b>Year 1</b>	4	8	1	<b>4</b>
<b>Year 2</b>	7	15	0	<b>6</b>
<b>Year 3</b>	0	16	0	<b>8</b>
<b>Year 4</b>	10	16	0	<b>5</b>
<b>Year 5</b>	9	26	0	<b>7</b>
<b>Year 6</b>	15	18	0	<b>5</b>

##### 4.2 Pupil places - reception places in September 2017

School	No. of Places	Accepted	Vacant	Waiting List
Ings Community Primary and Nursery School	12	5	7	0
Skipton Parish CofE VC Primary School	50	40	10	0
Christ Church C Of E Voluntary Controlled Primary School	20	20	0	8
Water Street Community Primary School, Skipton	30	30	0	9
St Stephen's Catholic Primary School & Nursery Academy	30	20	10	0
Greatwood Community Primary School	30	30	0	0

4.3 There are also spaces available in some year groups in schools in surrounding villages. Some schools may be able to admit over their published admission numbers for some year groups.

##### 4.4 Applications requesting change of school from Ings for September 2017

A number of parents at Ings have already sought new places for their children due to unstable staffing in school and the future class structure planned for September 2017. As at 24 May, there were applications from parents of 17 pupils wanting to change school from Ings either now or in September 2017.

4.5 Headteachers of all town primary schools were invited to meet with County Council Officers on 22 May and asked to consider how children from Ings school could be

accommodated, should the school close. Subject to parental preference, the aim would be for all town primary schools to take a share of the children currently at Ings. This aim is supported by these local headteachers.

- 4.6 Irrespective of future decisions, the communication with parents on the vulnerability of the school will have created further uncertainty. In recognition of this a meeting for parents with the NYCC School Admissions Team has been arranged on Thursday 15 June at 3pm to provide information and advice on where places are available. This will be open to all parents, including those who have already submitted an application to move their children from Ings for September 2017. Representatives from the Minority Ethnic Achievement Hub will also attend. It will be made very clear at this meeting that no decision to close the school has yet been made. If the proposed closure is agreed, parents will have the ability for their children to stay at Ings until the end of December, but should they wish for their children to transfer to another school before then, this will be facilitated where possible.

#### The future of the Ings site

- 4.7 Should a decision be made to close Ings School, the future of the Ings site would need to be determined. The Ings School site could be retained for education provision. This could be:
- 1) As a satellite or annex of an existing Skipton school (with some year groups moving completely to the Ings site; or a full set of year groups on both sites)
  - 2) As a New Free School – academy established through competition decided by Secretary of State
  - 3) As a New Voluntary Aided Faith School – approved by LA
- 4.8 The Academies Act allows a free school promoter to apply to the Education Funding Agency for a site which has been used for education in the last 8 years, which would be taken at nil value from NYCC. These risks would apply even if the site was used for wider education (non-school) use such as adult education or a children's centre.

#### Views of stakeholders

- 4.9 During the spring term, a meeting was held with Headteachers of primary schools in Skipton and the Church of England Diocese of Leeds. Heads were asked to discuss these issues confidentially with their governing bodies, and for their view on the future for primary school provision in Skipton. A briefing was also provided for local Members and there has been discussion with the Executive Member for Schools.
- 4.10 A number of views have been received from primary school governing bodies in response to the question of satellite or annex use of the Ings site. No school wished to pursue this at the current time. Common themes reflected were:
- Logistics of operating 2 sites which are some distance apart
  - Financial constraints
  - Parental perception
- 4.11 The possibility of Brooklands Special School relocating on to the Ings site and the Brooklands site being reallocated for primary school provision was also raised. The Ings site is however, smaller than the Brooklands site, and the school building would require extensive adaptation to create a special school for children aged 2 to 19

years who have profound and multiple learning difficulties, severe learning difficulties and complex moderate learning difficulties.

- 4.12 Ultimately none of the discussions with neighbouring schools have to date brought forward a solid proposal for continuing or alternative provision on the Ings site.

#### Academy options and the Regional Schools Commissioner

- 4.13 There has been initial discussion by County Council officers with the Regional Schools Commissioner (RSC) about the possibility for a high-quality academy sponsor to take over the school site. The prospect for this to provide continuity of education for current pupils is thought highly unlikely given the increasingly robust and necessary due diligence process. More likely the opening of a new academy on the site at some point in the future could result. This would ensure that the Ings site continues to provide primary school places for children in Skipton.
- 4.14 The RSC has been unable to start exploring this option until after the election period has ended on 8 June. Given the current pressures on Ings School, it is recommended that consultation on closure commences in parallel with these discussions about a potential academy solution.

## 5 PRIMARY SCHOOL PLACES IN SKIPTON TOWN

### Introduction

- 5.1 Appendix 1 provides projected numbers based on forecast birth rates, with potential additional pupils from outstanding housing permissions and proposed housing allocations in the existing Local Plan.
- 5.2 There is currently some capacity at Ings, Parish CE and St Stephen's Catholic Primaries in Skipton. There is also pupil movement from the town to other primary schools nearby, particularly Carleton Endowed, Embsay CE and Gargrave CE.

### Options to provide school places to meet future growth

- 5.3 The new draft Craven Local Plan sets out targets for housing over the 20 year period 2012-2032. The approximate yield of the preferred sites in Skipton would be 2,560 dwellings, or an additional 640 primary aged children. Consultation on preferred housing sites took place in July/August 2016, and an examination in public should take place in 2017.
- 5.4 Scope for future expansion of primary schools on existing sites in Skipton is limited as most town centre school sites are landlocked and confined. Appendix 2 provides further details of site areas. Greatwood CP is the only one that offers the opportunity for significant expansion up to 1 form of entry (210 places). Even here, the sloping nature of the site makes additional building more complex. The County Council's design consultants have produced a feasibility study for expanding the Greatwood CP site. These include a scheme for an additional 120 pupils (Phase 1) at a cost of £2,159,000 and for an additional 90 pupils (Phase 2) at a cost of £1,112,400 (costs updated April 2017).
- 5.5 There are limited sites available to establish new primary schools in Skipton within the ownership of the County Council. The County Council owns a site at Raikeswood Drive but this site is not large enough (0.35 ha) for a new school (1.2 ha for 1 form



entry site). The County Council also owns 9 ha of playing fields at Sandylands. However this provides playing fields for Skipton primary and secondary schools, and the County Council would struggle to obtain consent from Sport England and the Secretary of State to build a school on this land. Road access is also very restricted along a single track lane.

- 5.6 The County Council has asked for two potential sites to be allocated for primary education provision in the new draft Craven Local Plan in the west and east of the town where new housing is planned. The proposed spread of smaller sites in Skipton town will, however, make the provision of additional school places more difficult to achieve as no single site alone is large enough for a single-form entry primary school of 210 places (c 840 houses). It could be possible though, to make this a requirement of 2 or more sites. The timing of these sites would be dependent on the speed at which these housing developments progressed, and experience elsewhere in the County suggests that such developments can be very protracted.
- 5.7 A new school site might offer the opportunity to relocate an existing school, but this would require additional funding. The capital receipt available from an existing school site would not be sufficient.

## 6. CONSULTATION PROCESS AND TIMESCALE

- 6.1 Should a decision be made to initiate a consultation on the proposed closure of Skipton Ings Community Primary and Nursery School, a period of six term time weeks is recommended. A draft timetable is set out below. A draft consultation document is attached as Appendix 3.
- 6.2 As Ings School is a community primary school maintained by the local authority, the decision to publish statutory notices would be taken by the Executive at the end of the consultation period.
- 6.3 The final decision on closure would be taken by the Executive (or by the Executive Member for Schools if there are no objections during the representation period).
- 6.4 Suggested key dates are shown below:

Approval to Consult by Executive Members	13 June
Consultation opens (6 weeks during term time)	26 June
Public meeting	19 July at 7pm
Consultation closes	15 September
Executive decision to publish statutory notices	17 October
Publication of statutory notices	26 October
Representation period starts (4 weeks)	26 October
Representation period ends	23 November
Final decision by Executive or Executive Member	5 December
Implementation	31 December

6.5 It should be noted that if Ings does progress to a closure proposal for 31 December 2017, then the HR timescales would require that the Headteacher and some teaching and support staff in the school would potentially need to work their notice periods after the school had closed.

7 RECOMMENDATIONS

7.1 The Executive Member for Schools is recommended to give approval to consult on a proposal to close Skipton Ings Community Primary and Nursery School from 31 December 2017.

7.2 The Executive Member is also asked to note:

- the overall picture in terms of the sufficiency of schools places in Skipton town;
- that, in parallel with the consultation period, discussions with the Regional Schools Commissioner will continue around the potential for a high-quality academy sponsor to take up the future use of the Ings site for primary provision.

Pete Dwyer  
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE’S SERVICE.

Report prepared by John Lee, Strategic Planning Officer

Action Agreed .....Executive Member  
Date:

Action Requested .....Corporate Director  
Date:

APPENDIX 1

Establishment - Primary School	Type	Age Range	Net Capacity	Max Workplaces	Number on Roll 2017 - JAN	Current -/+ Capacity	Forecast based on JAN 2017 NOR					Housing					
							17/18	18/19	19/20	20/21	21/22	Outstanding Permissions	Pupil Yield*	Anticipated Position 21/22	Local Plan Proposals where known	Pupil Yield*	Anticipated Position 21/22
Christ Church CE	Voluntary Controlled	4 to 11	140	150	155	-15	154	150	150	147	148	0	0	-8	48	12	-20
Skipton, Greatwood CP	Community	3 to 11	210	210	211	-1	210	213	214	214	214	118	30	-34	402	101	-134
Skipton Parish Church CE VC	Voluntary Controlled	4 to 11	300	300	253	47	267	286	299	307	315	108	27	-42	202	51	-93
Skipton, Ings CP	Community	3 to 11	84	90	38	46	38	37	36	34	33	225	56	-5	0	0	-5
St Stephen's Catholic	Academy	3 to 11	196	196	153	43	151	146	145	135	134	0	0	62	0	0	62
Skipton, Water Street CP	Community	4 to 11	210	240	221	-11	224	226	227	230	232	138	35	-57	361	90	-147
			<b>1140</b>	<b>1186</b>	<b>1031</b>	<b>109</b>	<b>1044</b>	<b>1058</b>	<b>1071</b>	<b>1067</b>	<b>1076</b>	<b>589</b>	<b>147.25</b>	<b>-83</b>	<b>1013</b>	<b>253</b>	<b>-337</b>

APPENDIX 2

School	Type	Age Range	Ofsted	Inspected	Number on Roll Jan 17	Net Capacity	Distance from Ings CP School	Actual Site Area	Actual Playing field area	Recommended Site Area (Net capacity)	Recommended Playing field area (Net capacity)
Skipton, Ings Community Primary and Nursery School	Community	3 to 11	Requires Improvement	Nov-16	38	84		4,854 m <sup>2</sup>	3,086 m <sup>2</sup>	8,210 m <sup>2</sup>	7,084 m <sup>2</sup>
Christ Church Church of England Voluntary (Controlled) Primary School	Voluntary Controlled	4 to 11	Outstanding	Mar-11	155	140	0.8	1,590 m <sup>2</sup>	876 m <sup>2</sup>	7,731 m <sup>2</sup>	6,895 m <sup>2</sup>
Skipton, Greatwood Community Primary School	Community	3 to 11	Outstanding	Jun-09	211	210	1.4	18,273 m <sup>2</sup>	15,803 m <sup>2</sup>	12,964 m <sup>2</sup>	11,513 m <sup>2</sup>
Skipton Parish Church Church of England VC Primary School	Voluntary Controlled	4 to 11	Inadequate	Feb-17	253	300	1.1	4,536 m <sup>2</sup>	2,608 m <sup>2</sup>	13,879 m <sup>2</sup>	12,490 m <sup>2</sup>
St Stephen's Catholic Primary School and Nursery, A Voluntary Academy	Academy	3 to 11	No inspection since became Academy		153	196	1.2	3,310 m <sup>2</sup>	2,158 m <sup>2</sup>	13,641 m <sup>2</sup>	11,014 m <sup>2</sup>
Skipton, Water Street Community Primary School	Community	4 to 11	Outstanding	Jun-07	221	210	1	3,642 m <sup>2</sup>	2,745 m <sup>2</sup>	10,439 m <sup>2</sup>	9,359 m <sup>2</sup>
TOTAL TOWN PRIMARY SCHOOLS					1031	1140					
Brooklands School	Community Special	2 to 19	Good	Oct-13	57	57 (NOR)	1.1	10,019 m <sup>2</sup>	7,234 m <sup>2</sup>	16,065 m <sup>2</sup>	10,368 m <sup>2</sup>

Brougham Street Community Nursery School	Nursery	0 to 4	Good	Sep-13	56	56 (NOR)	1.1	4,536 m <sup>2</sup>	2,608 m <sup>2</sup>	3,088 m <sup>2</sup>	2,649 m <sup>2</sup>
Otley Street Community Nursery School	Nursery	0 to 5	Outstanding	Mar-15	83	83 (NOR)	1	1,057 m <sup>2</sup>	597 m <sup>2</sup>	3,438 m <sup>2</sup>	2,957 m <sup>2</sup>
Bradleys Both Community Primary School	Community	4 to 11	Good	Mar-16	141	133	3.1	4,445 m <sup>2</sup>	3,180 m <sup>2</sup>	7,474 m <sup>2</sup>	6,662 m <sup>2</sup>
Carleton Endowed CofE Primary School	Voluntary Aided	4 to 11	Good	Feb-17	155	147	2.3	5,229 m <sup>2</sup>	4,222 m <sup>2</sup>	8,187 m <sup>2</sup>	7,128 m <sup>2</sup>
Embsay Church of England VC Primary School	Voluntary Controlled	4 to 11	Outstanding	Oct-11	207	203	2.9	6,275 m <sup>2</sup>	4,422 m <sup>2</sup>	10,146 m <sup>2</sup>	9,093 m <sup>2</sup>
Gargrave Church of England VC Primary School	Voluntary Controlled	4 to 11	Good	Jan-13	122	126	4.8	18,412 m <sup>2</sup>	15,798 m <sup>2</sup>	7,353 m <sup>2</sup>	6,396 m <sup>2</sup>
Ermysted's Grammar School	Voluntary Aided	11 to 18	Outstanding	Oct-08	815	844	0.8	45,735 m <sup>2</sup>	34,650 m <sup>2</sup>	61,502 m <sup>2</sup>	53,300 m <sup>2</sup>
Skipton Girls' High School	Academy	11 to 18	No inspection since became Academy		810	749	1	21,926 m <sup>2</sup>	14,144 m <sup>2</sup>	55,802 m <sup>2</sup>	48,300 m <sup>2</sup>
The Skipton Academy	Academy	11 to 16	No inspection since became Academy		385	835	1	83,492 m <sup>2</sup>	69,958 m <sup>2</sup>	60,989 m <sup>2</sup>	52,850 m <sup>2</sup>

It should be noted that Skipton Town schools have access to Sandylands Playing field which is approximately 91,905m<sup>2</sup>



# ***Consultation Document***

**Proposal to close Skipton Ings Community Primary  
and Nursery School from 31 December 2017**

# **Skipton Ings Community Primary and Nursery School**

June 2017

This paper sets out details of a proposal to close Skipton Ings Community Primary and Nursery School with effect from 31 December 2017. It gives the background to the proposal. There will be a public meeting on:

**Wednesday 19 July at 7 pm**

**at Skipton Ings Community Primary and Nursery School,  
Broughton Road, Skipton, BD23 1TE**

---

## **The Current Position**

Following a request from the School's Governing Body, North Yorkshire County Council is consulting on a proposal to close the school.

It is considered that the closure is necessary to secure the interests of current and future pupils from the school because of concerns about standards of teaching and learning and related concerns about low pupil numbers and the school's financial position.

This decision has not been reached lightly, and not before alternatives have been considered, such as collaborating with other schools.

## **Standards of teaching and learning**

In July 2013 the school was judged by Ofsted as Inadequate and became subject to Special Measures. The school has been re-inspected by Ofsted in October 2014 and November 2016

and on both inspections was judged as Requires Improvement.

The school has been trying to improve standards following the inspections but the low pupil numbers will lead to a need to further reduce staff which compromises any further attempts the school might need to make to deliver an acceptable quality of education. The governors have had to reduce to a 2 class structure from September and reduce teaching assistant support.

## **Pupil Numbers**

The number of children at Skipton Ings Community Primary and Nursery School has been low for several years. There are currently only 42 children on roll in the school and 5 in the nursery. The school is designed to accommodate up to 180 pupils if all spaces are in use. Forecasts indicate that these numbers will not recover significantly in the longer term and may reduce still further.

In these circumstances, it is difficult to deliver quality education.

## **The Financial Position**

Pupil numbers determine the school budget. With these low numbers, and a reduced budget, the school will have to reduce staff. The school is projecting deficits at the end of the year of £70k in 2018/19 and £150k in 2019/20. There is no reasonable prospect of recovery.

## **Staffing**

A number of staff have already left the school. The school is now heavily reliant on supply teachers including the upper Key Stage 2 and lower Key Stage 2/Year 2 classes and temporary arrangements for other staff posts.

## **The Proposal**

For the reasons above it is proposed that Skipton Ings Community Primary and Nursery School should close with effect from 31 December 2017.

The catchment area of another local school will be extended to include the current school catchment area.

For children currently at Skipton Ings Community Primary and Nursery School, North Yorkshire County Council will work with each family to try to meet their individual preferences for other schools. Staff and governors at Skipton Ings Community Primary and Nursery School are also committed to supporting families in their choice of school and in making a smooth transition.

Other primary schools in Skipton town are:

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Greatwood Community Primary School, Pinhaw Road, Skipton, BD23 2SJ.

Water Street Community Primary School, Elliot Street, Skipton, BD23 1PE.

St Stephen's Catholic Primary School and Nursery, a Voluntary Academy, Gargrave Road, Skipton, BD23 1PJ.

There are also spaces available in some year groups in schools in surrounding villages.

Some schools may be able to admit over their published admission numbers for some year groups.

Eligibility for home-to-school transport will be determined in line with the County Council's current home-to-school transport policy and procedures, based on travel distances from each child's home address and individual circumstances.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the Local Authority is the admissions authority and will meet that preference, provided there are vacant places or the school is happy to admit above the published admission number. In the case of Voluntary Aided



schools, the governing body decides the conditions for admission to their particular school. Where a child attends a school, which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

North Yorkshire County Council's Admissions Team is always happy to give advice to parents – please contact Vickie Hemming-Allen 01609 535481 or Lisa Herdman 01609 534953.

### **Staff**

A separate consultation process, including a staff meeting, is running in parallel with the consultation on the closure proposal.

### **The Building**

The school building is owned by the County Council. Decisions about disposal of the school site and buildings will be taken after the closure proposal has been determined.

### **Academy options**

The County Council is exploring with the Regional Schools Commissioner the possibility for a high-quality academy sponsor to take over Ings school. Potentially this could provide continuity of education for current pupils. More likely, however, would be the opening of a new academy on the

site after a period of closure. This would ensure that the Ings site continues to provide primary school places for children in Skipton. These discussions are continuing in parallel with this consultation on potential closure and, should a future academy option emerge, consultees will be informed of this.

### **What Happens Next?**

Your views about this proposal are welcomed. You can either complete and return the attached response sheet, or submit an online response

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Ings  
Strategic Planning  
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proposal, then statutory notices would be published in the local press in September. These notices provide a further four weeks for representations to be made. A final decision would then be made by North Yorkshire County Council's Executive Committee. If agreed the school would close on 31 December 2017.

each stage.

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**Key Dates**

All dates are subject to approvals at

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**A consultation on whether the school should be closed**

**Do you agree with the proposal**

**Yes / No**

Observations and/or suggestions:

Interest/Status .....

e.g. Parent/Governor/Teacher/Community

Name of School .....

Signed .....

Date: .....

Name (Block Capitals) .....

Address: .....

.....

.....

Postcode: .....

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Skipton Ings Primary and Nursery School - List of Consultees

School distributed to	Parents of pupils
	Staff of school
	Governors of school

Headteachers and Chairs of Governors of other local primary and secondary schools within a 3 mile radius of Ings CP School	Cononley
	Carlton Endowed
	Bradleys Both
	Embsay
	Greatwood CP
	St Stephens Catholic Academy
	Parish Church of England CE Primary
	Christchurch CE Primary
	Water Street CP
	Ermysteds Grammar
	Skipton Girls' High
The Skipton Academy	

Unions and Professional Associations
--------------------------------------

Local County Councillors;	Cllr A. Solloway Cllr R. Heseltine Cllr P. Mulligan
District Councillors	Cllr C. Rose Cllr P. Madeley
Local Parish/Town Council	
Julian Smith MP	
Secretary of State via School Organisation Unit	

Local Early Years providers within 3 miles:	Brougham Street Nursery School
	Cherry Tree Farm Day Nursery
	Craven Children's Holiday Club
	Embsay Children's Centre
	Embsay with Eastby Pre-School Playgroup
	First Steps Day Nursery Broughton Road
	Greatwood Community Primary School Before & After School Club
	Regent Private Day Nursery
	Rocking Horse Day Nursery
	6 Child minders
	St Stephen's After School Club
	Stepping Stones

Other consultees	Community Cohesion Worker, NYCC
	Specialist Teacher, Minority Ethnic Achievement (MEA) Team
	Refugee Council
	Leeds CE Diocese
	Catholic Diocese Leeds
	Islamic Society
	Mosque
	Bradford Council
	Regional Schools Commissioner
	Imam

Notes of public meeting at Skipton Ings Community Primary School

Wednesday 19<sup>th</sup> July 2017 at 7.00pm

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Present: Cllr Patrick Mulligan – NYCC Executive Member  
David Portlock – Chair of Governors  
Graham Hamilton – Vice Chair of Governors  
Donna Makepeace – Headteacher  
Simon Ashby – NYCC School Improvement  
Andrew Dixon – NYCC Strategic Planning

Together with parents and grandparents, members of the community, staff of Skipton Ings CP School, and a representative from the local MP's office.

Julia Temple, Strategic Planning Officer was taking notes and there was an interpreter present.

1. Welcome and Introductions

Cllr Mulligan opened the meeting at 7pm and welcomed everyone to the meeting. The rest of the panel were introduced; Andrew Dixon (Strategic Planning Manager), Donna Makepeace (Headteacher), David Portlock (Chair of Governors), Graham Hamilton ( Vice Chair of Governors) and Simon Ashby ( School Improvement Advisor).

2. Presentation

A joint presentation was given by the members of the panel that explained the purpose of the meeting, the current position the school is in, and why the change is proposed now. It set out the actions that have been carried out over the past few years to improve both the educational standards at the school and its perception within the community, and explained what alternative options have been considered.

3. Questions and comments

Following the presentation Cllr Mulligan opened up the meeting to the members of the public to raise any questions or make comments on the proposal.

**A parent thanked Donna Makepeace (DM) for her tireless efforts which have been acknowledged by many parents, but wondered if DM is certain that she has received sufficient support from the LA?**

DM said yes she felt she has had really good support from colleagues in the LA especially in terms of driving up standards. However, in terms of issues around pupil numbers she recognises that the LA is tied by national policy on parental preference. Similarly the LA does not have the power to force other schools to amalgamate or federate with Ings and whilst it can encourage staff to work at the school it can't force staff to take up posts.

**The same parent asked if the Secondary Schools had also been approached.** David Portlock (DP) confirmed that Governors had had preliminary discussions with one secondary school, but these had not progressed.

**A grandparent commented that it is clear the school is not in a sustainable position and asked if it is seen as a failure of North Yorkshire that there has been a deterioration of pupil numbers at Ings?**

Cllr Mulligan explained that this has been a result of parental choice and despite all DM has done to improve local perception parents have chosen other schools.

Simon Ashby (SA) added that since the school went into special measures a number of things have been done, including establishing a partnership with the Teaching School Alliance. Governors have been appointed based on specific skills and experience in an attempt to drive the school forward and it is worth pointing out that the school doesn't currently have a governing body and is operating under a shadow governing body. DP added the school has had difficulty in appointing parent governors due to lack of interest from parents at the school in which a few parents responded to say they had not seen any communication about this.

**A question was also asked about whether members of the community could be governors.** SA confirmed that Governance structure is national policy and not one the LA is able to deviate from. Parent governors do have to be parents of pupils at the school or can be parents with children at other local schools. Recruiting good quality staff has also been difficult and the school has had to rely on agency staff to take up the positions.

**If there are 140 pupils in catchment why can't the LA make parents send their children to this school?** This again comes back to national policy on parental preference.

**A local resident questioned why parents don't send their children to this school?** Cllr Mulligan said the LA is not able to speak on behalf of parents.

**A local resident who used to be a pupil at the school commented that Ings used to be a great school and that it is local perception of the school that has made this happen.**

**A question was raised in relation to all the extra housing that is planned?** Andrew Dixon (AD) explained that recent housing developments along with additional housing allocations set out in the draft local plan has been a consideration, however the crux of the problem is that the children are not coming to Ings. DM added that she has worked closely with colleagues in admissions who have allocated places to Ings but despite being oversubscribed last year only one pupil new to the school turned up at the start of term. A further question was raised asking could it not be an option to force parents to send their children to Ings. AD went on to explain the admissions process and explained schools have a duty to admit first preference if they have places available. Schools can also choose to admit over their published admission number if they are able to accommodate over that number.

**A parent commented that DM has done everything in her power but felt that North Yorkshire should have stepped in earlier.**

SA said that when the school first went into special measures in 2012 the LA, by law, had to consider closure. To prevent that happening the LA made every effort to improve educational outcomes at the school.

**A parent talked about her dissatisfaction with the recent admissions process and said that her child had not been accepted at any one of the three preference schools she had applied for.**

AD said he could not comment on her particular circumstances but explained the process that had been followed. What tends to happen when communities learn of the uncertainty of their school is that parents begin to move their children from that school. To avoid parents making preferences without full knowledge of provision in the area they were invited to meet with the admissions team and places have been offered following a mini admissions round. As part of that process transfer requests from pupils at other schools also had to be taken into consideration.

**A parent asked if they didn't send their child to another school what would happen in September.**

DM said the school would be open in September but will be operating under a different class structure. The decision on closure will not be taken until later in the autumn term and that decision cannot be pre-judged. The school will continue to operate but if the decision is to close the earliest this could happen is at the end of the autumn term.



**A parent raised concern over the school her child had been offered a place saying the distance was such that she had no way of getting her child to that school. She asked if support could be given by way of transport.**

AD said there are occasions where exceptions can be made but without knowing the particular circumstances in this case it was difficult to comment. AD advised having a conversation outside of this meeting to discuss further.

**A grandparent felt that if it is the case that only two or three pupils are expected back at this school in September the LA should be honest with parents that the outcome of the consultation is likely to be closure.**

AD said the position on pupil numbers for September is uncertain and no decisions have been made. Offers of alternative places have been made to nearly all pupils but there is no certainty that those offers will be taken up in September.

**We now have a situation where other schools will be over-subscribed, what assurances will North Yorkshire give to ensure high standards are met in those schools?** SA said that individual schools make a judgement about admitting over their published admission number and this is done with careful consideration and headteachers would not do so if they felt it would impact on the quality of teaching. AD added that it should be noted that given the number of schools involved and the age range of pupils, the actual impact is that no one particular year group has increased significantly at any of the schools involved.

**What about housing and additional numbers coming into the town?**

AD confirmed that proposed new housing in the town would lead to additional places being required and options are currently being looked into for how those places could be provided in Skipton. **A further question was asked about whether the LA could make new parents coming into the town send their children to Ings.** AD confirmed this would not be possible as parental preference and admission laws would apply to them in the same way.

**What about the other school that has gone into special measures?**

The school in question has received a lot of support from advisers recently in an attempt to bring them out of special measure and a support plan has been in place. A positive outcome from a recent Ofsted visit is expected and new leadership is in place which should see the school improve further over the next year.

**What will North Yorkshire do to ensure that a faith school would not be provided on the Ings site?** AD said the LA has been working with the Regional Schools Commissioner recently looking at options available to provide the places needed in Skipton and the LA has been clear that whatever is provided needs to be attractive to the whole community.

**Can the community be given the opportunity to convince parents to send their children to this school, and what would happen if more pupils were to arrive than expected in September?** AD explained that closure is not an officer decision and that in October when a report is produced for the Executive an update on current numbers will be included. This will ensure the Executive can make a decision based on the position at that time.

**Why didn't we have a meeting with the community prior to meeting with parents?**

DM explained the initial meeting with parents was arranged to explain the change in class structure and it was at that time parents began to question the likelihood of closure. This was before the decision was taken to commence consultation.

**A grandparent said there is a need for the local community to lobby the support of the MP around change of national policy.** The MP Representative said he would be happy to take any comments or views back to Julian Smith MP.

**A member of staff commented that they have done everything they can to make the school attractive to parents.**

**A local resident commented that they had attended a school with only two classes when they were younger so why can't it work here?**

SA said there are schools in North Yorkshire that work well with just two classes but financial pressures here does not make that viable. Educational sustainability is a concern due to issues around staff recruitment.

**A comment was made that the community should have been consulted before now and felt the closure was already underway.**

AD confirmed there are statutory processes that must be followed but assured the public this is a consultation and no decisions on closure have yet been made.

#### 4. Closing remarks

Cllr Mulligan closed the meeting shortly after 8.45 and expressed thanks to all those involved and to the members of the community who had come along to the meeting.

**Consultation Responses**

<b>Number</b>	<b>Comments</b>	<b>Interest</b>
1	<p>You will be aware that Craven District Council are currently consulting on the Pre Publication Craven Local Plan, which, once adopted will set out the planning framework for Craven outside the Yorkshire Dales National Park for the period 2012-2032. NYCC Education has commented on previous drafts of this plan in terms of the number of houses proposed and the educational requirements resulting from this level of housing growth. NYCC Education have indicated that 1 or 2 new schools will be required in Skipton and that new classrooms will be required at surrounding village schools (details have been provided). The proposals to close Skipton Ings Community Primary School has not been raised by NYCC Education in response to past consultations on the Craven Local Plan. Given the current proposal it is hoped that NYCC Education will provide a detailed consultation response to the Pre Publication Craven Local Plan June 2017 in terms of future education requirements in Craven given the level of housing growth proposed in the draft Local Plan and the current proposal to close Ings Primary School, Skipton. Details of the Craven Local Plan consultation can be found at: <a href="http://www.cravendc.gov.uk/newlocalplan">http://www.cravendc.gov.uk/newlocalplan</a></p>	Craven District Council
2	<p>NYCC have the perfect opportunity now to convert Ings Primary School into a Pupil Referral Unit for primary aged children and here are some reasons why:</p> <ul style="list-style-type: none"> <li>• Children in primary schools are being witness to hitting, spitting, kicking, shouting, climbing furniture, swearing, throwing objects, screaming etc. from children who are in crisis because they simply cannot cope within a mainstream school. Classrooms have to be evacuated and this is damaging to the children in crisis and to those who witness it. Schools are also losing valuable teaching time.</li> <li>• All children should have access to the right learning environment from the beginning of their education, and not have to struggle on because there is no alternative long term provision for them. A fully supportive and positive educational experience is needed for all and this can be provided intensively at a PRU.</li> <li>• There is a Secondary Pupil Referral Unit (PRU) on Keighley Road, Skipton but no Primary PRU and we have more Primary schools in the Skipton and Craven area than Secondary Schools. Having a Secondary PRU highlights a need for a Primary PRU where issues can be addressed earlier in a child's education. NYCC needs to support children from an earlier age so they can return to mainstream education, if this is appropriate for the child.</li> <li>• Money is available when needed to provide one to one, or two to one, staff in mainstream schools to support individual children. This money could be re-directed into providing more intensive support to children in a PRU and makes sense on a long term financial level.</li> </ul>	Parent of child who attends Christ Church School, Skipton

3	I think closing a valuable school unit in Skipton is madness, especially when every other school aside one, is oversubscribed! Why not keep the school setting and split one of the other oversubscribed schools into KS1 & KS2? Why waste a school when there's two many children? Sticking all the kids in brougham Street will only allow that to be oversubscribed further down the line. Spilt an already oversubscribed school to even put the numbers and free up space? Why turn it into an academy? Parents still won't want to send their children to an academy? Use the space for good, use it as a primary school, invest in the teaching and staff and allow Skipton to save this precious educational establishment.	Parent of pupil at Brougham Street School
4	If the school closes, it would be ideal for a Primary Pupil Referral Unit to serve the area.	Holistic therapy tutor working in Craven
5	Yes it should.	Parent of pupil at Cononley School
6	I teaching Keighley so out of NY but we have no classroom supports because everyone we do have works with specific children leaving no support for others. The children who have got places in a PRU have had a wait or one of my 6 year olds had to travel to Bradford for a place! We need more help in primaries and with the same view as nurture rooms / systems it needs tackling early to try to get children back into mainstream education early. I did some supply at the school and felt it was a great setting with some excellent staff and pupils.	Local resident  Teacher at Nessfield Primary, Keighley
7	It should be kept open and used as a primary PRU.	Governor at Cononley School
8	It is shortsighted. With other schools being oversubscribed and struggling with large numbers, plans to build 100s of homes in the area, there lan a desperate need for a primary education facilities add to this that many of the parents have no form of transport and are now having to walk for miles in the Yorkshire weather just so their child can get to school. Let's also consider the impact this will have on other schools in the area.	Parent of pupil at Ings
9	I'm utterly disgusted that a school like Ings is being close, It's a hub of the local community ... I was at a meeting last night and I do feel that the decision has already been made and the council is just going through the motions	Parent of past pupil at Ings
10	I'm shocked that there is a proposal to close a school, from my understanding places are needed in the Skipton area and there has been a struggle for parents of children attending Ings primary to find suitable places for their children at other schools. One Skipton resident has put forward the idea of Ings Primary being turned into a Pupil Referral unit for primary, if Ings is to close as it currently is.	Pupil at another school

	I believe a PRU sounds like the next best option and would be beneficial for every child in the area.	
11	Obviously my first view is that the school shouldn't be closed, especially since it services an area of Skipton that is otherwise a considerable distance from the other Primary Schools in Skipton. I also think that there needs to be more support for other Schools who will be taking in the children from Ings as well as for the families who have been offered places at Schools out of Skipton. If the School does close I strongly think that the premises should be converted into a Primary PRU, a service that is desperately needed for the Craven area!	Local resident
12	It really needs to be remain a school due to the increase in demand for places.	Local resident
13	I think it would be a terrible shame to lose this school. It seems really unfair on the people who live in the Broughton Road end of town not to have a local school they can easily walk to. I have been told they will now fall into the Gargrave catchment area - if this is true, it's completely unacceptable/ bonkers! I also understand that all the other primaries in town are oversubscribed/ and or in special measures. Why would you close Ings when this is the case? There are various factors contributing to the falling numbers at Ings, not least of which is racism - the "white flight" to other local schools, which I saw when my own children were at Christchurch. This has been followed by the more aspirational Asian parents also applying "anywhere but Ings", as they don't want their children to be educated in isolation from the rest of the Skipton community. A community without a primary school will struggle even harder to feel like/ integrate as a community. There must be an alternative to closing Ings. If Ings does shut, it must retain an educational function and I feel very strongly this should be under NYCC control. Under no circumstances should it become a free school for any particular interest/ faith group. It has been suggested it would be suitable for conversion to a Primary PRU, which seems a sensible idea. I know from friends who work in, or have children at, local schools that there is a small but significant problem with primary-age children who can't cope in mainstream education disrupting their own and others' learning, sometimes for years on end. These children often receive (very costly) one-to-one support within the mainstream environment, but this isn't sufficient to address their complex needs. They need access to the intensive, appropriately qualified support only available in PRUs. And their classmates have a right not to have their education disrupted while this intensive support takes place. Some children struggle in mainstream education for the whole of primary school, only to end up in a secondary PRU later. It would make more sense financially, educationally and socially for them to receive the support of a PRU at an earlier age, hopefully avoiding the need for a PRU when they move up to secondary education.	Parent of child who attends a local upper school
14	To whom it may concern these are my points as to why the school shouldn't close down because, 1 the children that have SEN in	Local resident

	place are settled, 2 what about the impact on the schools in Skipton that are already packed to the rim and schools are already failing the current students. 3 the impact on the school children that are at the other schools that are in a routine! 4 The 300 new homes that Skipton is supposed to be getting where are these children going to go? 5 siblings that currently go to school due to practical reasons being split up now last time I checked no one can be in 2 places at once!	
15	We are having problems with older children playing football on Broughton Road Play Area to the extent that parents are preventing their younger children from playing there for fear of injury. There have already been several reports of small children being hit in the face and/or knocked down by leather footballs and the problem seems to be getting worse. We've put up special signs asking older children not to play football in the play area but they just keep tearing them down. We are told that the problem may have been caused by older children being prevented from playing ball games at the nearby MUGA on Ings Road. We have heard from several children that they "can no longer play at Ings", since it was announced that the school is closing, and at least one parent has said that the holiday club has stopped her taking her children into the MUGA. From my point of view it is important that the MUGA remains available to the community whatever happens to the school; not just in the short term, to prevent our football problem in the play area, but for the longer term. Is there any way we can ensure that, if the school is closed, whoever buys the land – presumably for development – has to leave the MUGA in place and makes it available to the general public?	Skipton Town Council
16	I think its a disgrace. Poorly managed by NYCC, they have allowed the school to close by not intervening earlier. This consultation is a box ticking exercise and is trying to sweep the underlying issues of Ings being deemed and asain primary school under the carpet. NYCC needs to work with the local community to increase community cohesion, rather than take the easy way out.	Local resident
17	As you are aware one of Skipton's primary schools Ings is due for closure in December. I'm lucky because my daughter is not primary school age as of yet. If this school was to close this would put more pressure on the other schools in the area. Not to mention the fact that a lot of children that do attend Ings have special educational needs. Parents have been given other choices for schools but these are either unfit especially for the children that have SEN in place or have siblings and the school can't take both children. Apart from that Skipton is supposedly having 300 more homes built which is great but where are these children going to go? Parents have tried contacting you in regards to this matter and you have stated that you are either at other meetings etc, I can appreciate that, that maybe the case but this should be a priority as Skipton's MP.	Parent





**Annex C: Equality Impact Assessment**

**Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics**

(Form updated May 2015)

**Proposal to cease to maintain Skipton Ings Community Primary and Nursery School**

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

**Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.**

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	John Lee, Strategic Planning Officer, CYPS, County Hall
Names and roles of other people involved in carrying out the EIA	Julia Temple, Strategic Planning Officer, CYPS, County Hall
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Consultation started on 26 June 2017

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

A proposal to cease to maintain (to close) Skipton Ings Community Primary and Nursery School. A period of consultation with the community has been carried out, including written consultation and a public meeting.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The County Council is under a statutory duty to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote fulfilment of every child's educational potential. There are four key concerns: 1) Standards of teaching and learning; 2) Low pupil numbers; 3) The school's financial position; and 4) Staffing. These issues are laid out in detail in the consultation document and the report to CYPs Executive Members on 13 June 2017.

**Section 3. What will change? What will be different for customers and/or staff?**

It is proposed that Skipton Ings Community Primary and Nursery School should close with effect from 31 December 2017.

If the proposal is approved, the area currently served by Skipton Ings CP School would in future be served by an alternative school(s) from 1 January 2018. This will be the subject of further consultation with local schools during the 4 week representation period.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The consultation period ran from 26 June to 15 September 2017. Consultation documents were distributed to a wide range of stakeholders, and a public meeting was held. The consultation document and responses are included in the report to the Executive on 17 October 2017.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Cost neutral

Please explain briefly why this will be the result.

Any savings to the Dedicated Schools Grant arising from the closure, if approved, would remain

within the ring-fenced Dedicated Schools Grant as part of the funding for all schools. Any revenue or capital balances would be made available to the receiving school in line with the Closing School Accounting Policy.

If the school closed, currently there would be no potential additional cost to the Local Authority in providing transport to other schools. Free home to school transport would be provided for entitled pupils within the enlarged catchment area in accordance with the County Council's Home to School transport policy. Based on current pupil numbers and places of residence there are no eligible pupils.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	x			No impact is anticipated
Disability	x			<p>Pupils – The school is mainstream offering universal provision.</p> <p>Expertise will be utilised from the County Council to provide appropriate SEN support.</p> <p>Staff – As an organisation NYCC will continue to meet the requirements of the Equality Act 2010 which obligates us to make reasonable adjustments to accommodate disabled individuals as employees or service users.</p>
Sex (Gender)	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief	x			No impact is anticipated
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil	x			No impact is anticipated.

partnership				
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<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	x			No impact anticipated
...have a low income?	x			No impact anticipated

<p><b>Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.</b></p> <p>All pupils and staff at the school would experience changes under these proposals that staff and governors would need to manage sensitively.</p> <p>The County Council's Officers now feel that this decision is in the best interests of children and families served by the school. Pupil numbers have fallen to a level where it will be difficult to provide a high quality of education for pupils in the long term.</p> <p>The Local Authority's Admission Team will continue to work with families to try to meet their individual preferences for primary schools.</p> <p>Home to school transport will be assessed in line with the County Council's policy.</p>
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<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	x
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing	

with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal –</b> The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	
It is anticipated there would be no identifiable impact on specific groups as a result of the proposal.	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

Monitoring of standards will be carried out through the County Council’s Education and Skills Team and through Ofsted inspections. Monitoring of sufficiency of school places in the Skipton town area will be undertaken by the CYPS Strategic Planning Team.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The purpose of the consultation and proposed decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner.

**NORTH YORKSHIRE COUNTY COUNCIL**

**Proposal to Cease to Maintain a School  
Skipton, Ings Community Primary and Nursery  
School**

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that North Yorkshire County Council, County Hall, Northallerton, DL7 8AD, intends to discontinue Skipton, Ings Community Primary and Nursery School, Broughton Road, Skipton, North Yorkshire BD23 1TE on 31 December 2017.

Copies of the complete proposal can be obtained from: Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director - Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 5pm on 23 November 2017.

Signed:

B. Khan  
Assistant Chief  
Executive (Legal and  
Democratic Services)

Publication Date:

26 October 2017

## **Appendix 8: Draft statutory proposals and statutory notice**

### **Statutory proposals for school closures**

As set out in the Establishment and Discontinuance Regulations the information below **must** be included in a proposal to close a school:

#### **Contact details**

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school it is proposed that should be discontinued.

Proposal published by North Yorkshire County Council, County Hall, Northallerton, DL7 8AD, to discontinue Skipton Ings Community Primary and Nursery School, Broughton Road, Skipton, North Yorkshire, BD23 1TE from 31 December 2017.

Skipton Ings Community Primary and Nursery School is a 3-11 community primary school in the Skipton town area.

#### **Implementation**

The date on which it is proposed to close the school or, where it is proposed that the closure be implemented in stages, the dates of and information about each stage.

It is proposed to close the school from 31 December 2017.

#### **Reason for closure**

A statement explaining the reason why closure of the school is considered necessary.

There are four key concerns: 1) Standards of teaching and learning 2) Low pupil numbers; 3) The school's financial position 4) Staffing

##### **1) Pupil Numbers**

The number of children at Skipton Ings Community Primary and Nursery School has been low for several years. During the summer term of 2016/17 only 42 children were on roll in the school and 5 in the nursery. At the start of the new school year in September there was just one pupil on roll. The school is designed to accommodate up to 180 pupils if all spaces are in use. Forecasts indicate that these numbers will not recover in the longer term.

In these circumstances, it is difficult to deliver quality education.

## **2) Standards of teaching and learning**

In July 2013 the school was judged by Ofsted as Inadequate and became subject to Special Measures. The school has been re-inspected by Ofsted in October 2014 and November 2016 and on both inspections was judged as Requires Improvement.

The school has been trying to improve standards following the inspections but the low pupil numbers lead to a need to further reduce staff which compromised any further attempts the school could take to deliver an acceptable quality of education. The governors took the decision at during the summer term to reduce to a 2 class structure from September and reduce teaching assistant support.

## **3) The Financial Position**

Pupil numbers determine the school budget. Revised budget projections based on lower pupil numbers of 31 have shown larger in-year financial deficits for 2017/18 and 2018/19 at £56,300 and £105,300 respectively and a projected cumulative deficit at the end of 2018/19 of £249,400. Clearly with now even lower numbers this position is much worse.

## **4) Staffing**

During the last academic year Governors made the decision to reduce to a two class structure from September 2017 and advised that a number of teaching staff had already left the school and others were exploring other opportunities. They had been heavily reliant on supply teachers during the summer term 2016/17 and subsequently a number of staff did leave at the end of fixed term contracts or due to resignation.

The current position is that appropriate staffing is being maintained in accordance with our obligation to provide the best possible education while the school remains open.

## **Pupil numbers and admissions**

The numbers (distinguishing between compulsory and non-compulsory school age pupils), age range, sex, and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is currently made at the school.

There is now only one pupil on roll at the start of this academic year.

The school's age range is 3-11 years, and provision is available for boys and girls. There is no boarding provision. Information on special educational needs of pupils is not provided as this would contravene the Data Protection Act. Total pupil numbers are significantly lower than the capacity of the school which is designed to accommodate up to 180 pupils.



## Displaced pupils

A statement and supporting evidence about the need for school places in the area including whether there is sufficient capacity to accommodate displaced pupils.

Details of the schools or further education colleges at which pupils at the school to be discontinued will be offered places, including—

- a) any interim arrangements;
- b) the provision that is to be made for those pupils who receive educational provision recognised by the local authority as reserved for children with special educational needs; and
- c) in the case of special schools, the alternative provision made by local authorities other than the local authority which maintain the school.

Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

- a) No interim arrangements have been necessary. All but one pupil at the school has moved to an alternative primary school.

There are other schools in Skipton town within walking distance of the Skipton Ings site.

Travel distances to other schools:

Walking distance in miles	Christ Church	Ings CP	Water Street	Parish Church CE	St Stephen's Catholic	Greatwood CP
Christ Church		0.8	0.4	0.4	0.4	0.5
Ings CP	0.8		1	1.1	0.9	1.4
Water Street	0.4	1		0.6	0.1	0.9
Parish Church CE	0.4	1.1	0.6		0.5	0.5
St Stephen's Catholic	0.4	0.9	0.1	0.5		0.8
Greatwood CP	0.5	1.4	0.9	0.5	0.8	

At the start of the school year 2017/18 all pupils had been offered alternative places at local schools. All but one pupil took up those places offered.

41 pupils were offered alternative places at local schools for September 2017. All but one pupil has subsequently transferred to another school.

The transfer details are as follows:

Christ Church CE VC – 7 pupils

St Stephens Catholic Primary – 5  
Skipton Greatwood CP – 1  
Skipton Parish CE VC – 14  
Carleton Endowed – 5  
Cracoe and Rylstone VC CE – 4  
Gargrave CE VC – 1  
Embsay CE VC – 4

There remain 127 places available across three Skipton Town primary schools as of 3 October 2017. This represents an 11.5% vacancy of all available places excluding the Ings capacity.

Parents have a right to express a preference for any school and, in the case of community and voluntary controlled schools, the relevant Local Authority is the admissions authority and will meet that preference provided there are vacant places or the school is happy to admit above the published admission number. In the case of Voluntary Aided schools, the governing body decide the conditions for admission to their particular school. Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

- b) Not applicable in this case
- c) Not applicable in this case

## **Impact on the community**

A statement and supporting evidence about the impact on the community of the closure of the school and any measures proposed to mitigate any adverse impact.

The school has in the past run a wide variety of after school and extra-curricular clubs and activities for children, including a before and after school club. There have also been a wide variety of sport clubs on offer such as football, netball and cricket. The reduction in pupil numbers has meant that these clubs have now stopped.

The governing body has encouraged community use of the school buildings and has attempted to increase lettings of the premises to support the budget. The school has also made links with the Adult Learning Service to broaden the range of services offered with a view to increasing regular contact with the community. Despite these attempts community uses of the facilities remain low. Given the small number of community uses of the school premises, and the alternative venues available locally, the impact on the community should be minimal.

## **Rural primary schools**

Where proposals relate to a rural primary school designated as such by an order made for the purposes of Section 15 (Education and Inspections Act 2006 (EIA), a statement

that the local authority or the governing body (as the case may be) considered Section 15(4) EIA.

Skipton Ings Community Primary and Nursery School is not designated as a rural school.

### **Balance of denominational provision**

Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Not applicable

### **Maintained nursery schools**

Not applicable

### **Sixth form provision**

Not applicable

### **Special educational needs provision**

The existing provision at Skipton Ings Community Primary and Nursery School is not reserved for pupils with special educational needs.

### **Travel**

Details of length and journeys to alternative provision.

The proposed arrangements for travel of displaced pupils to other schools including how the proposed arrangements will mitigate against increased car use.

Eligibility for home to school transport will be determined in line with the County Council's current home to school transport policy and procedures based on each child's home address and individual circumstances.

Where a child attends a school which is not their normal school or nearest school, parents are normally responsible for making transport arrangements.

Parents were and will be reminded of the County Council's home to school transport policy when considering alternative schools. Pupils up to the age of 8 would normally be eligible for free home to school transport if they live more than 2 miles from their normal area school (or 3 miles for those over the age of 8). Parents can always express a preference for a school other than their normal area school however they would usually be responsible for making transport arrangements. Eligibility is assessed on an individual basis taking into account the child's home address.

North Yorkshire County Council's Home to School transport policy states that 'Transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school or 45 minutes to a primary school. Journey

times might need to be longer than this in some more rural areas and where road or weather conditions mean that these times are not practical.' This is in line with statutory guidance from the Department for Education. The journey time for children living within the current Skipton Ings School catchment area would depend on which other school they attended and their home address. There are five other schools that are less than two miles from Ings CP School.

### **Procedure for making representations (objections and comments)**

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Corporate Director-Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE, by 23 November 2017.

### **Consultation**

The decision to consult on closure was taken by the Executive Member for Schools following a request from governors on 13 June 2017. A consultation paper setting out the proposal was sent to parents of pupils on roll, staff at the school as well as other interested parties and individuals. A copy of the consultation paper is attached as Appendix 1. A list of the consultees is attached as Appendix 2. The consultation period ran from 26 June to 15 September 2017, extended over the summer period to ensure six term weeks. A public meeting was held at the school on 19 July 2017, a note of that meeting is attached as Appendix 3. There have been 17 consultation responses received (Appendix 4).

- Appendix 1: Consultation Paper
- Appendix 2: List of the Consultees
- Appendix 3: Notes of the Public Meeting
- Appendix 4: Consultation Responses

## NORTH YORKSHIRE COUNTY COUNCIL

## EXECUTIVE

17 October 2017

**ADDITIONAL PRIMARY PLACES – MALTON****Report of the Corporate Director – Children and Young People’s Service****1.0 PURPOSE OF REPORT**

- 1.2 To seek approval for the publication of statutory notices and proposals on the proposed expansion by 60 places of St Mary’s Roman Catholic Primary School, Malton, as prescribed by the School Organisation Regulations.
- 1.3 To schedule taking a final decision on the proposals at the Executive meeting on 16 January 2018 or, in the event of no objections, by the Executive Member for Schools.
- 1.4 To seek approval for work to continue in parallel to prepare a planning application for the proposed development.

**2.0 EXECUTIVE SUMMARY**

- 2.1 On 30 September 2014 the Executive Member for Schools was briefed about the rising number of primary age pupils which would create the need for a significant number of additional pupil places over the next few years.
- 2.2 In that report was a two year capital programme (Basic Need Programme 2015-17) aimed at meeting the demand for places in the most effective and efficient way possible. A capital sum of £4.5m was allocated to meet the cost of providing additional places in Malton town in response to new housing including that to be delivered via the Ryedale Local Plan.
- 2.3 The proposal at this time is to increase capacity at St Mary’s Roman Catholic Primary School by 60 places from 150 to 210 places overall. This constitutes a significant enlargement under School Organisation regulations and requires that a statutory process be followed.
- 2.4 This report is supported by a number of appendices as listed below:

Appendix 1: Current Pupil Number Forecasts  
 Appendix 2: Draft Statutory Notice  
 Appendix 3: Draft Statutory Proposal  
 Appendix 4: Equality Impact Assessment

**3.0 BACKGROUND**

- 3.1 The Ryedale Plan: Local Plan Strategy Development Plan was formally adopted by Ryedale District Council on 5 September 2013 which established the net delivery of at least 3,000 new homes over the period to 2027.
- 3.2 In 2014 Members agreed to the permanent expansion by one additional classroom at both Malton Community Primary School and St Mary’s RC Primary School to meet

initial additional demand for places at those schools. The two primary schools share a site on Highfield Road and with the additional classrooms could accommodate 300 and 150 pupils respectively.

- 3.3 The Governing Body of St Mary's RC Primary School in consultation with CYPS agreed at this time to increase their admission number thereby increasing the supply of primary school places. All agreed that this would not be sustainable without further expansion of facilities.
- 3.4 By March 2015 there were 546 dwellings with planning permission granted, but not yet built, across four main housing sites known as Broughton Road, Westgate, Rainbow Lane and The Showfield. Developer contributions to education infrastructure have been secured on all four of the sites with permission, and various stage payments apply.
- 3.5 A fifth site, known as Castle Howard Road, was also the subject of a planning application. Following successful negotiations the proposal at Castle Howard Road included land for education use. Discussions between the Governing Bodies and Leadership of all local schools led to consensus that the proposed new site should, subject to a school organisation proposal, be used for the relocation and expansion of St Mary's RC Primary School to provide 210 places overall. The subsequent effect of this would have been that Malton CP School could have expanded into the adjacent premises to be vacated by Malton St Mary's. However, the Castle Howard Road development application was rejected by Ryedale District Council which meant alternative options for providing additional places had to be considered.
- 3.6 In the absence of any other suitable site in Malton some further development on the shared site of the two primary schools at Highfield Road became the only available option.
- 3.7 Forecast pupil numbers at the time showed both schools increasing beyond their capacity. Following discussions with the schools and the Diocese of Middlesbrough, it was agreed that proposals for both schools should be developed. A feasibility study has revealed that two proposals are the most cost effective:
- An additional teaching block at Malton St Mary's and internal refurbishment – cost estimate c.£2.6m
  - An additional teaching block and internal remodelling at Malton CP School – cost estimate c.£2m
- 3.8 An option for a whole demolition and rebuild of Malton St Mary's was rejected on the grounds of being cost prohibitive.

#### 4.0 NUMBERS ON ROLL

- 4.1 The pace of house building has not moved as quickly as expected. The Broughton Road development is the only one that is actively being built out at present. Within that development over 242 new dwellings have been completed since 2014, however, pupil numbers and forecast data are not as expected and lower demand for places at Malton CP School has been experienced:

	Capacity	2013/14	2014/15	2015/16	2016/17	2017/18
<b>Malton CP</b>	300	248	255	242	241	239
<b>St Marys</b>	150	104	111	125	138	147
<b>Total rolls</b>		352	366	367	379	386

- 4.2 The latest review of forecast data in September 2017 does not indicate the need to take an expansion decision for Malton CP School at this time. Their five year forecast,

taking account of known housing, is 315 against a capacity of 300. There are still 439 outstanding permissions for Malton but forecast information shows currently there is no expectation of expansion to a two form entry 420 place primary school, as originally discussed, being required at this stage.

- 4.3 However St Mary's RC Primary School serves a wider catchment area due to its denominational status and this has continued to see a rise in pupil numbers over recent years. The school makes places available to all applicants up to their admission number although priority is given to those who satisfy the faith criteria. The school cannot continue to admit current numbers without additional accommodation for 2018/19.
- 4.4 There has not yet been a formal confirmation of the Local Plan proposals for future allocations in Malton and Norton. However expansion of Malton St Mary's would serve demand from both parishes and beyond.

## **5.0 EXPANSION PROPOSALS**

- 5.1 The review of pupil numbers led to an indefinite pause in the development of an expansion proposal for Malton CP at this time. This can be revisited in future should the pupil forecasts change or should additional housing for Malton be allocated through the Local Plan.
- 5.2 Work has therefore focussed on developing the plan to expand Malton St Mary's. The scope of works required to add 60 places is much more significant than simply adding two classrooms. Ancillary space at the school would be inadequate for a school of 210 places given it was originally designed for a 3 classroom school of 90 places.
- 5.3 The Diocese' architects have developed the option which would add a new block with a link corridor to the existing building delivering the additional classrooms, a new school hall and the requisite fit-for-purpose ancillary space for a single form entry 210 place school.
- 5.4 The proposal retains all of the existing main building, avoids large scale decant arrangements often associated with school projects and keeps disruption to a minimum.
- 5.5 Malton St Mary's was judged to be an outstanding school by Ofsted at its last inspection in February 2014. Expansion would be in accordance with the NYCC aim of, wherever possible, only expanding schools which hold a good or outstanding judgement.

## **6.0 FINANCIAL IMPLICATIONS**

- 6.1 The local authority has the statutory duty to ensure that sufficient school places are available. It receives capital funding to address this 'basic need'. The County Council has committed investment of up to £4.5m in the 2015-17 Basic Need Programme to support the provision of additional primary places in Malton. This was approved by the Executive on 30 September 2014.
- 6.2 In addition the County Council has a policy of wherever possible securing developer contributions for educational provision arising from housing. There are agreements already in place for developer contributions towards additional places at all four of the sites with permission. £246k of these contributions were used towards the single classroom expansion at Malton CP School already delivered. The remaining amounts total £1.383m of which £883K is from sites which are currently being built out and £500k from sites with an as yet uncertain start date. Further contributions will be

sought in respect of any additional new housing developments with an impact on primary school places.

- 6.3 The total project cost of delivering suitable facilities for the proposed expansion of St Mary's RC Primary School have been assessed by the recently completed feasibility study at £2.6m. The funding for the scheme will be a combination of Basic Need and developer contributions. This estimate is thought to be a worst case scenario and includes allowance for a number of risk factors at this early stage of the project. The use of developer contributions will be maximised as payments are received thereby reducing the call on Basic Need funding.
- 6.4 Any uncommitted amounts from the original £4.5m approval will be considered as part of the next Basic Need Programme review due to be presented to Members in 2018.

## **7.0 LEGAL IMPLICATIONS**

- 7.1 The statutory process for the expansion of a school on an existing site is covered by the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that came into force on 28 January 2014. Careful regard has been had to these provisions and to the accompanying guidance produced by the Department for Education.

## **8.0 CONCLUSIONS**

- 8.1 There is significant support for the St Mary's RC expansion proposal from both the school and the Diocese.
- 8.2 CYPS Officers are satisfied that the expansion of St Mary's RC Primary School on its existing site provides the best option for providing the additional primary places in the required timescale.

## **9.0 PROPOSED TIMESCALES**

- 9.1 The following is an indicative timeline for the expansion proposal should it receive approval to proceed:

Feasibility and sketch design work	June to September 2017
Member decision to publish statutory proposals and notices	17 October 2017
Publication of statutory proposals	1 November 2017
Representation period	1 November to 29 November 2017
Determination of the proposal to expand and enlarge the school by the local authority	16 January 2018
Planning Approval, Detailed Design and Procurement	October 2017 to June 2018
Construction	Summer 2018
New places available	2018/19



## **10.0 RECOMMENDATIONS**

It is recommended that the Executive:

- a) approve the publication of statutory notices for the expansion of St Mary's RC Primary School, Malton, up to 210 places as prescribed by the School Organisation Regulations with a final determination to be made by Executive on 16 January 2018 or by the Executive Member for Schools in the event of no objections.
- b) approve the continuation of design work in parallel to prepare a planning application for the proposed development.
- c) note that implementation of this proposal is conditional upon the grant of planning permission by 30 June 2018.

Stuart Carlton  
CORPORATE DIRECTOR – CHILDREN AND YOUNG PEOPLE'S SERVICE  
COUNTY HALL  
NORTHALLERTON  
3 August 2017

Author of report Andrew Dixon, Strategic Planning Manager

Background Document – Report to Executive Members 23 December 2014

Appendix 1: Current Pupil Number Forecasts  
Appendix 2: Draft Statutory Notice  
Appendix 3: Draft Statutory Proposal  
Appendix 4: Equality Impact Assessment

## Appendix 1 - Pupil number forecast

**Pupil forecast  
excluding housing  
impact**

Establishment - Primary School	Capacity	Number on roll May 2017	Forecast based on May 2017 NOR				
			17/18	18/19	19/20	20/21	21/22
Malton Community Primary School	294	247	244	241	249	244	243
St. Mary's Roman Catholic Primary School, Malton	150	140	148	157	167	176	173

Malton Community Primary School	294	247	244	241	249	244	243
St. Mary's Roman Catholic Primary School, Malton	150	140	148	157	167	176	173

**Pupil forecast  
including housing  
impact**

Establishment - Primary School	Capacity	Number on roll May 2017	Forecast based on May 2017 NOR				
			17/18	18/19	19/20	20/21	21/22
Malton Community Primary School	294	247	244	256	279	289	303
St. Mary's Roman Catholic Primary School, Malton	150	140	148	163	179	194	207

Malton Community Primary School	294	247	244	256	279	289	303
St. Mary's Roman Catholic Primary School, Malton	150	140	148	163	179	194	207



**Proposed Enlargement at  
St Mary's Roman Catholic Primary School, Malton**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that North Yorkshire County Council intends to make a prescribed alteration to St Mary's Roman Catholic Primary School, Highfield Road, Malton, North Yorkshire, YO17 7DB from 1 September 2018.

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two additional classrooms and ancillary space to include a hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

Implementation of this proposal is conditional upon the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 June 2018.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE and are available on the County Council's website at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 29 November 2017.

Signed:  
Date: 1 November 2017

Barry Khan  
Assistant Chief Executive,  
Legal and Democratic Services

## **School and Local Authority Details**

School: St Mary's Roman Catholic Primary School, Malton  
Highfield Road  
Malton  
North Yorkshire  
YO17 7DB

Local Authority: North Yorkshire County Council  
County Hall  
Northallerton  
North Yorkshire  
DL7 8AE

## **Description of alteration and evidence of demand**

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two additional classrooms and ancillary space to include a hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

St Mary's RC Primary School serves a wider catchment area due to its denominational status and has continued to see a rise in pupil numbers in recent years. Forecast data predicts an increase in numbers to 176 by 2020/21 from its current number on roll of 150 based on birth rates alone. In addition there are 439 outstanding permissions which could generate an additional 110 pupils in Malton. There has not yet been a formal determination of the Local Plan proposals for future housing allocations in Malton and Norton. However, expansion of St Mary's RC Primary School would serve from both parishes and beyond.

## **Objectives**

**(Including how the proposal would increase educational standards and parental choice)**

Malton St Mary's was judged to be an outstanding school by Ofsted at its last inspection in February 2014 and as such is a popular choice for parents. Expansion would be in accordance with the NYCC aim of, wherever possible, only expanding schools which hold a good or outstanding judgement. However, the school was originally designed as a three classroom school of 90 places. The expansion would therefore address the need for ancillary space to support both existing and future pupil numbers.

## **The effect on other schools**

### **(Including academies and educational institutions within the area)**

St Mary's RC Primary School shares a site with Malton CP School and an earlier initial proposal saw the expansion of both schools. At the time forecast pupil numbers showed both schools increasing beyond their capacity. A recent review of data has shown pupil numbers are not as expected and a lower demand for places at Malton CP School has been experienced. Efforts have therefore been focussed on the expansion of St Mary's RC at this time.

St Mary's RC is the only denominational school within the Malton and Norton area and the impact on other educational establishments is expected to be minimal.

## **Project Costs**

### **(Indication of how these will be met, including how long term value for money will be achieved)**

The total project cost of delivering suitable facilities for the proposed expansion of St Mary's RC Primary School have been assessed by the recently completed feasibility study at £2.6m. The funding for the scheme will be a combination of Basic Need and developer contributions. This estimate is thought to be a worst case scenario and includes allowance for a number of risk factors at this early stage of the project. The use of developer contributions will be maximised as payments are received thereby reducing the call on Basic Need funding.

## **Implementation**

### **(Any proposed stages for implementation?)**

The following is an indicative timeline for the expansion proposal should it receive approval to proceed:

Feasibility and sketch design work	June to September 2017
Member decision to publish statutory proposals and notices	17 October 2017
Publication of statutory proposals	1 November 2017
Representation period	1 November to 29 November 2017

Determination of the proposal to expand and enlarge the school by the local authority	16 January 2018
Planning Approval, Detailed Design and Procurement	October 2017 to June 2018
Construction	Summer 2018
New places available	2018/19

Implementation will be conditional on the grant of planning approval by 30 June 2018.

### **Statement explaining the procedure for responses: support, objections and comments**

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposals by sending them to Strategic Planning, Children and Young People's Service, North Yorkshire County Council, County Hall, Northallerton, DL7 8AE by 5pm on 29 November 2017.

There is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, however, during the representation period the Diocese and Governing Body will be consulting on the proposal to ensure all relevant considerations are taken into account.

Local community and interested parties will also have the opportunity to comment on the proposals during the planning process.

## Appendix 4: Equality Impact Assessment

### Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

Proposal to significantly expand St Mary's Roman Catholic Primary School, Malton

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	CYPS Strategic Planning Team
Lead Officer and contact details	John Lee, Strategic Planning Officer, CYPS, County Hall
Names and roles of other people involved in carrying out the EIA	Julia Temple, Strategic Planning Officer, CYPS, County Hall
How will you pay due regard? e.g. working group, individual officer	LA Officers and School Governing Body
When did the due regard process start?	Discussions have taken place with local School leaders and the Diocese over a number of years. The formal process will

	commence on
--	-------------

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

The proposal is to permanently expand St Mary's Roman Catholic Primary School in Malton through a building programme to create two classrooms and the requisite ancillary spaces including a new school hall. This expansion proposal is one part of the County Council's strategy to meet the need for primary school places in North Yorkshire and to ensure that the Local Authority's duty to ensure sufficiency of school places under section 14 of the Education Act 1996 is satisfied.

The current capacity of the school is 150 and the proposed capacity will be 210. The current number of pupils registered at the school is 150. The current admission number for the school is 20 and the proposed admission number will be 30 effective from September 2018.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The County Council is under a statutory duty to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote fulfilment of every child's educational potential. St Mary's RC Primary School serves a wider catchment area due to its denominational status and this has continued to see a rise in pupil numbers over recent years. The school cannot continue to admit current numbers without additional accommodation for 2018/19.

**Section 3. What will change? What will be different for customers and/or staff?**

It is proposed that from September 2018 St Mary's RC Primary School, Malton will increase its capacity to be able to accommodate up to 210 pupils.

Implementation of the proposal will be conditional upon the grant of planning approval by 30 June 2018.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

There is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, however, during the representation period the Diocese and Governing Body will be



consulting on the proposal to ensure all relevant considerations are taken into account.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Cost neutral

Please explain briefly why this will be the result.

The building project will be funded through a combination of developer contributions and education grants specifically directed at creating additional school places.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age	x			.
Disability	x			Pupils – The school is mainstream offering universal provision.  Expertise will be utilised from the County Council to provide appropriate SEN support.
Sex (Gender)	x			No impact is anticipated.
Race	x			No impact is anticipated.
Gender reassignment	x			No impact is anticipated.
Sexual orientation	x			No impact is anticipated.
Religion or belief		x		The local authority will be able to meet the demand for denominational school places in Malton and the wider area.
Pregnancy or maternity	x			No impact is anticipated.
Marriage or civil partnership	x			No impact is anticipated.

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?	x			No impact
...have a low income?	x			No impact anticipated

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics?** (e.g. older women or young gay men) **State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

St Mary's RC Primary School in Malton is a Roman Catholic school, the proposed expansion will ensure additional places are available to meet demand for primary places of that religion/faith. Places are also available at the school , up to the admission number, for any other children after priority has been given to applications satisfying the Catholic faith criteria.

<b>Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>x</b>
<b>2. Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
<b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
<b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
<b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)	
It is anticipated there would be no identifiable impact on specific groups as a result of the project	

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)**

Monitoring will be carried out through the County Council’s Education and Skills Team and through Ofsted inspections.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Not applicable				

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The purpose of the decision is to ensure that the children are provided with the best education provision in the area in a sustainable, stable and effective manner.

**North Yorkshire County Council**

**Executive**

**17 October 2017**

**Minerals and Waste Joint Plan for North Yorkshire,  
York and the North York Moors National Park - Responses received during  
consultation on the Addendum of Proposed Changes to the Publication Draft of the  
Joint Plan and to recommend to Full Council that the Joint Plan be submitted for  
Examination in Public**

**Report of the Corporate Director – Business and Environmental Services**

**1.0 Purpose of Report**

- 1.1 To inform Executive on the outcomes of the consultation on the Schedule of Proposed Changes to the Publication Draft of Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park. A summary of the main representations received is provided as Appendix A together with a draft of the Authorities replies.
- 1.2 To seek approval to recommend to Full Council that approval be given to submit the Publication Draft (November 2016) of the Minerals and Waste Joint Plan for Examination in Public, and for it to be accompanied by the Addendum of Proposed Changes (July 2017).

**2.0 Executive Summary**

- 2.1 The Council has a statutory duty to prepare a new Minerals and Waste Plan to replace the ‘saved’ policies in its current Minerals and Waste Local Plans. The Minerals and Waste Plan is being prepared jointly with City of York Council and the North York Moors National Park Authority and will be known as the Minerals and Waste Joint Plan (the Joint Plan).
- 2.2 The Joint Plan is now at an advanced stage of preparation. A first consultation stage took place in May and June 2013, followed by a full Issues and Options consultation between February and April 2014. The Issues and Options consultation presented comprehensive information about the range of issues to be addressed in the Joint Plan, together with a range of policy options for dealing with them. A Supplementary Sites consultation occurred in early 2015 and consultation on a Preferred Options version of the Joint Plan took place in late 2015/early 2016. A final draft Joint Plan was published for formal representations on soundness and legal compliance in November/December 2016.
- 2.3 A consultation on an Addendum schedule of proposed changes (the Addendum), which could be included alongside the Plan when it is submitted for formal Examination in Public, took place between 12<sup>th</sup> July and 6<sup>th</sup> September 2017 for a period of 8 weeks. Within that period a total of 143 specific comments were received from 36 respondents (in addition, 19 responses stated ‘no comment’). The majority of the responses relate to the proposed changes regarding the policy approach for hydrocarbons (oil and gas development). An overview of the main representations

received, in Plan order, is attached as Appendix A. A full summary is contained in Appendix B.

- 2.4 In accordance with the Regulations, the purpose of publishing the Joint Plan was to provide an opportunity for those interested in the Plan to make representations on matters of soundness (i.e. whether the Joint Plan meets the tests of soundness for local plans as established in national planning policy) and whether it complies with relevant legislation including the statutory Duty to Cooperate on strategic cross-boundary issues. The Addendum of Proposed Changes was also published for consultation, in accordance with the Regulations, to give an opportunity for those interested in the Plan to make representations on matters of soundness and legal compliance.
- 2.5 The representations received on the published Joint Plan need to be provided to the Planning Inspectorate alongside the Plan, when it is submitted for independent Examination in Public (EiP). These representations, together with any changes proposed by the Joint Plan authorities (i.e. the Addendum), and any representations thereon, will need to be made available for consideration by the Inspector appointed to conduct the EiP. There is no provision for a response by the three authorities to the representations to the Addendum to be formally submitted when the Joint Plan is submitted. However, a draft response has been prepared which is attached as Appendix B for information.
- 2.6 The next statutory stage in preparation of the Joint Plan is to submit the Plan for Examination in Public by an independent planning inspector.

### **3.0 Background**

- 3.1 A decision to prepare a joint plan for minerals and waste was taken in 2013, recognising the benefits and efficiencies that can arise through joint working, including in terms of helping to satisfy the statutory Duty to Co-operate in plan making. Since then a substantial amount of work has taken place, including development of the evidence base, and the undertaking of consultations at various stages, as set out in 2.2-2.3 above, in the production of the Joint Plan between 2014 and 2017.
- 3.2 The new Joint Plan will replace existing policies in the Council's Minerals and Waste Local Plans. It will provide a basis for the taking of local decisions on planning applications on minerals and waste matters which fall to be determined by the County Council over the period to 31 December 2030.
- 3.3 The main purpose of consulting on proposed changes prior to submission was to help ensure that the Inspector appointed to conduct the EiP can have early regard to stakeholder views on the changes, to assist with the EiP process, and to help avoid delay to the Examination in the event that, once submitted, the Inspector considers that consultation should be carried out prior to proceeding with the remainder of the Examination.
- 3.4 It is a requirement of national policy and guidance that, in order to support preparation of a local plan, a Minerals and Waste Development Scheme (MWDS; essentially a published summary project plan) is maintained and updated as required. An updated project plan in the current MWDS was approved for publication in July 2017 in terms of the timing of submission of the development plan documents (Regulation 22), the commencement of examination (Regulation 24) and the adoption

of the Local Development Documents (Regulation 26). Publication of the updated MWDS took place on 28 July 2017.

#### **4.0 Issues**

- 4.1 The Addendum of Proposed Changes published for an eight week period between 12<sup>th</sup> July and 6<sup>th</sup> September 2017. The consultation was communicated through a range of means consisting of:
- Press release issued jointly by the three authorities;
  - Public notice in papers which provide geographical coverage over the Plan area including the Northern Echo and Yorkshire Post
  - Article in the NYCC electronic newsletter NY NOW
  - Information on the Joint Plan webpage hosted by NYCC
  - Notification via 'Twitter'
  - Posters in all libraries
  - Direct notification via email of over 12,000 individuals identified in the consultation databases of the three Authorities, as well as approximately 3,000 organisations including statutory and prescribed bodies such as parish councils, statutory and non-statutory consultees.
- 4.2 A total of 143 duly made comments were received from 36 respondents and an additional 19 responses stated 'no comment'. Appendix A provides an overview of the main points raised in representations on the Addendum of Proposed Changes.
- 4.3 The majority of representations relate to the hydrocarbon oil and gas policies M16, M17 and M18 and the associated supporting text with the comments (from 18 organisations/industry and 7 members of the public) being a combination of supports, objections and comments. Several comments relate directly to sites and site boundary changes regarding a reduction in the site area in response to historic environment issues. In general widespread support was received for proposed changes in relation to waste, infrastructure, safeguarding and development management policies.
- 4.4 Key matters regarding the hydrocarbon policies are:
- Generally support from activist/environmental groups was received for proposed changes where it was considered the changes went further to acknowledge the implications of shale gas extraction and placed greater restrictions on the industry.
  - Industry objected to the same changes because it was considered that the changes placed additional restrictions on the industry and did not reflect the different regulatory roles of planning relative to organisations such as the Oil and Gas Authority and the Environment Agency; or contradicted policy in adopted Minerals and Waste Plans elsewhere in the UK, or did not add any further value to the Plan.
  - A number of representations suggested that the policies should go further in restricting oil and gas development in order to strengthen the protection of communities, the environment and the economy of the Plan area.
  - Officers consider that as the Plan stands (Publication draft and Addendum of Proposed Changes) it goes as far as it possibly can in terms of protective policies and restricting oil and gas development in certain areas. It is considered that as it stands the Plan is 'sound' and fits within the national policy framework for oil and gas development. Any attempt to go beyond the restrictions imposed by national policy, could result in the Plan being found

'unsound' in relation to it being 'consistent with national policy' (NPPF paragraph 182).

- 4.5 Some objections consider that a proposed change will have a negative effect on the policy/supporting text and that the wording version in the Publication Draft should be used. In considering the proposed approach to submission of the Joint Plan, it is important to have regard to the following legislation and guidance. Section 20 of the Planning and Compulsory Purchase Act 2004 as amended requires that the plan must not be submitted unless relevant regulations have been complied with and the authority considers that the document is ready for examination. National Planning Practice Guidance indicates that the authority should submit a plan with 'any proposed changes it considers appropriate', the documents made available at publication stage, details of who was consulted and how the main issues are addressed, details of representations following publication and a summary of the main issues raised. It does not give any further detail on the procedure relating to proposed changes.
- 4.6 Procedural Practice in the Examination of Local Plans, published by the Planning Inspectorate in 2016, emphasises that the publication plan should be the plan it intends to submit for examination. It indicates that if the authority wishes to make changes to the publication plan those changes should be prepared as an addendum to the plan and should be subject to further consultation/sustainability appraisal before submission. It highlights that changes post submission are to cater for the unexpected and it is not to allow the authority to complete or finalise preparation of the plan. Main modifications will only be considered necessary to make the plan sound or compliant with the Regulations.
- 4.7 This guidance also states that where an addendum of focussed changes is submitted with the plan the Inspector will need to assess it – whether there is a change to strategy; whether there has been consultation. If satisfied on these points the addendum can be considered as part of the submitted plan. If this is not the case the Inspector may treat these as other main modifications at post submission/pre hearing stage. Authorities can make minor modifications to a plan on adoption and will be accountable for the scope of these.
- 4.8 It is considered that the Proposed Changes reflects the best position in terms of being in line with national planning policy and guidance through a positive approach to planning for development whilst providing robust protection for the communities, environment and economy for the Plan area. Therefore, the intention is to submit for examination the Publication draft Plan (2016) as the Submission Draft accompanied by the Addendum of Proposed Changes (2017) for an Inspector to consider.
- 4.9 Approval of the Plan for Submission for EiP is a matter for Full Council at North Yorkshire which will also be required for the City of York Council and the equivalent function at the North York Moors National Park Authority. Should approval be secured from all three authorities then it is anticipated that all the relevant documents will be ready to be submitted in mid-late November 2017.

## **5.0 Policy Implications**

- 5.1 Preparation of a local plan for minerals and waste is a statutory requirement and is needed to ensure that the policy framework for these types of development is up to date and reflects current national policy. When adopted, the Plan will be part of the Councils' formal policy framework and will be important in guiding decisions on planning applications which fall to be dealt with by the County Council.

## **6.0 Options**

- 6.1 The process of local plan preparation involves the identification and consideration of options and this was addressed in detail in the Issues and Options consultation undertaken in 2014. The outcome of that consultation and other consultation activity has informed the preparation of the Joint Plan.

## **7.0 Financial Implications**

- 7.1 Budgetary provision is in place through allocation of a reserve to support preparation of the Joint Plan through to adoption. Preparation of the Plan on a joint basis has resulted in opportunities for cost saving through joint commissioning of evidence and sharing of costs relating to consultation and document production.

## **8.0 Legal Implications**

- 8.1 Preparation of a local plan for minerals and waste is a statutory requirement under the Planning and Compulsory Purchase Act 2004. As the Joint Plan will form part of the Council's formal policy framework, approval from full County Council will be required prior to submission of the Plan for EiP. Equivalent approval from the two partner Authorities will also be required. Section 20 of the Planning and Compulsory Purchase Act 2004 as amended requires that the plan must not be submitted unless relevant regulations have been complied with and the authority considers that the document is ready for examination.

## **9.0 Consultation Undertaken and Responses**

- 9.1 As noted in paragraphs 4.1 to 4.4, extensive consultation has taken place during preparation of the Joint Plan. This process is outlined in a Statement of Consultation which will be submitted alongside the Plan. A brief summary of representations received to the published Plan was contained in the appendices to the report to Executive on 7 March 2017 and the summary of representations to the Addendum of Proposed Changes is given in Appendix A.
- 9.2 During preparation of the Joint Plan a number of meetings of the informal NYCC Minerals and Waste Development Framework Member Working Group were held, together with meetings of the Minerals and Waste Joint Plan Joint Member Working Group. These meetings have helped shape the content of the draft Plan. A joint review of shale gas issues by the NYCC Scrutiny of Health and Environment and Transport Scrutiny Committees has also helped to inform the content of the Plan.

## **10.0 Impact on other Services/Organisations**

- 10.1 When finalised, the Joint Plan should provide greater clarity to developers, the public and other interested parties about what types of development are likely to be acceptable and in what locations. The Plan also provides an opportunity to help support sustainable economic growth in the area by identifying and, where practicable, making provision for future development needs.
- 10.2 It is also important to acknowledge that, as a Joint Plan, it needs to adequately reflect the objectives and aspirations of the partner organisations involved in its preparation, whose approval will also be required before the Plan is submitted for EiP.



## **11.0 Equalities Implications**

- 11.1 An Equalities Impact Assessment (screening stage) has been carried out to support the Plan. This has concluded that a full Assessment is not required, taking into account the role of the Plan, the issues addressed and the mitigation measures to minimise adverse impacts on local communities which are contained in the Policies in the Plan.

## **12.0 Environmental Impacts/Benefits**

- 12.1 A key role of the Joint Plan is to help support sustainable minerals and waste development. A Sustainability Appraisal and Strategic Environmental Assessment, incorporating Strategic Flood Risk Assessment and assessment under the Habitats Regulations has been undertaken to help ensure that the policies and site allocations are sustainable and contain appropriate mitigation of adverse effects where necessary. Inevitably, development of this nature can give rise to adverse impacts in particular localities. The policies are intended to ensure that, where necessary development takes place, it can proceed in a manner which ensures appropriate protection of the environment.

## **13.0 Recommendations**

- 13.1 The Executive note the representations received during the consultation on the Addendum of Proposed Changes to Publication Draft of the Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park (Appendix A) and the draft response to those representations.
- 13.2 The Executive endorse the points made in paragraphs 4.5 – 4.8 that no substantial changes are needed to be made to the Draft Minerals and Waste Joint Plan.
- 13.3 The Executive recommend to full County Council that the published Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park, together with the approved schedule of proposed changes, be approved for submission for Examination in Public.
- 13.4 The Executive delegate authority to the Corporate Director, Business and Environmental Services, in consultation with the Executive Member, to agree any further or revised responses and proposed changes during the Examination period.

DAVID BOWE  
Corporate Director – Business and Environmental Services

Report author: Rachel Pillar

Background documents: None

## 002: Context

### 002: Context

#### Tarmac

0317/0016/PC043/S

Paragraph 2.026  
 Proposed Change PC043  
 Policy Number  
 Site Reference

#### Comment

The proposed change to para 2.26 is supported in that the para is now consistent with NPPF paragraph 144 and therefore considered to be sound.

#### CPRE (North Yorkshire Region)

2173/0044/PC044

Paragraph 2.026  
 Proposed Change PC044  
 Policy Number  
 Site Reference

#### Comment

The inclusion of the revised text in relation to Green Belt is welcomed and has ensured conformity with National Policy and Guidance on the matter, these changes are considered to be sound.

#### CPRE (North Yorkshire Region)

2173/0045/PC045/S

Paragraph 2.054  
 Proposed Change PC045  
 Policy Number  
 Site Reference

#### Comment

The reference to conserving the important setting and coastline of the Flamborough Headland Heritage Coast is welcomed and the specific reference to the North East Marine Plan, the Marine Policy Statement is consistent with national policy and proposed change considered sound.

#### CPRE (North Yorkshire Region)

2173/0046/PC046/S

Paragraph 2.054  
 Proposed Change PC046  
 Policy Number  
 Site Reference

#### Comment

The reference to conserving the important setting and coastline of the Flamborough Headland Heritage Coast is welcomed and the specific reference to the North East Marine Plan, the Marine Policy Statement is consistent with national policy and proposed change considered sound.

## 005: Minerals

### 009: Crushed Rock

Paragraph 5.031p  
Proposed Change PC050  
Policy Number M06  
Site Reference

Comment

Policy M06 is not consistent with national policy and so considered unsound.

The policy is not consistent with the wording in the NPPF Paragraph 145 with regards to the provision of landbanks for crushed rock. The NPPF requires 'the maintenance of at least 10 years' and does not refer to a 'minimum 10 year landbank' as set out in Policy M06.

The policy's requirement to source new reserves from outside the National Park and AONBs is also not consistent with National Policy. NPPF Paragraph 144 states:

'...as far as practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Boards, Areas of Outstanding Natural Beauty, World Heritage Sites, Scheduled Monuments and Conservation Areas.'

As currently drafted the policy seems to imply no future development in the National Park regardless of the circumstances.

**Suggested Modification**  
Reword the Policy to make it consistent with the NPPF

A [minimum overall] landbank of AT LEAST 10 years will be maintained for crushed rock throughout the Plan period. A separate [minimum 10 year] landbank OF AT LEAST 10 YEARS will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain [the overall] A landbank [above the 10 year minimum] OF AT LEAST 10 YEARS these will be sourced form outside the National Park and Areas of Outstanding Natural Beauty AS FAR AS PRACTICAL.

**Tarmac**

0317/0017/PC050/LC.U

Paragraph 5.031p  
Proposed Change PC050  
Policy Number M06  
Site Reference

**Comment**

Although the wording of the proposed change is supported, Tarmac’s initial representations regarding Policy M06 remain. Policy M06 is not consistent with NPPF on two counts and is therefore considered unsound. The wording of Policy M06 is not consistent with the wording of NPPF para 145 with regards to the provision of landbanks for crushed rock. The NPPF requires “the maintenance of at least 10 years” and does not refer to a “minimum 10 year landbank” as set out in Policy M06. The policy’s requirement to source new reserves from outside the National Park and AONBs is not consistent with NPPF para 144, which states: “... AS FAR AS IS PRACTICABLE [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage Sites, Scheduled Monuments and Conservations Areas”. Policy M06 seems to imply no future development in the National Park regardless of circumstances.

**Suggested Modification**

Policy M06 should be reworded as suggested below to make it consistent with the NPPF:  
“A landbank of AT LEAST 10 years will be maintained for crushed rock throughout the Plan period. A separate landbank OF AT LEAST 10 YEARS will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain overall A landbank OF AT LEAST 10 YEARS these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty AS FAR AS IS PRACTICABLE.”

010: Maintenance of Primary Aggregate Supply

**Historic England****0120/0006/PC098//S**

Paragraph 5.035s  
 Proposed Change PC098  
 Policy Number M07  
 Site Reference MJP06

**Comment**

This Proposed Change is sound.

The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale.

Historic England was involved in discussions regarding the application for mineral extraction from this site (Langwith House Farm) which is currently awaiting determination. In our response, we commented that we considered that the supporting information had demonstrated that there will not be a direct physical impact on known archaeological deposits associated with the Thornborough Henges or their key visual relationships.

However, we did consider that further mineral extraction in this area would have a harmful cumulative impact on the setting of the heritage assets (designated and undesignated) associated with the Thornborough Henges, the promontory of Thornborough Moor on which they sit and, specifically, the ability to appreciate and experience them in their landscape. However, we considered that the mitigation measures proposed as part of that application offered a clear opportunity to reverse some of the harmful impacts of past quarrying in the landscape and to reconnect the henges with their landscape setting.

Given the potential for nationally-important archaeological remains on at least part of this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This Proposed Change reflects the recommendation of the Sustainability Appraisal Heritage Impact Assessment.

**Tarmac****0317/0020/PC098/LC.S**

Paragraph 5.035s  
 Proposed Change PC098  
 Policy Number M07  
 Site Reference MJP06

**Comment**

Support the addition of the proposed change under the development requirements criteria for the site allocation MJP06 at Langwith Hall Farm to include a requirement for any application to be supported by an archaeological assessment.

**Historic England****0120/0007/PC099/S**

Paragraph 5.035s  
 Proposed Change PC099  
 Policy Number M07  
 Site Reference MJP07

**Comment**

This Proposed Change is sound.

The application site lies within the Swale/Ure river catchments. This larger area contains the most significant concentration of Neolithic and Bronze Age monuments and related archaeological deposits in the north of England. Within this area are seven henges, two cursus monuments, several barrows, enclosures, pit alignments and the Devil's Arrows standing stones. Many of the features within this landscape are scheduled as nationally important. The three henges on Thornborough Moor are unparalleled in their size, alignment and form, and the degree of preservation. The northern henge, currently under woodland, is probably the best preserved such monument in the country; only the great bank and ditch at Avebury exceeds it in scale.

Archaeological evaluations within the site area have demonstrated the presence of archaeological features in the southern half of this site (identified in the Environmental Statement which accompanied Application No NY/2011/0242/ENV as Area D). These should be considered as having high archaeological value and are part of, and contribute to, our understanding of the significance of the Thornborough landscape.

Given the potential for nationally-important archaeological remains on at least part of this site, it is essential that any application is informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change project). This Proposed Change reflects the recommendation of the Sustainability Appraisal Heritage Impact Assessment.

The Development Requirements for the site East of Well includes one relating to the restoration scheme using opportunities to reconnect the Henges to their landscape setting. In view of the proximity of these two sites, it is wholly appropriate that a similar requirement should be included within its Development Requirements.

**Tarmac****0317/0021/PC099/LC.S**

Paragraph 5.035s  
 Proposed Change PC099  
 Policy Number M07  
 Site Reference MJP07

**Comment**

Support the addition of the proposed change under the development requirements criteria for the preferred area MJP07 at Oaklands to include a requirement for any application to be supported by an archaeological assessment and reconnection of henges to their landscape setting.

**Kirkby Fleetham with Fencote Parish Council****0713/0001/PC100/LC.S**

Paragraph 5.035s  
 Proposed Change PC100  
 Policy Number M07  
 Site Reference MJP33

**Comment**

The Proposed Change is considered Legally Compliant and Sound.

**Kirkby Fleetham with Fencote Parish Council****0713/0002/PC101/LC.S**

Paragraph 5.035s  
Proposed Change PC101  
Policy Number M07  
Site Reference MJP21

[Comment](#)

The Proposed Change is considered Legally Compliant and Sound.

**Natural England****0119/0117/PC101/LC.S**

Paragraph 5.035s  
Proposed Change PC101  
Policy Number M07  
Site Reference MJP21

[Comment](#)

Welcomes this clarification.

**Tarmac****0317/0022/PC1011/LC.S**

Paragraph 5.035s  
Proposed Change PC101  
Policy Number M07  
Site Reference MJP21

[Comment](#)

Support the additional wording “and connectivity” to be added to the last bullet point under the Development requirements criteria for the Killerby site allocation MJP21 which refers to restoration schemes.

**Tarmac**

**0317/0023/PC102/U**

Paragraph 5.035s  
Proposed Change PC102  
Policy Number M07  
Site Reference MJP21

**Comment**

Do not support the proposed revision to the site boundary of the Killerby site allocation MJP21 to exclude land nearest to the Killerby Hall Stable Block listed building. This has been made in response to the representations submitted by Historic England (Ref. 0120/0044/M07/U). This revision is not justified.

Tarmac has previously submitted representations on this subject (Dec 2016 and Jan 2017) and it is considered that these are still valid and should be taken into account. See attached copy of the supporting archaeological assessment submitted on behalf of Tarmac by Wardell Armstrong (Dec 2016).

Disagree that the setting of the listed stable block beside Killerby Hall includes the wider agricultural landscape and consider its setting to be the non registered park and garden. There has been change to the immediate surroundings of the stable block over time, not least a new large building (18x24m and 8.8m tall, granted under PD rights in 2014) and constructed approximately 50m away from it to the north, for the storage of biomass. The area which is to be removed from the allocations under PC102 broadly covers Phases 1A and 2A of the proposed extraction area (see attached figure). Once sand and gravel is extracted, this area would be used as silt lagoons progressively infilled and then restored back to agriculture; thus any change to the character of the land south east and beyond the currently non registered park and garden, from which the stable block could be appreciated, would be temporary and generally reversible.

The revised site boundary for the allocation MJP21 will reduce the reserve by approximately 750,000 tonnes (6.8% of the deposit) and the duration of operations by 2 years. These reserves would thus be sterilised unnecessarily. The land in question is to be used following extraction of sand for silt disposal in formed lagoons. The position of these lagoons for sustainable operations, including water management reasons, needs to be in close proximity to the processing plant. The position of the processing plant has been sited in the most appropriate location following environmental and operational assessment; thus the location of the lagoons and the plant site are interdependent and the proposed site boundary revision to remove the area should not be considered only in terms of an arithmetical reduction of tonnage as referred to above.

MJP21 is currently subject of a planning application with accompanying EIA (App Ref. NY/2010/0356/ENV) which NYCC have resolved to approve. Both NYCC and Historic England (HE) have been carefully consulted as part of the planning application process. A working scheme of investigation (WSI) has been implemented at Killerby and HE has declined the opportunity to make further comment when re-consulted. The application has clearly demonstrated that there would be no significant adverse effect upon the setting of the Killerby Hall Stable Block.

In conclusion, Tarmac strongly believes there is insufficient justification for the proposed site boundary revision to site allocation MJP21 at Killerby.

**Suggested Modification**

The original site boundary for the MJP21 Killerby site allocation should be reinstated.



**Minerals Products Association****0115/0087/PC102/U**

Paragraph 5.035s  
Proposed Change PC102  
Policy Number M07  
Site Reference MJP21

**Comment**

Have no comments on the specific merits or otherwise of this site allocation but concerned that the site boundaries have been changed at this late stage in the Plan process as a matter of principle.  
A detailed sustainability appraisal has been undertaken by the mineral planning authority to inform the plan making process and it wrong as a matter of principle to reduce the site extent following the observations from Heritage England without detailed evidence.  
The issues of setting, if relevant, would be a matter to be properly tested at the planning application stage. It is not sustainable to sterilise mineral at this stage of the mineral plan process.

**Suggested Modification**

The original site boundary for the site allocation should be reinstated.

**Kirkby Fleetham with Fencote Parish Council****0713/0003/PC102/LC.S**

Paragraph 5.035s  
Proposed Change PC102  
Policy Number M07  
Site Reference MJP21

**Comment**

The Proposed Change is considered Legally Compliant and Sound.

**Historic England**

0120/0008/PC102/S

Paragraph 5.035s  
Proposed Change PC102  
Policy Number M07  
Site Reference MJP21

**Comment**

This Proposed Change is sound.

Following the last Consultation, we visited this site with the local planning authority and the Consultants acting for the applicants. This visit confirmed our concerns about the impact which mineral development in this location might have upon the Grade II Listed stable block to Killerby Hall. As a result we maintain our view that the Heritage Impact Assessment (HIA) has under-scored the degree of harm that the development of this area would be likely to cause to this designated heritage asset. Having said that, however, we now are in a position to confirm that, in our opinion, extraction from this area is unlikely to harm the setting of the other designated heritage assets in the vicinity of this site.

In terms of the Stable Block to Killerby Hall, the HIA which accompanied the Sustainability Appraisal considered that this site “forms an important part of the agricultural landscape context of the overall farm/hall complex, which is the primary setting of the building”. Although this could not be said to be true of the whole of this extensive Allocation, certainly this is the case for the field which lies to the south-east of this Listed Building. From the public footpath which runs along the northern boundary of this field the buildings at Killerby Hall and, especially, the stable block are extremely prominent. As such the view from this part of the site enables the Listed stable block to be appreciated in the context of the other historic buildings at Killerby Hall, the parkland surrounding these buildings, and within its wider rural setting. In the words of the NPPF and its definition of setting, we consider these views make a positive contribution to the significance of the stable block.

That being the case, then the loss of this particular field and mineral extraction from it would, according to the scoring system used in the HIA, be likely to have a “Moderate Negative Effect” upon the stable block. Moreover, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of this Listed Building. For example, screening would itself involve the introduction of a feature which is not typical of this particular landscape character and therefore cause harm to the setting of the Listed Building.

When considering the impact of proposals upon the significance of a designated heritage asset, Para. 132 of the NPPF makes it clear that “great weight” should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.

Therefore, an allocation which would be likely to result in harm to elements which contribute to the significance of a Listed Building would be contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act unless there were clear public benefits which outweighed that harm.

The proposed amendment to the site’s boundary will reduce the harm to the setting of this building.

**Natural England****0119/0118/PC103/LC.S**

Paragraph 5.035s  
Proposed Change PC103  
Policy Number M07  
Site Reference MJP17

[Comment](#)

Welcomes this clarification.

**Tarmac****0317/0024/PC103/LC.S**

Paragraph 5.035s  
Proposed Change PC103  
Policy Number M07  
Site Reference MJP17

[Comment](#)

Support the additional wording “and connectivity” to be added to the last bullet point under the Development requirements criteria for the Land South of Catterick site allocation MJP17 which refers to restoration schemes.

**Kirkby Fleetham with Fencote Parish Council****0713/0004/PC103/LC.S**

Paragraph 5.035s  
Proposed Change PC103  
Policy Number M07  
Site Reference MJP17

[Comment](#)

The Proposed Change is considered Legally Compliant and Sound.

**Kirkby Fleetham with Fencote Parish Council****0713/0005/PC104/LC.S**

Paragraph 5.035s  
Proposed Change PC104  
Policy Number M07  
Site Reference MJP17

[Comment](#)

The Proposed Change is considered Legally Compliant and Sound.

**Historic England**

**0120/0009/PC104/S**

Paragraph 5.035s  
Proposed Change PC104  
Policy Number M07  
Site Reference MJP17

**Comment**

This Proposed Change is sound.

Following the last Consultation, we visited this site with the local planning authority and the Consultants acting for the applicants. The site visit confirmed our view that mineral development of this site is likely to harm the setting of both the Grade II Listed Rudd Hall and its neighbour the Grade II Listed Gyll Hall.

Rudd Hall occupies a prominent hill-top site and has clearly been designed to command views across the surrounding landscape. The Heritage Impact Assessment (HIA), which accompanied the Sustainability Appraisal, considered that this site “forms an important part of the agricultural landscape context” of this building. We would concur with this evaluation.

In a similar manner the principal elevation of Gyll Hall commands views in a southerly direction across the land which falls away from the house towards Lords Lane. Once again, the Assessment considered that this area formed part of “the wider agricultural landscape” which is “important to the significance” of Gyll Hall. Again, we would agree with this evaluation.

As a result, the HIA considered that the loss of this site and its subsequent development for minerals extraction would be likely to have a “moderately negative effect” on the significance of the both these Listed Buildings (i.e. the second-highest magnitude of harm). We would endorse this conclusion. Moreover, it does not appear from the Appraisal that this harm is capable of mitigation in a manner which, itself, would not harm the significance of these designated heritage assets.

When considering the impact of proposals upon the significance of a designated heritage asset, Para. 132 of the NPPF makes it clear that “great weight” should be given to the conservation of those assets. In addition, there is a requirement under S66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.

Therefore, an allocation which would be likely to result in harm to elements which contribute to the significance of two Listed Buildings in its vicinity would be contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act unless there were clear public benefits which outweighed that harm.

The proposed amendment to the extent of Site MJP17 will help to reduce the harm to the setting of these Listed Buildings.

**Minerals Products Association**

**0115/0088/PC104/U**

Paragraph 5.035s  
Proposed Change PC104  
Policy Number M07  
Site Reference MJP17

**Comment**

Have no comments on the specific merits or otherwise of this site allocation but concerned that the site boundaries have been changed at this late stage in the Plan process as a matter of principle.  
A detailed sustainability appraisal has been undertaken by the mineral planning authority to inform the plan making process and it wrong as a matter of principle to reduce the site extent following the observations from Heritage England without detailed evidence.  
The issues of setting, if relevant, would be a matter to be properly tested at the planning application stage. It is not sustainable to sterilise mineral at this stage of the mineral plan process.

**Suggested Modification**

The original site boundary for the site allocation should be reinstated.

## Tarmac

0317/0025/PC104/U

Paragraph 5.035s  
Proposed Change PC104  
Policy Number M07  
Site Reference MJP17

### Comment

Do not support the proposed revision to the site boundary of the Catterick site allocation MJP17 to exclude land nearest to the Rudd Hall and Ghyll Hall listed buildings. This has been made in response to the representations submitted by Historic England (Ref. 0120/0044/M07/U). This revision is not justified.

Tarmac have previously submitted representations on this subject (Dec 2016 and Jan 2017) and it is considered that these are still valid and should be taken into account. A summary of these representations is set out below.

Given the orientation of the Rudd Hall front façade westwards towards the road that approaches it, and the fact that Rudd Hall farm is immediately east of the Hall at least partially blocking views eastwards, it is considered not proven that development of the allocation would cause the level of harm anticipated by Historic England (HE). Even if the extent of any potential extraction area were to be curtailed, the extent that this should be extended as proposed under PC104 is questionable.

Ghyll Hall clearly faces south and there are a multitude of farm buildings to the east of it. There may be some justification to partially reduce the westward extent of an extraction area south of this Hall, and any boundary redrawn at this stage would require a more detailed assessment.

The removal of the proposed fields from the allocation will reduce the reserve by approximately 1,030,500 tonnes and the duration of operations by just over 2 years assuming 500,000 tonnes per annum production. As a result of the revised site boundary, the area of reserves proposed to be removed from the allocation are substantial, leaving only approximately 1.1m tonnes in a narrow north west corridor, a tonnage that would not be economically viable for a greenfield site.

It has been proposed that, in general terms, landscape planting and temporary screening bunding would be put in place between the site and the listed buildings. Tarmac does not feel that the potential benefits of these measures to mitigate visual effects has been given due consideration and thus the reserves at the site could potentially be sterilised unnecessarily.

The allocation of a site area does not necessarily mean that the whole of the land within the allocation could, would or should be extracted. Extraction boundaries would have to be justified in EIA studies supporting any planning application.

Tarmac strongly believes there is insufficient justification or particular necessity for the proposed site boundary revision to site allocation MJP17 at Catterick at this stage. Instead the text attached to the allocations should require that visibility to and from the setting of listed buildings should be thoroughly investigated, once potential site design has been development, so as not to cause substantial harm to the setting of the listed buildings.

### Suggested Modification

The original site boundary for the MJP17 Catterick site allocation should be reinstated.

**Hanson UK**

**1102/0036/PC053/U**

Paragraph 5.072  
Proposed Change PC053  
Policy Number M12  
Site Reference

**Comment**

A planning application for Blubberhouses Quarry was submitted in December 2011. In July 2016 the application considered that all outstanding matters had been addressed and the application was in a position to be determined, to date it remains undetermined.

The delay appears to be the potential re-alignment of the A59 which may impact the Blubberhouses site, since no proposals have as yet come forward it is not possible for the applicant to undertake an assessment of the design or cumulative impact of the potential re- alignment as part of the existing application. The applicant considers that the Council should determine the existing planning application, and that it should be for any road re-alignment planning application to consider and justify the design and cumulative impacts taking into consideration Blubberhouses Quarry. In light of this the revised wording of paragraph 5.72 is not considered to be justified, positively prepared or effective and suggest amending the text.

**Suggested Modification**

A further relevant consideration in respect of Blubberhouses Quarry is that the County Council (within its Local Transport Plan 4: strategy and strategic transport prospectus) and the York and North Yorkshire & East Riding Local Enterprise Partnerships (within its strategic economic plan) have identified the need to realign the A59 road at Kex Gill, near Blubberhouses quarry, as a key strategic priority. The existing alignment of the A59 in the Kex Gill area is subject to poor land stability issues, resulting in several road closures taking place on this regionally important strategic trans Pennine route over the past 15 years.

A definitive proposed realignment is not yet available and there is no safeguarded route. ONCE A DEFINITIVE ROUTE HAS BEEN SAFEGUARDED, THE DESIGN OF THE A59 MAY NEED TO TAKE INTO ACCOUNT BLUBBERHOUSES QUARRY AND THE POTENTIAL FOR CUMULATIVE IMPACTS. [Work is currently on going identifying options, however there is potential for this project to overlap with the Blubberhouses quarry site. In this scenario there would be a need to ensure that the potential for conflict between road realignment and the quarry is reflected in design of both schemes and the potential for any cumulative impact taken into account where necessary.]

**013: Clay**

**Natural England**

**0119/0120/PC106/LC.S**

Paragraph 5.074s  
Proposed Change PC106  
Policy Number M13  
Site Reference MJP55

**Comment**

Welcomes the addition of the York-Selby Cycle Track SINC in the Key Sensitivities and Development Requirements for allocation MJP55.

**CPRE (North Yorkshire Region)****2173/0047/PC106**

Paragraph 5.074s  
 Proposed Change PC106  
 Policy Number M13  
 Site Reference MJP55

**Comment**

Welcome the reference to the York and Selby Cycle Track SINC within the 1st bullet point of key sensitivities within MJP55.  
 A full archaeological assessment should be required prior to development (in line with those related suggested changes in PC98 and PC99 relating to sand and gravel sites) and alternative sites should be considered prior to any permission being granted.

**015: Hydrocarbons****Frack Free Ryedale****3684/0051/PC056/LC.S.DTC**

Paragraph 5.107  
 Proposed Change PC056  
 Policy Number  
 Site Reference

**Comment**

Supportive of the recognition that exploratory activity is intensive and for unconventional hydrocarbons the activity may take considerably longer than conventional sites. A time period of 12 to 25 weeks is given for conventional hydrocarbons but no estimate is given for unconventional hydrocarbons. This suggests that activity will last for a much longer period and any such period may be acceptable.

Much of the Plan area is rural with low levels of background noise. Prolonged activity in the exploration stage will in many cases be unacceptable to local communities.

Supportive of the proposed amendment to state that the production stage may include refracturing of existing wells.

**Suggested Modification**

Exploratory work should be limited to a defined period otherwise there will be excessive (and open ended) nuisance caused to the local community.

**Zetland Group****2145/0012/PC056/U**

Paragraph 5.107  
 Proposed Change PC056  
 Policy Number  
 Site Reference

**Comment**

The Proposed Change to para 5.107 is not effective. Additional text suggested to para 5.107 first bullet point, to clarify that activity will be subsequent to drilling. Our comment at Publication stage on this paragraph still stands.

**Suggested Modification:**

For unconventional hydrocarbons, exploratory activity, SUBSEQUENT TO DRILLING, may take considerably longer, especially if hydraulic fracturing...



**Frack Free Ryedale**

**3684/0052/PC057/LC.S.DTC**

Paragraph 5.107  
Proposed Change PC057  
Policy Number  
Site Reference

Comment

Supportive of the recognition that exploratory activity is intensive and for unconventional hydrocarbons the activity may take considerably longer than conventional sites. A time period of 12 to 25 weeks is given for conventional hydrocarbons but no estimate is given for unconventional hydrocarbons. This suggests that activity will last for a much longer period and any such period may be acceptable.

Much of the Plan area is rural with low levels of background noise. Prolonged activity in the exploration stage will in many cases be unacceptable to local communities.

Supportive of the proposed amendment to state that the production stage may include refracturing of existing wells.

Suggested Modification

Exploratory work should be limited to a defined period otherwise there will be excessive (and open ended) nuisance caused to the local community.

**4124/0123/PC057/S**

Paragraph 5.107  
Proposed Change PC057  
Policy Number  
Site Reference

Comment

This proposed change is supported and should be included in the final Plan.

**Frack Free Ryedale**

**3684/0061/PC058/LC.U.DTC**

Paragraph 5.111  
Proposed Change PC058  
Policy Number  
Site Reference

Comment

The proposed change of words is contradictory when compared to the description of the exploration stage (i.e. early stage of development) given in the summary in para. 5.107 first bullet point. Here the plan text talks about 'temporary and intermittent activity'. The words in 5.107 talk of 'intense activity' and goes on to say that this will be (in case of unconventional hydrocarbons) for a considerably longer period.

Suggested Modification

There cannot be two different descriptions.

The Plan here must state the same as 5.107 that 'there will be intense activity in the early stages of development of a well site, which could extend for 12-25 years for conventional hydrocarbons and potentially considerably longer for unconventional hydrocarbons'

**Frack Free Ryedale****3684/0062/PC059/LC.U.DTC**

Paragraph 5.112  
 Proposed Change PC059  
 Policy Number  
 Site Reference

**Comment**

For the sake of clarity and to be consistent with national policy an addition should be made after the proposed amended wording.

**Suggested Modification**

Suggest the addition of the following in relation to and immediately following the new sentence in para. 5.112 that states ..'ALTHOUGH THE ONSITE STORAGE OF SUCH RETURNED WATER AND THE TRAFFIC MOVEMENTS ASSOCIATED WITH REMOVING THE WATER IS A MATTER FOR THE MPA, AS DIRECTED BY PARAGRAPH 112 OF THE MINERALS PPG.'

**Zetland Group****2145/0013/PC059/U**

Paragraph 5.112  
 Proposed Change PC059  
 Policy Number  
 Site Reference

**Comment**

The Proposed Change to para 5.112 is not effective. The proposed change does not fully reflect the regulatory role of the Environment Agency which, for clarity, includes the management of extractive waste, groundwater protection, soil contamination, air pollution and NORM.

**Third Energy Limited****2762/0100/PC059/U**

Paragraph 5.112  
 Proposed Change PC059  
 Policy Number  
 Site Reference

**Comment**

Considers the proposed change is not effective as it does not reflect the full established regulatory role of the Environment Agency which includes not just management of returned water and NORM but also air pollution, soil contamination, groundwater protection and the management of extractive waste.

**Third Energy Limited****2762/0101/PC061/U**

Paragraph 5.118  
 Proposed Change PC061  
 Policy Number  
 Site Reference

**Comment**

Considers the proposed change is not effective as it reduces the scope of the statement to just pollution control regimes implying that the Mineral Planning Authority reserves the right to focus on other potential impacts that fall outside pollution control, e.g. induced seismicity that is within the remit of the Oil & Gas Authority. This is in contradiction to the statement made at Paragraph 17 of the Addendum (under the heading Explanation of Proposed Changes).

**Frack Free Ryedale****3684/0063/PC061/LC.U.DTC**

Paragraph 5.118  
 Proposed Change PC061  
 Policy Number  
 Site Reference

**Comment**

Suggest additional text to align the Plan more closely with national policy.

**Suggested Modification**

The following should be added to the final amendment to para. 5.118  
 'HOWEVER, THE MPA MUST SATISFY THEMSELVES THAT ISSUES CAN BE AND WILL BE ADEQUATELY ADDRESSED BY THE RELEVANT REGULATORY BODY.'

**United Kingdom Onshore Oil and Gas (UKOOG)****3997/0106/PC062/U**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

Paragraph 5.119(g) should be removed. The nature of activities required to extract conventional or unconventional hydrocarbons will vary on a site by site basis. UKOOG see no justification for this paragraph, which is therefore considered to be unsound.

**Egdon Resources (UK) Limited****0150/0090/PC062/LC.U.DTC**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

Disagrees as the text still contradicts Policy M9 of the adopted Lincolnshire M&WLP (2016) that makes clear that there is no difference in planning terms between conventional and unconventional hydrocarbons. Moreover, neither NPPF or Minerals PPG makes any distinction between conventional and unconventional hydrocarbons. The focus should be on exploration, appraisal and production stages. It should be amended to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development. Suggested text change is: IT IS CONSIDERED THAT THERE IS NO JUSTIFIABLE REASON IN PLANNING POLICY TERMS TO SEPARATE SHALE GAS FROM OTHER HYDROCARBON DEVELOPMENT. ALL HYDROCARBON DEVELOPMENT HAS THE POTENTIAL TO DELIVER NATIONAL ENERGY REQUIREMENTS, BUT SHOULD BE SUBJECT TO ENVIRONMENTAL SAFEGUARDS.

**Cuadrilla Resources Ltd****3704/0112/PC062/LC.U.DTC**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

Para 5.119 g) to be removed as it doesn't add any further value. The nature of activities required to extract conventional or unconventional hydrocarbons would vary on a site by site basis. Such activities would not necessarily be consistent between different sites where conventional (or unconventional ) geology was present at both sites.

**Proposed Modification**

Delete Para 5.119 g)

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

#### Comment

PC62 makes the distinction between conventional and unconventional hydrocarbons based on the porosity or permeability of the rocks they are produced from, without giving a precise definition of what conventional and unconventional mean. While shale gas and coal bed methane are well known as unconventional hydrocarbons, tight gas can also be regarded as unconventional as it requires fracturing.

The proposed change is not justified as when a planning application is submitted there may be a dispute about whether certain hydrocarbons are conventional or unconventional. The definition of unconventional hydrocarbons before the proposed change is more appropriate. The definition made it clear that that shale gas and coal bed methane are always regarded as unconventional hydrocarbons while other hydrocarbons are also regarded as unconventional if hydraulic fracturing is used.

The proposed change is not in compliance with national policy as the effect would be to remove restrictions on unconventional hydrocarbon development from some development which includes hydraulic fracturing. The restrictions which will be removed would include spatial restrictions in part e) of Policy M16, which apply to sites being re-purposed from conventional to unconventional hydrocarbon development.

#### Suggested Modification

This change should not be included in the Plan and the definition of conventional and unconventional hydrocarbons should remain as in the Publication document. This will make the plan better justified as it will make the distinction between conventional and unconventional hydrocarbons clearer and the way the policies will be applied will also be clearer.

The removal of the proposed change will also make the plan more consistent with paragraphs 110 and 123 of the NPPF as it will limit the spread of the unconventional gas industry.

### CPRE (North Yorkshire Region)

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

#### Comment

It would be helpful to provide more definitions within this paragraph to explain what is meant by 'short-term' and 'long-term' activities in relation to that set out in the Minerals PPG for greater clarity.

It would also be useful to use the Minerals PPG definition of conventional hydrocarbons setting out that 'higher geology' reservoirs often mean sandstone and limestone.

Fully support the revision to point g) of this paragraph in relation to the fact it is possible to draw distinctions between conventional and unconventional hydrocarbon activity by the details of the proposals.

**Frack Free Ryedale****3684/0064/PC062/LC.U.DTC**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

Suggest an amendment to 5.119 bullet d as below  
 Support 5.119 bullet f - i.e. fracking is fracking. The definition is outwith the Infrastructure Act 2015 definitions, which although is a statutory document is not a planning document therefore the Joint Plan Team are entitled to apply there own definition for the purposes of the Plan with a suitably justified reason.  
 Support the proposed amendments to 5.119 bullet g. Associated hydraulic fracturing is defined in section 50 of the Infrastructure Act 2015. Fracking is fracking and therefore whether the volume of any fracturing operation is over or just under the 'defined amount' it should be treated the same for planning purposes. Otherwise there will be applications for hydraulic fracturing which will have the same level of Environmental Impact but be technically under the threshold, as defined in the Infrastructure Act, and so will not gain the same level of scrutiny by the MPA.  
 5.119 deals with definitions and it would be helpful to define short-term and long-term using the Minerals PPG as a reference. Significant harm would be another term which would benefit from a definition.

**Suggested Modification**

In relation to 5.119 bullet d suggest this is amended to state 'FOR EXAMPLE WHERE THE RESERVOIR IS SANDSTONE OR LIMESTONE' in line with national policy.

**Third Energy Limited****2762/0102/PC062/U**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

Considers the proposed change is not effective as the section is entitled 'Definitions' but the amended text for g) is not a definition but a conjecture about possible future scenarios. Considers the proposed change is not legally compliant as there is not evidence that the conjecture has been validated through co-operation with Oil & Gas Authority (who approve field development plans) nor with representatives of the industry.

**INEOS Upstream Ltd****3703/0137/PC062/LC.U.DTC**

Paragraph 5.119  
 Proposed Change PC062  
 Policy Number  
 Site Reference

**Comment**

The change implies greater complexity and impact from unconventional gas and the requirement for a greater number of well pads and individual wells. The issue is not the number but the scale and impact. Unconventional gas sites are smaller and may have less impact. Given the principle that all planning decisions are made on their merits on the basis of what the decision maker finds proposed for a site and how to mitigation is proposed to be addressed this is placing a question in the decision maker's mind rather than allowing for objective assessment. Paragraph 5.119 provides definitions of hydrocarbon development for use when implementing the plan. INEOS objects to the definition contained in 5.119 f) as it is contrary to Section 50 of the Infrastructure Act 2015. It states hydraulic fracturing includes the fracturing of rock under pressure regardless of the volume of fracture fluid used. This definition is incorrect and contrary to current legislation. Other concerns with para 5.119 are the use of incorrect or irrelevant terminology in the definitions e.g. conventional drilling, unconventional techniques, more conventional less complex drilling. These technical and non-technical definitions need to be corrected to avoid misinterpretation and misleading the public on what is hydrocarbon development.

The views of UKOOG on this matter are also supported.

**Suggested Modification**

Amend the text to address the criticisms above.

**Frack Free Ryedale****3684/0065/PC063/LC.U.DTC**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

Consider that an additional sentence should be included at the end of the amended paragraph 5.122.

**Suggested Modification**

AS PER PARAGRAPH 5.124 OF THIS PLAN, THE MPA ARE AWARE THAT THE SAME ENVIRONMENTAL IMPACTS CAN OCCUR WHEN HYDRAULIC FRACTURING OR FRACKING OF CONVENTIONAL AND UNCONVENTIONAL HYDROCARBONS AT A THRESHOLD BELOW THE DEFINITION SET BY THE INFRASTRUCTURE ACT AND PETROLEUM ACT, THEREFORE, ALL APPLICATIONS WHICH INVOLVE FRACTURING IN THESE PROTECTED AREAS WILL BE TREATED THE SAME IN POLICY TERMS, IN LINE WITH THE PLAN'S DEFINITION SET OUT IN PARAGRAPH 5.119 F.

**Zetland Group****2145/0014/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

The Proposed Change to para 5.122 is not effective. Section 4B(1) of the Petroleum Act 1998 does not contain the definition of associated hydraulic fracturing, as is stated.

**4196/0097/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

Does not consider it could be effective as many of the fracked wells in the USA would not be counted as fracking under the definition of using 1,000 cubic litres or more of fluid. Queries what is to stop companies saying they are using a few litres less and thus avoiding regulation. Considers the plan should apply to all hydraulic fracturing as it would be virtually impossible to monitor and regulate the quantity of fluid used.

**4194/0130/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

This change refers to section 4B1 of the Petroleum Act 1998. This amendment brought in with the Infrastructure Act 2015 defines hydraulic fracturing as using more than 1,000 cubic metres of fluid in one stage or more 10,000 cubic metres overall. This is a misleading definition. While the change does not adopt this definition for the Plan the point needs to be clarified as PC62 and PC66 open the door to such a definition.

The definition of hydraulic fracturing is an important issue. Government introduced measures to protect National Parks from surface development including hydraulic fracturing, but the protection was undermined by the Infrastructure Act and its definition of hydraulic fracturing. The effect of the Infrastructure Act is to allow hydraulic fracturing with less than 10,000 cubic metres of fluid per well to be used within National Parks and AONBs. If the same definition is used in the Minerals and Waste Joint Plan the protections included in the plan will also be undermined. The proposed change is not justified as it would threaten all of the important protections against the harm that would be caused by hydraulic fracturing.

The proposed change loosens controls on hydraulic fracturing and is not compatible with paragraphs 110, 123 or 115 of the NPPF.

**Suggested Modification**

The proposed change should make clear that the definition of hydraulic fracturing, included in paragraph 5.119 of the Plan will be used and the definition included in the Infrastructure Act will not be used. This will make the Plan sound and better justified and consistent with National Policy as would protect the region from environmental harm and noise hydraulic fracturing will cause.

**United Kingdom Onshore Oil and Gas (UKOOG)****3997/0107/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

Considers there is no justification as to why the same planning restrictions under the Act for the specific purpose of controlling development of 'associated hydraulic fracturing' apply to other oil and gas activity, our assertion is that this position is therefore unsound. It is also unnecessarily restrictive.

**Howardian Hills AONB****0113/0142/PC063**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

The points raised in the response made to the Publication Draft in relation to updating references to the Surface Development Restrictions have been fully incorporated into the proposed change.

**4192/0089/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

Does not consider it could be effective as many of the fracked wells in the USA would not be counted as fracking under the definition of using 1,000 cubic litres or more of fluid. Queries what is to stop companies saying they are using a few litres less and thus avoiding regulation. Considers the plan should apply to all hydraulic fracturing as it would be virtually impossible to monitor and regulate the quantity of fluid used.

**4193/0096/PC063/U**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

Does not consider it is sound as it is not effective and not deliverable. Considers the plan should apply to all hydraulic fracturing irrespective of the quantity of fluid used as it will be virtually impossible to, measure, monitor and regulate (enforce) the quantity of fluid used. Queries what is to stop companies saying they are using a few litres less and thus avoiding regulation. Queries what criteria might be applied to enable an operator to 'persuasively demonstrate why requiring such consent would not be appropriate in their case'. Suggests that such an important issue should be judged on defined robust objective criteria to ensure consistency and fairness in decision making, which is crucial for the wellbeing of communities and citizens and it should be sufficiently defined and detailed within the Plan.

**Ryedale Liberal Party****3846/0082/PC063/LC.U.DTC**

Paragraph 5.122  
 Proposed Change PC063  
 Policy Number M16  
 Site Reference

**Comment**

The paragraph at Publication was incomprehensible and therefore not effective and the proposed changes has not improved this position.

**Frack Free Ryedale****3684/0066/PC065/LC.S.DTC**

Paragraph 5.124  
 Proposed Change PC065  
 Policy Number M16  
 Site Reference

**Comment**

Support the addition at the end of paragraph 5.124 and recognise that sites will need to be treated on a site by site basis.



**CPRE (North Yorkshire Region)****2173/0054/PC066**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

Support the inclusion of the last sentence as set out in the addendum. It makes it clear that proposals for the production of conventional gas resources, can generate a similar range of issues and potential impacts to those associated with unconventional gas therefore the same policy approach will apply.

**Egdon Resources (UK) Limited****0150/0091/PC066/LC.U.DTC**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

Addendum does not provide clarity and does not address the fundamental problem with Policy M16 which seeks to apply restrictions to hydraulic fracturing for conventional gas resources. It is not for the Plan to change the definition of hydraulic fracturing which has been defined in the Infrastructure Act 2015. It should be amended to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

**INEOS Upstream Ltd****3703/0138/PC066/LC.U.DTC**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

The revised text states that " However, it is not the intention of the Minerals Planning Authority to unreasonably restrict activity typically associated with production of conventional resources." two issues arise from this. Firstly there is an implication that there will be a restriction on unconventional fracturing operations over and above the Infrastructure Act. Secondly, there is a question about how "unreasonably" is defined. Significant restrictions could be placed on activity before it reaches the point where it is judged unreasonable. This provides the decision maker with the scope to bring into their decision making their own prejudices, real or unintended, and to bow to outside pressure. This would not be objective decision making; it would be outside the scope of what is normally considered 'sound' in plan making; and for these reasons the word unreasonable is not considered acceptable in development plan policy because it replaces objectivity with subjectivity in decision making.

Para 5.124 states that the new regulations and proposed surface protections would only apply to high volume fracturing. However the publication draft states that it is not considered appropriate to distinguish between this and lower levels of activity. This is introducing a control that does not exist in national regulations and guidance. This is contrary to Section 50 of the 2015 Infrastructure Act.

**Suggested Modification**

Amend the text to address all the criticisms above.

**Frack Free Ryedale****3684/0067/PC066/LC.S.DTC**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

Support the addition at the end of paragraph 5.124 and recognise that sites will need to be treated on a site by site basis.

**4194/0131/PC066/U**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

PC66 retreats from the previous version of the Plan, which in paragraph 5.119 says hydraulic fracturing 'includes fracturing of rock under hydraulic pressure regardless of the volume of fluid used.' While PC66 does not delete the existing definition, it does add a caveat which says 'it is not the intention of the Mineral Planning Authorities to unreasonably restrict activity typically associated with conventional resources.' It is not clear what 'typical' means and due to change PC62 it is not clear the term 'conventional resources' means either.

The change is not justified as when a planning application is submitted it will cause confusion as to what constitutes hydraulic fracturing and what constitutes 'activity typically associated with convention resources.' The proposed change is a backwards step when compared with the existing definition in the Publication.

**Suggested Modifications**

The proposed change should not be included in the Plan and the existing definition of hydraulic fracturing in paragraph 5.119 should be used instead, this would be justified as it would make the plan clearer than it would be with the proposed change and would avoid misinterpretation at planning application stage. The removal of the change would make the Plan more compliant with National Policy as it would offer protection against environmental harm.

**Cuadrilla Resources Ltd****3704/0111/PC066/LC.U**

Paragraph 5.124  
 Proposed Change PC066  
 Policy Number M16  
 Site Reference

**Comment**

Clarification has been provided (PC63) regarding the thresholds of 1,000 cubic metres of fluid defined as 'associated hydraulic fracturing' for a single stage by The Infrastructure Act 2015; this unnecessarily leads into discussions (PC66) in Para 5.124 on lower volume well treatments of conventional wells resulting in 'similar issues' and those under The Infrastructure Act 2015 definitions. There is no justification as to why the same planning restrictions established under the Infrastructure Act 2015 for the specific purpose of controlling development of 'associated hydraulic fracturing' apply to all other oil and gas activity; therefore our assertion is that this position is unsound and unnecessarily restrictive.

**Suggested Modification**

Para 5.124 should be amended to ensure consistency with Section 50 of the Infrastructure Act 2015.

**4124/0124/PC067/S**

Paragraph 5.127  
Proposed Change PC067  
Policy Number M16  
Site Reference

[Comment](#)

This proposed change is supported and should be included in the final Plan.

**Frack Free Ryedale**

**3684/0068/PC067/LC.S.DTC**

Paragraph 5.127  
Proposed Change PC067  
Policy Number M16  
Site Reference

[Comment](#)

Support the additional sentence in Para 5.127 as recognise that equipment will be on site for the long term which is understood to be the reality.

**INEOS Upstream Ltd**

**3703/0139/PC067/LC.U.DTC**

Paragraph 5.127  
Proposed Change PC067  
Policy Number M16  
Site Reference

[Comment](#)

This addition is not relevant. If a planning application is made it follows that there will need to be equipment and activity on site for the length of the development. The relevant question is the impact of a proposal. Once that is deemed acceptable it follows that all activity and equipment are acceptable in that location under the description of the development that has been approved. Again, the proposed wording is creating uncertainty for the decision maker rather than allowing for objective assessment.

[Suggested Modification](#)

Amend the text to address the criticisms above.

**Malton Town Council**

**0758/0059/PC068/LC.U**

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

**Comment**

Support the proposed change as the Yorkshire Wolds and the Vale of Pickering have both been identified in the Ryedale Plan under Policy SP13 as areas of locally important landscapes.  
The change has been included in the explanatory text but not in Policy M16 itself, and it is not clear what the term 'regard will be had' means.  
Concerned that in the future large scale fracking applications will be determined by a National Infrastructure Planning body in London who have no local accountability. It is therefore important that firm and robust guidance should be provided by the MWJP and the proposed change should be given proper consideration.  
In any other planning context surface development for fracking would be classed as employment or economic development. Therefore to make the proposed change robust applications for surface development for fracking in areas of locally important landscapes identified in District or Borough local plans should be determined in accordance with policies in the local plan which apply to employment or economic development.

**Suggested modification**

- a) The proposed change in PC68 should be repeated in the main policy text of either M16 or M17
- b) and reworded 'In some parts of the affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these continue to form part of the statutory development plan, and are relevant to the proposal which falls to be determined by THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL SHALL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH RELATE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT, AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE APPLICABLE [North Yorkshire County Council as Minerals and Waste Planning Authority, regard will be had to the requirements of any associated local plan policy] '

**4124/0125/PC068/S**

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

**Comment**

This proposed change is supported and should be included in the final Plan.

**South Hambleton Shale Advisory Group****4158/0029/PC068**

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

**Comment**

This Proposed Change should also state that NYCC will have regard to the Landscape Character Assessments (LCA) where produced by these authorities and in particular the statements which relate to landscape sensitivity as identified for each landscape area e.g. Hambleton LCA (2016). Where LCAs exist and as more are produced by LPAs they form supplementary planning documents and are therefore part of the development plan process.

**4152/0098/PC068/U**

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

**Comment**

There is no mention of the adopted Ryedale Plan and it is considered the Plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan. The Ryedale Plan aims to encourage new development to "reinforce distinctive elements of landscape character' in areas including the Vale of Pickering and the Yorkshire Wolds and it is considered that these areas high in landscape value should be protected by solid wording in the Plan. Considers that the phrase 'regard will be had to the requirements of any associated local plan policy' needs clarifying and more robust phrasing and that the proposed text addition to paragraph 5.130 should be included Policy M16.

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

#### Comment

The proposed amendment is welcomed as the Yorkshire Wolds and the Vale of Pickering have both been identified in the Ryedale Plan under SP13 as areas of locally important landscapes. However, there is concern that the amendment has been included in the explanatory text and not in Policy 16 itself. It is considered that it is not clear what 'regard will be had' means. There are concerns that, following on from the 2017 General Elections, 'large scale planning applications' for fracking will be referred for determination by a National Infrastructure Planning body in London and there would be no local accountability and so it is important that robust guidance should be provided in the MWJP. Fracking comes with the construction of complex surface structures, including plant and machinery such as compressors, drilling rigs, offices, etc. that would, in any other planning context, be classed as employment or economic development. Therefore, in order to make the amendment robust when fracking applications are situated in areas of locally important landscapes identified in a District or Borough Plan, they should be determined in accordance with the policies in that plan applying to employment or economic development.

#### Suggested Modification

It is considered that the amendment should be repeated the main policy text of either Policy M16 or M17 and reworded as following:

"In some parts of the Plan area affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these continue to form part of the statutory development plan, and are relevant to a proposal which falls to be determined by [North Yorkshire County Council as Mineral and Waste Planning Authority regard will be had to the requirements of any associated local plan policy] THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL WILL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH RELATE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE APPLICABLE".

**Habton Parish Council****0589/0027/PC068/LC.U**

Paragraph 5.130  
 Proposed Change PC068  
 Policy Number M16  
 Site Reference

**Comment**

Support the proposed change as the Yorkshire Wolds and the Vale of Pickering have both been identified in the Ryedale Plan under Policy SP13 as areas of locally important landscapes.  
 The change has been included in the explanatory text but not in Policy M16 itself, and it is not clear what the term 'regard will be had' means.  
 Concerned that in the future large scale fracking applications will be determined by a National Infrastructure Planning body in London who have no local accountability. It is therefore important that firm and robust guidance should be provided by the MWJP and the proposed change should be given proper consideration.  
 In any other planning context surface development for fracking would be classed as employment or economic development. Therefore to make the proposed change robust applications for surface development for fracking in areas of locally important landscapes identified in District or Borough local plans should be determined in accordance with policies in the local plan which apply to employment or economic development.

**Suggested Modification**

- a) The proposed change in PC68 should be repeated in the main policy text of either M16 or M17
- b) and reworded 'In some parts of the affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these continue to form part of the statutory development plan, and are relevant to the proposal which falls to be determined by THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL SHALL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH RELATE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT, AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE APPLICABLE [North Yorkshire County Council as Minerals and Waste Planning Authority, regard will be had to the requirements of any associated local plan policy] '

**Ryedale District Council****0116/0083/PC068/LC.S.DTC**

Paragraph 5.130  
 Proposed Change PC068  
 Policy Number M16  
 Site Reference

**Comment**

Supports the proposed change although it does not alter the representations that were previously made in respect of the draft hydrocarbon policies

Paragraph 5.130  
 Proposed Change PC068  
 Policy Number M16  
 Site Reference

Comment

Support the proposed change as the Yorkshire Wolds and the Vale of Pickering have both been identified in the Ryedale Plan under Policy SP13 as areas of locally important landscapes.  
 The change has been included in the explanatory text but not in Policy M16 itself, and it is not clear what the term 'regard will be had' means.  
 Concerned that in the future large scale fracking applications will be determined by a National Infrastructure Planning body in London who have no local accountability. It is therefore important that firm and robust guidance should be provided by the MWJP and the proposed change should be given proper consideration.  
 In any other planning context surface development for fracking would be classed as employment or economic development. Therefore to make the proposed change robust applications for surface development for fracking in areas of locally important landscapes identified in District or Borough local plans should be determined in accordance with policies in the local plan which apply to employment or economic development.

Suggested modification

- a) The proposed change in PC68 should be repeated in the main policy text of either M16 or M17
- b) and reworded 'In some parts of the affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these continue to form part of the statutory development plan, and are relevant to the proposal which falls to be determined by THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL SHALL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH RELATE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT, AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE APPLICABLE [North Yorkshire County Council as Minerals and Waste Planning Authority, regard will be had to the requirements of any associated local plan policy] '



**Frack Free Malton & Norton****3869/0122/PC068/U**

Paragraph 5.130  
 Proposed Change PC068  
 Policy Number M16  
 Site Reference

**Comment**

It is considered that the Plan would be unsound in not taking full account of Policy SP13 of the Ryedale Plan. The proposed amendment gives some recognition to local plans but lacks strength by only appearing in the explanatory text and not actually forming part of Policy M16. The phrase 'regard will be had' lacks clarity. A National Infrastructure Planning body in London may be determining "large scale planning applications" for fracking in the future so it is of the utmost importance that the MWJP consists of firm guidance. In order to make the amendment robust when fracking applications situated in areas of locally important landscapes identified in a District Plan area made, they should be determined in accordance with the policies in that plan applying to employment or economic development. This is because the expansive concrete fracking pads, workshops, offices, pipes, storage facilities, etc. would, in any other planning context, be classed as employment or economic development.

**Suggested Modification**

It is considered that the amendment should be repeated the main policy text of either Policy M16 or M17 and reworded as following:

In some parts of the Plan area affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these continue to form part of the statutory development plan, and are relevant to a proposal which falls to be determined by [North Yorkshire County Council as Mineral and Waste Planning Authority regard will be had to the requirements of any associated local plan policy] THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL WILL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH REALTE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE APPLICABLE.

**Natural England****0119/0114/PC068/LC.S**

Paragraph 5.130  
 Proposed Change PC068  
 Policy Number M16  
 Site Reference

**Comment**

Welcomes the consideration of locally important landscapes in this context.

**Frack Free Ryedale**

3684/0069/PC068/LC.S.DTC

Paragraph 5.130  
Proposed Change PC068  
Policy Number M16  
Site Reference

**Comment**

Support the proposed amendments. However there is a judgement to be made on a case by case basis relating to the 'regard will be had' in respect of the policies and strategies in place within adopted local plans. Minerals can only be worked where they are found and are a finite resource the 'need' for the mineral should not necessarily outweigh any detrimental impacts when locating a well pad in such an area. The NPPF, whilst stating that a great weight should be attributed to the benefits of mineral extraction, does not suggest anywhere in the document, that this should therefore be given primacy over any other consideration when determining planning applications.

The Yorkshire Wolds and Vale of Pickering have both been identified in the Ryedale Plan under Policy SP13 as areas of locally important landscapes. However, this amendment has been included in the explanatory text and not in Policy M16 itself, and it is not clear what 'regard will be had' means. It is likely this situation will occur in other districts within the plan area.

It is noted that the conservative manifesto published for the 2017 General Election states that 'large scale planning applications' for fracking will be referred for determination by a National Infrastructure Planning body in London which has no local accountability. It is critical that robust guidance should be provided in the MWJP to ensure that, in order to make the Plan effective, the purpose of the above amendment is given full and proper consideration should this happen.

**Suggested Modification**

Consider that more clarity should be contained in Policy M16 itself to reflect the commentary of this paragraph. It is noted that no amendment is proposed to Policy M16 however if this is to be a robust policy this should be contained within the policy wording itself.

PC68 should be reworded and added into the main text of Policy M16

'In some parts of the plan area affected by PEDLs, areas of locally important landscapes have been identified in District and Borough Local Plans. Where these form part of the statutory development plan, and are relevant to the proposal to be determined THE APPROPRIATE BODY RESPONSIBLE FOR DETERMINING THE APPLICATION, THE PROPOSAL SHALL BE DETERMINED IN ACCORDANCE WITH THE POLICIES OF THE LOCAL PLAN WHICH RELATE TO EMPLOYMENT, ECONOMIC OR EQUIVALENT DEVELOPMENT, AND SUCH OTHER LOCAL PLAN POLICIES AS MAY BE ACCEPTABLE.'

[North Yorkshire County Council as Minerals and Waste Planning Authority, regard will be had to the requirements of any associated local plan policy]

It could be incorporated into Policy M17 as an alternative

4194/0132/PC070/U

Paragraph 5.130p  
Proposed Change PC070  
Policy Number M17  
Site Reference

Comment

This change removes from Policy M17 the need to consider the proximity of other planned well pads and replaces it with a need to consider only permitted well pads. This undermines the policy's requirement for information on how proposals for unconventional hydrocarbons fit within the overall plan for the area. Information about operators intended sites in the future should be considered and used to determine whether the cumulative effect of all planned developments in the area, not just the ones already permitted, would result in unacceptable impacts. The change is not compliant with national policy as it would make planning consent for unconventional hydrocarbon development easier to win without taking into account the cumulative effect of such development. Widespread an intensive unconventional hydrocarbon development can result in environmental harm and so is not compatible with paragraph 110 and 123 of the NPPF.

Suggested Modification

This change should not be accepted and the previous wording, which includes consideration of planned well pads should be included in the Plan, this will make the plan more justified as will allow for the full consideration of the cumulative impact of unconventional hydrocarbon development during planning decisions. It will also make the plan more compliant with national policy as it will tend to limit the environmental harm caused by unconventional hydrocarbon development.

4152/0099/PC070/U

Paragraph 5.130p  
Proposed Change PC070  
Policy Number M17  
Site Reference

Comment

Considers the wording of Policy M17 2) ii) is currently very weak and needs to be more robust as it does not seem to have considered the unacceptable impact that the density of fracking industry development (production sites) would have on the character of the rural community of Burythorpe and its economy of tourism, agriculture and the various equestrian businesses, depending as it does on the character and rural landscapes of the Vale of Pickering and the Yorkshire Wolds.

**Egdon Resources (UK) Limited**

0150/0092/PC070/LC.U.DTC

Paragraph 5.130p  
Proposed Change PC070  
Policy Number M17  
Site Reference

Comment

The addendum to Policy M17 2) ii) a) fails to address the fundamental issue that there is no justification for setting a wellpad density or arbitrary limit to the number of individual wells within a PEDL area. Cumulative impacts are already taken into account when planning applications are determined. It should be amended, to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development, by deletion and replacement with a more sensible and proportionate requirement to locate a proposal where the development would not have a material adverse impact, subject to appropriate mitigation.

**4124/0126/PC071/S**

Paragraph 5.131  
 Proposed Change PC071  
 Policy Number M17  
 Site Reference

[Comment](#)

This proposed change is supported and should be included in the final Plan.

**INEOS Upstream Ltd****3703/0141/PC071/LC.U.DTC**

Paragraph 5.131  
 Proposed Change PC071  
 Policy Number M17  
 Site Reference

[Comment](#)

This simply repeats and restates controls that are already contained in a wide range of planning policies and within the remit of other regulators. If the MPA considers it necessary to explain how these policies will be applied specifically to onshore hydrocarbon development this should be done through Supplementary Planning Guidance.

**Frack Free Ryedale****3684/0071/PC071/LC.S.DTC**

Paragraph 5.131  
 Proposed Change PC071  
 Policy Number M17  
 Site Reference

[Comment](#)

Generally supportive of the amendment. It is noted that there is an AQMA located in Ryedale in Malton.

**Friends of the Earth - Yorkshire & Humber and the North East/ FOE England, Wales and N.I****2753/0136/PC071**

Paragraph 5.131  
 Proposed Change PC071  
 Policy Number M17  
 Site Reference

[Comment](#)

This change includes some amendments/ concessions on issues that were identified in our previous response. However these have only been included in the supporting justification, rather than the policy themselves, which therefore carry less 'weight' than it would if it were included in the policy text.

**Third Energy Limited****2762/0103/PC072/U**

Paragraph 5.137  
 Proposed Change PC072  
 Policy Number M17  
 Site Reference

[Comment](#)

Considers the proposed change is not effective as regardless of the size of the licence area, this is an arbitrary limit of 10 well pads per 100km<sup>2</sup> that is unnecessarily restrictive and without justification. Future well sites may vary both in their size and number of wells hosted on site so this arbitrary limit could potentially be either too low or too high. The existing controls in the planning regime cover the development of hydrocarbon sites effectively without such limits.

**INEOS Upstream Ltd****3703/0140/PC072/LC.U.DTC**

Paragraph 5.137  
 Proposed Change PC072  
 Policy Number M17  
 Site Reference

**Comment**

Para 5.137 deals with a proposed well pad development density. The geographical spacing, scale, and type of development in addition to the topographical and surface characteristics of an area should be considered in the assessment of a proposal and the density of development in a particular area. It should not be based on a PEDL boundary or arbitrary figure for well density that does not reflect the nature of an applicant's proposals or their ability of the environment to accommodate it appropriately.

**Suggested Modification**

Amend the text to address the comments above.

**Egdon Resources (UK) Limited****0150/0093/PC072/LC.U.DTC**

Paragraph 5.137  
 Proposed Change PC072  
 Policy Number M17  
 Site Reference

**Comment**

The addendum fails to address the fundamental issue that there is no justification for setting a wellpad density or arbitrary limit to the number of individual wells within a PEDL area. Cumulative impacts are already taken into account when planning applications are determined. It should be amended, to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

**Cuadrilla Resources Ltd****3704/0113/PC072/LC.U.DTC**

Paragraph 5.137  
 Proposed Change PC072  
 Policy Number M17  
 Site Reference

**Comment**

Applying arbitrary thresholds on pad density is unnecessarily restrictive. The key consideration is to ensure that effects of hydrocarbon development can either be removed or appropriately managed through the variety of existing institutional arrangements already in place through the Environment Agency, Natural England, Health and Safety Executive, Oil and Gas Authority, BEIS, DCLG and other bodies plus the proper implementation of the processes such as EIA and ERA. The process by which the pad density had been calculated is unknown and appears to result in arbitrary thresholds. Limits should not be considered until relevant applications are submitted, assessed and concluded in a transparent manner.

**Suggested Modification**

reference to the application of 10 well pads per 100km<sup>2</sup> PEDL area (and its pro-rata application being applied where the area is less or more than 100km) to be removed from Para 5.137.

**United Kingdom Onshore Oil and Gas (UKOOG)****3997/0108/PC072/U**

Paragraph 5.137  
Proposed Change PC072  
Policy Number M17  
Site Reference

**Comment**

Does not consider it is justified to apply arbitrary thresholds on the density placement of well sites as this is unnecessary restrictive and unsound.

**Zetland Group****2145/0015/PC072/U**

Paragraph 5.137  
Proposed Change PC072  
Policy Number M17  
Site Reference

**Comment**

The Proposed Change to para 5.137 is not effective.  
It is not appropriate to set pad density limits. The para is over complicated and unnecessary – hydrocarbon developments are often temporary, low impact developments – some areas may well have capacity to accommodate numerically more than others. In the context of unconventional oil and gas, where the geology is not targeting specific geological structures such as structural or stratigraphic traps, consideration may well be given to pad density, however in order to consider pad density, a further understanding of the unconventional resource must be obtained through initial exploratory works. The ‘Plan’ can be revised once the potential resource is better understood.

**4124/0127/PC073/S**

Paragraph 5.137  
Proposed Change PC073  
Policy Number M17  
Site Reference

**Comment**

This proposed change is supported and should be included in the final Plan.

**Egdon Resources (UK) Limited****0150/0094/PC073/LC.U.DTC**

Paragraph 5.137  
Proposed Change PC073  
Policy Number M17  
Site Reference

**Comment**

The addendum fails to address the fundamental issue that there is no justification for setting a wellpad density or arbitrary limit to the number of individual wells within a PEDL area. Cumulative impacts are already taken into account when planning applications are determined. It should be amended, to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

**Frack Free Ryedale****3684/0072/PC073/LC.S.DTC**

Paragraph 5.137  
 Proposed Change PC073  
 Policy Number M17  
 Site Reference

**Comment**

Generally support the proposed amendment but consider that it should apply to areas of local landscape importance which are of similar importance to the Green Belt.  
 Consider locally designated landscapes of importance are just as important to both the local community and the wider visitor economy of North Yorkshire. These areas are recognised in the local plans, such as in the Ryedale Plan Policy SP13 Landscapes. This will be reflected in other district local plans.

**Suggested Modification**

Suggest that in addition to the text incorporate the following in the sentence immediately after the amended sentence to read

'For PEDLs located WITHin the Green Belt OR AREAS OF LOCAL LANDSCAPE IMPORTANCE[,] or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density and/or number may appropriate.'

**4124/0124/PC075/S**

Paragraph 5.147  
 Proposed Change PC075  
 Policy Number M17  
 Site Reference

**Comment**

This proposed change is supported and should be included in the final Plan.

**CPRE (North Yorkshire Region)****2173/0056/PC075**

Paragraph 5.147  
 Proposed Change PC075  
 Policy Number M17  
 Site Reference

**Comment**

This paragraph is not in conformity with the guidance as set out in the NPPF and PPG Minerals therefore cannot be considered sound at present. This needs to be reworded to reflect the fact that developers should aim to reduce noise levels at a site to a minimum level, below the absolute thresholds set out in the Minerals PPG, not meet them as set out in the text. The emphasis is on the developer proving to the MPA that the noise produced as a result of development cannot be reduced any further without causing onerous burden. Any planning condition should then reflect the minimum level - not automatically be set at the threshold which is the incorrect interpretation of policy and in rural parts of North Yorkshire that threshold is well above the normal baseline conditions.

This approach was discussed in great detail between the Appellant (Cuadrilla) and Lancashire County Council at the recent enquiries for the fracking appeals in Lancashire, and were agreed with by the Inspector in her report.

**Frack Free Ryedale****3684/0075/PC075/LC.U.DTC**

Paragraph 5.147  
 Proposed Change PC075  
 Policy Number M17  
 Site Reference

**Comment**

Consider that the paragraph requires rewording.  
 Site lighting is mentioned however flaring is generally treated as outside the jurisdiction of planning in most general terms. Consider that once multiple well sites start to appear (particularly during the exploration and appraisal stages) there would be potential for multiple flares at the same well site and/or different well sites undergoing exploration and appraisal at the same time. This has potential to cause negative visual impact across the area particularly when it is dark. There will also be associated air quality impacts from the emissions and noise from the flaring, these are not covered in the proposed plan. Much of the Plan area is sparsely populated and subject to extremely low levels of background noise, the matter could be dealt with by the requirement that all well completions are green completions. There should be a text amendment to paragraph 5.147 to reflect the requirements of national policy which seek to ensure that local amenity is protected by reducing noise levels to a minimum, below the absolute threshold set out in the PPG, at night. The onus is on the developer to prove they cannot reduce the levels below a certain level without onerous burden, which also needs to be proved to the MPA. The MPA should set any noise condition at that minimum level.

**Suggested Modification**

New wording should be added to the paragraph to set out

'In considering appropriate noise limits at sensitive receptors, operators WILL BE EXPECTED TO REDUCE TO MINIMUM, ACTIVITIES WHICH GENERATE NOISE, BELOW ABSOLUTE THRESHOLDS AS SET OUT IN THE MINERALS PPG AND NPPF. WHEN THE APPLICANT CAN NOT REDUCE NOISE LEVELS ANY FURTHER WITHOUT ONEROUS BURDEN, THE APPLICANT WILL BE EXPECTED TO PROVIDE EVIDENCE OF THIS BURDEN, IN LINE WITH GUIDANCE IN THE MINERALS PPG AT PARAGRAPH 21, WITH THE OBJECTIVE OF ENSURING A HIGH STANDARD OF PROTECTION FOR LOCAL AMENITY. IN ORDER TO ACHIEVE THIS, THE APPLICANT WILL BE EXPECTED TO UNDERTAKE A SERIES OF ACCURATE NOISE LEVEL MONITORING TO CAPTURE BASE LINE CONDITIONS IN THE VICINITY OF THE SITE LOCATION.'

'ALL WELL COMPLETIONS WILL BE GREEN COMPLETIONS WHICH MEANS NO FLARING WILL BE ALLOWED'

The final sentence could alternatively be incorporated into Policy M18 1)i).

**INEOS Upstream Ltd****3703/0135/PC076/LC.U.DTC**

Paragraph 5.148  
 Proposed Change PC076  
 Policy Number M17  
 Site Reference

**Comment**

The reference to 'induced seismic activity' should be deleted as it not the responsibility of the MPA but falls under the regulatory remit of the Oil and Gas Authority.



**Egdon Resources (UK) Limited****0150/0095/PC076/LC.U.DTC**

Paragraph 5.148  
Proposed Change PC076  
Policy Number M17  
Site Reference

[Comment](#)

The addendum fails to address the fundamental issue that induced seismicity is primarily a consideration of other regulators and is not within the remit of the MPA. It should be amended, to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

**Third Energy Limited****2762/0104/PC076/U**

Paragraph 5.148  
Proposed Change PC076  
Policy Number M17  
Site Reference

[Comment](#)

Considers the proposed change is not effective as any development will be located in areas where the technical study of the geology demonstrates 'suitability' in that there is an effective hydrocarbon system in existence with the potential for commercial production. The potential for inducing seismicity and any impacts at surface are very clearly the remit of the Oil & Gas Authority.

**United Kingdom Onshore Oil and Gas (UKOOG)****3997/0109/PC076/U**

Paragraph 5.148  
Proposed Change PC076  
Policy Number M17  
Site Reference

[Comment](#)

Consider that this is not the responsibility of the MPA, but falls under the regulatory remit of the Oil & Gas Authority. The statement should be removed, it is not justified and is considered to be unsound.

**Frack Free Ryedale**

**3684/0070/PC079/LC.U.DTC**

Paragraph 5.152p  
Proposed Change PC079  
Policy Number M18  
Site Reference

**Comment**

Flaring is used to burn waste gas that cannot be pipelined/stored for commercial use and so must be considered waste and dealt with under part 1)i) of this policy. This is a waste stream which has not been taken into account in the Plan, it could be dealt with by not allowing flaring and having a requirement for 'green completions'.

The plan amendments do not fully deal with the potential issues relating to reinjection. The plan talks of a high standard of protection but does not mention the requirement relating to reinjection having to be currently proven to be BAT. The high standard approach seems at odds with the statement relating to induced seismicity which can be 'mitigated to an acceptable level.' There is no recognition in the supporting text of the chain of responsibility should issues arise using such techniques.

Concerned that the amendment to para 2)i) may lead to a situation that many wells may remain suspended in the hope of becoming commercially viable. This may be used as a reason to extend the term of an existing permission in a speculative way. Suspending wells should not become the norm and the MPA should assess each application on its own merits prior to agreeing to this at the site restoration and aftercare stage only if sufficient evidence is provided to justify any such suspension. This could lead to a large number of suspended wells.

**Suggested Modification**

Flaring must be considered an onsite waste operation and should be dealt with under this policy by not allowing flaring and requiring only 'green completions'

Support the original version of section 2)i) of policy M18 without the amendment.

Paragraph 5.152p  
 Proposed Change PC079  
 Policy Number M18  
 Site Reference

#### Comment

This change removes the need to decommission wells that have reached the end of their operational phase and allows wells to be suspended pending further hydrocarbon development. This allows operators to suspend wells for long periods without permanent decommissioning. This leads to uncertainty amongst the public and lengthens the time during which groundwater is put at risk by the possibility of well casing failure. The wording in the Plan is not clear so a change to the wording is necessary. However the proposed change is not clear enough that lengthy periods of suspension will not be permitted. The change is not compliant with paragraph 143 of the NPPF.

Ground water is at risk of contamination from non decommissioned wells so the proposed change should be altered to make clear that hydrocarbon wells that have completed their initial operational phase should be decommissioned promptly with suspension during periods when the operator considers their options are not being permitted.

#### Suggested Modification

The proposed change should have the following text added to the relevant part of Policy M18

FOLLOWING THE COMPLETION OF OPERATIONS INCLUDED IN ANY EXISTING PLANNING CONSENT HYDROCARBON WELLS MUST NOT BE SUSPENDED PENDING FURTHER PLANNING APPLICATIONS. HYDROCARBON WELLS MUST ALSO NOT BE LEFT SUSPENDED FOR UNNECESSARILY LONG PERIODS BETWEEN OPERATIONS INCLUDED IN THE PLANNING CONSENT. HYDROCARBON WELLS MUST BE DECOMMISSIONED PROMPTLY FOLLOWING THE COMPLETION OF THEIR OPERATIONAL PHASE.'

The addition of the text would make the plan better justified as it would avoid the current situation where hydrocarbon wells are left suspended for lengthy periods of time. It would also make it more compliant with national policy as it would reduce the risk of contamination from well casing failures.

### Third Energy Limited

Paragraph 5.152p  
 Proposed Change PC079  
 Policy Number M18  
 Site Reference

#### Comment

Considers the proposed change is not effective as the decommissioning of a well is common oil field operational practice and must be undertaken in line with regulatory requirements from the Health and Safety Executive, Environment Agency and Oil & Gas Authority and this is how the risk of any contamination is managed. The remit of the Mineral Planning Authority is the management of surface effects, i.e. site restoration in line with the planning consent.

Paragraph 5.153  
Proposed Change PC080  
Policy Number M18  
Site Reference

#### Comment

This change deletes the word waste from the paragraph regarding water returned to the surface from the borehole at hydrocarbon wells. This water is typically contaminated with high levels of salt, hydrocarbons, heavy metals and naturally occurring radioactive materials. Because of this contamination the water must be handled and disposed of responsibly. The deletion of the word waste implies that the water returned via the borehole will not always be regarded as waste and therefore might be reused instead of disposed of. This change is not justified as it is important to be clear that contaminated water from the hydrocarbon industry will be disposed of in the appropriate manner. The change is also not consistent with paragraphs 110 and 143 of the NPPF, as the reuse of contaminated water from hydrocarbon wells presents a danger to the environment.

#### Suggested Modification

The change should not be accepted in the Plan and the reference to waste water should remain in the Plan. This will make the plan better justified as it will prevent contaminated water from hydrocarbon wells being reused in a irresponsible manner. It will also make the plan more consistent with national policy as it will protect the environment from harm.

**Frack Free Ryedale****3684/0076/PC080/LC.S.DTC**

Paragraph 5.153  
 Proposed Change PC080  
 Policy Number M18  
 Site Reference

**Comment**

This propose change has not dealt with the suggestion that all waste water from site operations can be treated. This is not the case as the treatment process for the water containing NORM is essentially dilution, and must be taken to a large treatment works able to carry out the process before releasing it into the river system. The paragraph describes the water as being disposed of, it is actually removed from site for further processing. There are no suitable treatment sites within the plan area.

This paragraph is misleading as far as reinjection of waste water into substrata. It is unlikely waste water will be disposed of by reinjection as it will not meet the requirements of assessment of the best available technique (BAT). There is evidence from other parts of the world that links reinjection with increased seismicity in excess of the trigger point in the 'traffic light' warning system used in respect of actually carrying out the fracturing itself. This potential is recognised by the amendment.

Concerned the Plan does not recognise the additional impacts related to noise which can occur should reinjection of water into wells be permitted, this should be taken account of in the plan.

**Suggested Modification**

Where the word 'waste' is deleted it should say after water 'REQUIRING TREATMENT OR PROCESSING.'

An additional sentence should also be added at the end of this paragraph relating to the potential increase in noise should this practice be permitted on sites.

Some clear definitions around the various water descriptors would assist.

**Frack Free Ryedale****3684/0077/PC081/LC.S.DTC**

Paragraph 5.156  
 Proposed Change PC081  
 Policy Number M18  
 Site Reference

**Comment**

Concerned that the amendment to paragraph 5.156 or 5.153 does not reference in anyway the additional impacts to noise levels which can occur as a result of site operations relating specifically to pumping water (waste water), let alone pressurising it should reinjection be allowed on site.

**017: Potash Polyhalite & Salt****CPRE (North Yorkshire Region)****2173/0037/PC007**

Paragraph 5.171  
 Proposed Change PC007  
 Policy Number M22  
 Site Reference

**Comment**

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**CPRE (North Yorkshire Region)****2173/0038/PC008**

Paragraph 5.171  
 Proposed Change PC008  
 Policy Number M22  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**CPRE (North Yorkshire Region)****2173/0039/PC009**

Paragraph 5.171p  
 Proposed Change PC009  
 Policy Number M22  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**CPRE (North Yorkshire Region)****2173/0040/PC010**

Paragraph 5.171p  
 Proposed Change PC010  
 Policy Number M22  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**CPRE (North Yorkshire Region)****2173/0057/PC082**

Paragraph 5.171p  
 Proposed Change PC082  
 Policy Number M22  
 Site Reference

[Comment](#)

Support the new sentence in relation to the Major Development Test in Policy M22.

**CPRE (North Yorkshire Region)****2173/0041/PC011**

Paragraph 5.172  
 Proposed Change PC011  
 Policy Number M22  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**006: Waste****023: Meeting Future Waste Management Needs**

**Natural England****0119/0119/PC105LC.S**

Paragraph 6.060s  
 Proposed Change PC105  
 Policy Number W04  
 Site Reference WJP15

[Comment](#)

Welcomes this clarification.

**Natural England****0119/0121/PC107/LC.S**

Paragraph 6.073s  
 Proposed Change PC107  
 Policy Number W05  
 Site Reference WJP06

[Comment](#)

Welcomes the addition of the York-Selby Cycle Track SINC in the Key Sensitivities and Development Requirements for allocation MJ55.

**CPRE (North Yorkshire Region)****2173/0048/PC107**

Paragraph 6.073s  
 Proposed Change PC107  
 Policy Number W05  
 Site Reference WJP06

[Comment](#)

Welcome the reference to the York and Selby Cycle Track SINC within the 1st bullet point of key sensitivities within WJP06.

A full archaeological assessment should be required prior to development (in line with those related suggested changes in PC98 and PC99 relating to sand and gravel sites) and alternative sites should be considered prior to any permission being granted.

**025: Site Identification Principles for new Waste Management Capacity****CPRE (North Yorkshire Region)****2173/0058/PC083**

Paragraph 6.112p  
 Proposed Change PC083  
 Policy Number W11  
 Site Reference

[Comment](#)

The proposed change refers to the addition of text within Policy W11 'or adjacent to' in Part 1), and makes equivalent changes to parts 2), 3), and 5). This improves consistency with Policy W10 and has regard to the fact siting facilities adjacent to existing waste management sites can be beneficial in terms of shared infrastructure networks and landscape screening opportunities amongst others, rather than siting new facilities in an isolated open countryside location.

**Tetragen (UK) Ltd****4103/0080/PC083/LC.S.DTC**

Paragraph 6.112p  
 Proposed Change PC083  
 Policy Number W11  
 Site Reference

[Comment](#)

Supports inclusion of the text in the Policy as it supports the extension of existing waste management sites as well as appropriate waste proposals within the footprint of an existing site. It aligns with Policy W10 2) and is more consistent. The MWJP is now considered to be sound, and no further modification is proposed.

**FD Todd & Sons Ltd****1133/0083/PC083/LC.S.DTC**

Paragraph 6.112p  
 Proposed Change PC083  
 Policy Number W11  
 Site Reference

[Comment](#)

Supports inclusion of the text in the Policy as it supports the extension of existing waste management sites as well as appropriate waste proposals within the footprint of an existing site. It aligns with Policy W10 2) and is more consistent. The MWJP is now considered to be sound, and no further modification is proposed.

**008: Minerals and Waste Safeguarding****028: Safeguarding Mineral Resources****CPRE (North Yorkshire Region)****2173/0042/PC017**

Paragraph 8.007p  
 Proposed Change PC017  
 Policy Number S01  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**CPRE (North Yorkshire Region)****2173/0043/PC018**

Paragraph 8.017  
 Proposed Change PC018  
 Policy Number S01  
 Site Reference

[Comment](#)

Support the PCs and additional proposed text in relation to potash mines in the North York Moors. The explanation of the differing types of potash (polyhalite and sylvinitite) and salt that can be extracted from the different mines and what exact permissions are in relation to the separate mines provides clarity and is welcomed.

**030: Waste Management Facility Safeguarding****Tetragen (UK) Ltd****4103/0081/PC084/LC.S.DTC**

Paragraph 8.027p  
 Proposed Change PC084  
 Policy Number S03  
 Site Reference

[Comment](#)

Supports inclusion of W10 in key links of Policy S03 as now links to overall locational principles for provision of waste capacity as well as the W11 waste site identification principles and so is now sound. No further modification is proposed.



**FD Todd & Sons Ltd****1133/0078/PC084/LC.S.DTC**

Paragraph 8.027p  
 Proposed Change PC084  
 Policy Number S03  
 Site Reference

**Comment**

Supports inclusion of W10 in key links of Policy S03 as now links to overall locational principles for provision of waste capacity as well as the W11 waste site identification principles and so is now sound. No further modification is proposed.

**Harworth Estates (UK Coal Operations Ltd)****0127/0032/PC084/LC.DTC.U**

Paragraph 8.027p  
 Proposed Change PC084  
 Policy Number S03  
 Site Reference

**Comment**

Policy S03 and its supporting text is too restrictive and does not take adequate account of the fact that waste uses may prove unviable. Likewise, a waste proposal use may not fully reflect the aspirations for other uses at a local level where there is a two-tier authority, such as Selby District Council. It is considered that Policy S03, and its supporting text, remains to be fully justified and is not flexible enough to deal with rapidly changing circumstances i.e. changes in the waste market which could affect viability. Policy S03 is therefore unsound. Our Client therefore objects to the current wording contained within the Pre-submission Draft.

**Suggested Modification**

To address these concerns and provide greater clarity, it is suggested that the supporting text at paragraph 8.29 is to be amended to include the following text before the final sentence:

'WHERE A SITE IS NOT IN USE, VIABILITY ISSUES WILL BE RELEVANT TO CONSIDERING WHETHER THERE IS A REASONABLE PROSPECT OF THE SITE STILL BEING USED FOR WASTE MANAGEMENT IN THE FORSEEABLE 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. This will ensure that there is an element of flexibility in the event sites safeguarded under Policy S03 can be brought forward for alternative uses in the event that a waste use would be unviable.

**Tetragen (UK) Ltd****4103/0079/PC027/LC.S.DTC**

Paragraph 8.027s  
 Proposed Change PC027  
 Policy Number S03  
 Site Reference

**Comment**

Supports inclusion of the text within the Knapton Quarry waste facility type description. The amended description support the site's existing and future operations as a transfer, treatment and recycling facility, as well as a composting facility, and assists in securing the waste handling infrastructure of the region. The MWJP is now considered to be sound, and no further modification is proposed.

**FD Todd & Sons Ltd****1133/0073/PC027/LC.S.DTC**

Paragraph 8.027s  
 Proposed Change PC027  
 Policy Number S03  
 Site Reference

[Comment](#)

Supports inclusion of the text within the Knapton Quarry waste facility type description. The amended description support the site's existing and future operations as a transfer, treatment and recycling facility, as well as a composting facility, and assists in securing the waste handling infrastructure of the region. The MWJP is now considered to be sound, and no further modification is proposed.

**Ryedale District Council****0116/0084/PC113/LC.S.DTC**

Paragraph 8.027s  
 Proposed Change PC113  
 Policy Number S03  
 Site Reference

[Comment](#)

The proposed change (additional site) is in response to a previous representation and is welcomed.

**Highways England****0112/0026/PC113/S**

Paragraph 8.027s  
 Proposed Change PC113  
 Policy Number S03  
 Site Reference

[Comment](#)

Highways England have considered this additional safeguarded waste site and have no concerns at this time as the proposed change only safeguards the existing site and will not generate additional traffic.

We do not feel that the proposed changes materially alter the overall policy approach of the plan and we therefore remain generally supportive of the policies set out. Highways England considers that the Joint Plan is sound when considered against the tests of being positively prepared, justified, effective, and consistent with national policy.

**Harworth Estates (UK Coal Operations Ltd)****0127/0033PC085/LC.DTC,U**

Paragraph 8.030  
 Proposed Change PC085  
 Policy Number S03  
 Site Reference

**Comment**

Policy S03: Waste Management Facility Safeguarding proposes to impose a 250m buffer around all allocated waste management facilities to protect and prevent any conflicting uses. However, Policy S03 and its supporting text do not fully acknowledge that such facilities are often sited on sites where other uses are existing or proposed which would require them to sit within close proximity to each other. In particular, we have previously highlighted the example of the proposals for the employment park at the former Kellingley Colliery Site. As such, our Client welcomes the addition of the suggested additional paragraph proposed via amendment PC85.

We would however highlight that Amendment PC85 will only address situations where proposals for a site are already subject to a planning consent. This still does not adequately address situations where new proposals are either proposed via a planning application, or within an emerging development plan. This proposed amendment fails to be effective and our Client therefore continues to object.

**Suggested Modification**

To ensure policy PC85 and its supporting text is “sound”, the word 'extant' should be deleted from the first sentence, resulting in the following:

“It is acknowledged that in some cases, including at the former mine sites in the Plan area, there are other 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...”

**Selby District Council****0074/0010/PC085/S**

Paragraph 8.030  
 Proposed Change PC085  
 Policy Number S03  
 Site Reference

**Comment**

We support proposed amendment PC85. The inclusion of this text at revised paragraphs 8.30 should ensure a pragmatic approach is taken when implementing safeguarding requirements, where an overlap of other types of proposed development occurs. We welcome the fact that the Minerals and Waste Planning Authority will seek to work constructively, in these circumstances, with the relevant LPA and developers to ensure that a proportionate approach is taken.

031: Minerals and Waste Transport infrastructure Safeguarding

**Selby District Council****0074/0011/PC086/S**

Paragraph 8.033  
 Proposed Change PC086  
 Policy Number S04  
 Site Reference

**Comment**

We support proposed amendment PC86. The inclusion of this text at revised paragraph 8.33 should ensure a pragmatic approach is taken when implementing safeguarding requirements, where an overlap of other types of proposed development occurs. We welcome the fact that the Minerals and Waste Planning Authority will seek to work constructively, in these circumstances, with the relevant LPA and developers to ensure that a proportionate approach is taken.

**Harworth Estates (UK Coal Operations Ltd)****0127/0034/PC087/LC.DTC.U**

Paragraph 8.034  
 Proposed Change PC087  
 Policy Number S04  
 Site Reference

**Comment**

We have also previously raised concerns that Policy S04 fails to take account of situations whereby existing waste management facilities are no longer viable and therefore alternative uses may need to be sought. As such, it is considered that Policy S04 does not currently meet the tests of national policy and is therefore 'unsound'.

**Suggested Modification**

It was agreed that the following text would be added to the end of paragraph 8.34:

'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 FORSEEABLE FUTURE.'

**034: Safeguarding Exempt Criteria****CPRE (North Yorkshire Region)****2173/0049/PC088**

Paragraph 8.047  
 Proposed Change PC088  
 Policy Number  
 Site Reference

**Comment**

With specific regard to transport matters, support the inclusion of this change which references the fact that minerals and waste transport infrastructure is also safeguarded within the plan.

**Harworth Estates (UK Coal Operations Ltd)**

0127/0035PC088//LC.DTC.U

Paragraph 8.047  
 Proposed Change PC088  
 Policy Number  
 Site Reference

**Comment**

Our Client has also previously raised concerns that the Joint Plan fails to fully acknowledge the aspirations, both short and longer term, of district authorities, in particular Selby District Council, which is currently progressing its emerging Local Plan, including site allocations. This omission means that policy S04, is not effective and is therefore in direct conflict with the clear tests outlined in national policy. Our Client therefore continues to object. It was therefore agreed to add the following amendment to the exemption criteria listed at paragraph 8.47 (bullet point 12):

**Suggested Modification**

“Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, and waste AND MINERALS AND WASTE TRANSPORT INFRASTRUCTURE safeguarding requirements, OR, IN THE CASE OF AN EMERGING LOCAL PLAN ALLOCATION, WHERE THE MINERALS AND WASTE PLANNING AUTHORITY HAS RAISED NO SAFEGUARDING CONCERNS DURING CONSULTATION ON THE EMERGING PLAN ALLOCATION”.

**CPRE (North Yorkshire Region)**

2173/0055/PC088

Paragraph 8.047  
 Proposed Change PC088  
 Policy Number  
 Site Reference

**Comment**

Welcome the reference to relevant designation in terms of locally important landscape designations identified in District and Borough Local Plans and that the MPA will need to have regard to them in determining applications within those areas.

**009: Development Management****037: Development Management Criteria****CPRE (North Yorkshire Region)**

2173/0050/PC089

Paragraph 9.016  
 Proposed Change PC089  
 Policy Number D03  
 Site Reference

**Comment**

The reference to Air Quality Management Areas is welcomed in this change. It is important to note that that air quality is linked to and often impacted detrimentally by vehicular emissions. We are aware that the Government is placing great weight on the protection and enhancement of air quality, therefore, opportunities to enhance air quality within North Yorkshire should be encouraged.

**Howardian Hills AONB****0113/0143/PC090/S**

Paragraph 9.021  
 Proposed Change PC090  
 Policy Number D03  
 Site Reference

[Comment](#)

The points raised in the response made to the Publication Draft in relation to inserting the full Purposes of AONB Designation have been fully incorporated into the proposed change.

**South Hambleton Shale Advisory Group****4158/0030/PC090**

Paragraph 9.021  
 Proposed Change PC090  
 Policy Number D04  
 Site Reference

[Comment](#)

The Proposed Change states that within AONBs 'particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment'. We would expect this more rigorous test also to apply within the AONB buffer zone ref. Policy M16 (d) i).

**038: Protection of Important Assets****South Hambleton Shale Advisory Group****4158/0031/PC091**

Paragraph 9.042  
 Proposed Change PC091  
 Policy Number D06  
 Site Reference

[Comment](#)

We note this Proposed Change but remain concerned that this does not provide consistent or comprehensive scrutiny, particular in relation to cumulative impact.  
 We suggest that for each PEDL area, the Councils, in conjunction with District Councils, undertake or adapt existing Landscape Character Assessments (LCA) to include a 'sensitivity assessment which considers the potential impact of each additional drilling site and advises what number could be accommodated without detriment'.  
 Alternatively, whenever more than two drilling sites are approved in any PEDL area, no further planning application for additional shale gas wells on an existing or new site within the PEDL area should be considered until a LCA and sensitivity study has been undertaken to determine the total capacity (number) of drilling sites in that PEDL area that can be accommodated without detriment. This is necessary to avoid adverse cumulative impact.

**Natural England****0119/0115/PC091/LC.S**

Paragraph 9.042  
 Proposed Change PC091  
 Policy Number D06  
 Site Reference

[Comment](#)

Welcomes the consideration of locally important landscapes in this context.

**040: Reclamation and Afteruse**

**Tarmac**

**0317/0018/PC095/LC.S**

Paragraph 9.084p  
Proposed Change PC095  
Policy Number D10  
Site Reference

**Comment**

The rewording of Policy D10 1) i) is supported in that the proposed change is now consistent with para 189 of the NPPF.

**4191/0060/PC095/LC.U.DTC**

Paragraph 9.084p  
Proposed Change PC095  
Policy Number D10  
Site Reference

**Comment**

This change is not fully justified as it does not go far enough in terms of consultation with communities and proof of reasonable low impacts on those affected communities and the environment. Also believe within this context that proof of viability compared to other energy sourcing processes such as micro-renewables and larger scale renewable energy infrastructure is not being clearly demonstrated and as such is subjecting nearby affected communities to unacceptable risk of pollution(s).

**Suggested modification**

Consider the following addition necessary to PC95

AN APPLICANT FOR PLANNING PERMISSION FOR FRACKING OR SHALE GAS OPERATIONS (INCLUDING TEST DRILLING AND EXTRACTION) MUST DEMONSTRATE BY APPROPRIATE EVIDENCE AND ASSESSMENT THAT REASONABLE SCIENTIFIC DOUBT CAN BE EXCLUDED TO ADVERSE IMPACTS OF THE PROPOSED DEVELOPMENT ALONE OR IN COMBINATION WITH OTHER DEVELOPMENTS:

- ON THE QUALITY AND QUANTITY OF WATER RESOURCES
- ON AIR QUALITY (INCLUDING THROUGH EMISSIONS OF METHANE AND SULPHUR)
- ON SEISMIC ACTIVITY
- ON LOCAL COMMUNITIES

**Tarmac****0317/0019/PC096/LC.U**

Paragraph 9.084p  
 Proposed Change PC096  
 Policy Number D10  
 Site Reference

**Comment**

Acknowledge the changes made to Part 2 (viii) of Policy D10. Nevertheless, these changes do not address the representations previously made in response to this policy.  
 The 'landscape scale benefits' which are sought through Part 2 (viii) of the policy can often only be delivered with large areas of land which may not be under the control of the developer. As such, expectations may be created that cannot be delivered. The policy is therefore considered to be unsound.

**Suggested Modification**

Delete the following words from Part 2(viii) of Policy D10:  
 ".. Seeking to deliver benefits at a landscape scale."

**Minerals Products Association****0115/0086/PC096/LC.U**

Paragraph 9.084p  
 Proposed Change PC096  
 Policy Number D10  
 Site Reference

**Comment**

The 'landscape scale benefits' which are sought through Part 2 (viii) of the policy can often be delivered with large areas of land not under the control of the developer. As such, this policy cannot be effectively achieved and the policy is therefore considered unsound.

**Suggested Modification**

Suggest some words are deleted from Part 2 (viii)

'Achieving significant net gains for biodiversity which help create coherent and resilient ecological networks. Where practicable, proposals should contribute significantly to the creation of habitats of particular importance in the local landscape [seeking to deliver benefits at a landscape scale]. This includes wet grasslands and fen in the Swale and Ure valleys and species-rich grassland on the Magnesian limestone ridge.'

**Natural England****0119/0116/PC096/LC.S**

Paragraph 9.084p  
 Proposed Change PC096  
 Policy Number D10  
 Site Reference

**Comment**

Welcomes the clarity provided by this modification.

**011: Any Other Comments****050: Any Other Comments**



**East Riding of Yorkshire Council****0118/0149**

Paragraph NC

[Comment](#)[Proposed Change](#)

No further comments to make in respect of the proposed changes and there are no outstanding issues to be resolved.

[Policy Number](#)[Site Reference](#)**Ministry of Defence / Defence Infrastructure Organisation****0114/0148**

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments in regards to the proposed changes consultation document.

[Policy Number](#)[Site Reference](#)**Burton Salmon Parish Council****0457/0155**

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments to make.

[Policy Number](#)[Site Reference](#)**Lancaster City Council****0054/0145**

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments to make on the proposed changes

[Policy Number](#)[Site Reference](#)**Durham County Council****0092/0146**

Paragraph NC

[Comment](#)[Proposed Change](#)

Do not have any further comments over and above what was submitted in relation to the Publication Draft in December 2016.

[Policy Number](#)[Site Reference](#)

**Doncaster Metropolitan Borough Council**

0095/0147

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments to make regarding the proposed changes.

[Policy Number](#)[Site Reference](#)**Hambleton District Council**

0053/0144

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments to make of proposed changes.

[Policy Number](#)[Site Reference](#)**CEG**

4198/162

Paragraph NC

[Comment](#)[Proposed Change](#)

No comments to make.

[Policy Number](#)[Site Reference](#)**Scarborough Borough Council**

0286/0152

Paragraph NC

[Comment](#)[Proposed Change](#)

In the addendum of proposed changes there are no alterations that relate specifically to Scarborough Borough and so have no comments to make.

[Policy Number](#)[Site Reference](#)**Canal & River Trust**

0294/0153

Paragraph NC

[Comment](#)[Proposed Change](#)

Do not wish to make comments on the proposed changes.

[Policy Number](#)[Site Reference](#)

**North Yorkshire Police****1125/0159**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

No comments to make.

**West Tanfield Parish Council****0948/0157**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

No comments to make.

**Environment Agency****0121/0150**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

The changes have no impact on any previous comments that we have provided and so have no comments to make.

**Hull City Council****3027/0161**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

No further comments to make in respect of the proposed changes and there are no outstanding issues to be resolved.

**The Coal Authority****1111/0158**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

Generally supportive of changes but are disappointed are proposed to Policy M16 as previously requested so consider that our previous comments are still relevant and our objections have not been addressed.

**United Utilities****0327/0154**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

No comments to make at this stage but request to be consulted with future planning documents.

**Leaving Parish Council****0726/0156**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

No further comments to make beyond those previously submitted.

**York Health and Wellbeing Board****2175/160**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

Not submitting a formal response to the consultation.

**Yorkshire Wildlife Trust****0128/0151**

Paragraph NC  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

Do not have any further comments to make.

**012: Non-Duly Made Representations Received****3386/0171**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

[Comment](#)

4190/0176

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

4189/0175

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

4195/0177

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

4197/0178

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

**Poppleton Junior Football Club**

3219/0170

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

**Helmsley Town Council**

**0603/0163**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

Comment

**Gladman Developments**

**2367/0168**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

Comment

**Wistow Parish Council**

**0966/0164**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

Comment

**Alkane Energy**

**3705/0172**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

Comment

**Newby Hall Estate**

**1351/0166**

Paragraph NDM  
Proposed Change  
Policy Number  
Site Reference

Comment

1355/0167

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

4098/0174

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

**Pool-in-Wharfedale Parish Council**

1076/0165

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

3836/0173

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

2808/0169

Paragraph  
Proposed Change  
Policy Number  
Site Reference

NDM

Comment

## MINERALS AND WASTE JOINT PLAN - SUMMARY OF MAIN REPRESENTATION ISSUES AT THE ADDENDUM OF PROPOSED CHANGES TO THE PUBLICATION DRAFT (Regulation 22 (1))

### Introduction

*Following the Publication Draft of the Minerals and Waste Joint Plan in November 2016 a number of Proposed Changes were identified to the Plan. As a result, it was considered necessary to present the changes, in accordance with regulation 19: Publication of a Local Plan, for representations on Legal compliance and soundness. The additional period for receiving representation ran from 12<sup>th</sup> July 2017 for eight weeks until 6<sup>th</sup> September 2017. The following table provides a focussed summary of the main issues raised and the response by the Authorities.*

*As a substantial number of representations received relate to the Proposed Changes to the Hydrocarbons (oil and gas) policies in the Joint Plan, the table is divided into four main parts:*

- 1) *Key issues raised by the hydrocarbons industry;*
- 2) *Key issues raised by environment/amenity groups and individuals relating to hydrocarbons*
- 3) *Other key policy issues*
- 4) *Site allocations issues*

### Hydrocarbons key issues - industry

Representation main issues	Main representors	Response by the Authorities
PC56: Amends the 'Summary of the process of hydrocarbons development' section, to clarify the expected nature of development at the exploration stage. <ul style="list-style-type: none"> <li>• Additional text should be added to clarify that activity will be subsequent to drilling.</li> </ul>	Zetland Group	The proposed change was made in the 1st bullet of para. 5.107 regarding unconventional hydrocarbons from exploratory 'drilling' to exploratory 'activity' to address that whilst drilling activities are similar for conventional and unconventional hydrocarbon sources, which is reflected in the sentence before the proposed change, there may be differences in the timing of exploratory activities associated with unconventional sources. <b>No further change proposed.</b>
PC59: Amends the 'Summary of the process of hydrocarbons development' section to clarify the role of the Environment Agency. <ul style="list-style-type: none"> <li>• The change does not fully reflect the role of the Environment Agency and should be expanded.</li> </ul>	Zetland Group, Third Energy Ltd	The additional sentence in the Addendum is not a summary of the whole role of the Environment Agency, but was proposed in response to representations regarding the Agency's role as a regulator regarding the management and disposal of returned water and NORM. <b>No further change proposed.</b>



<p>PC61: Amends the 'Other regulatory regimes' section under 'Hydrocarbons' to more closely align the text with national policy and guidance.</p> <ul style="list-style-type: none"> <li>This change is not effective as it reduces the scope of other regulatory bodies by only making reference to 'control of processes or emissions' with regard to what MPAs do not have to focus on.</li> </ul>	<p>Third Energy Ltd</p>	<p>National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues arise which may be relevant to both assessing the land use impacts of a proposed use and the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. <b>No further change proposed.</b></p>
<p>PC62: Amends the 'Definitions' section under 'Hydrocarbons', to clarify distinctions between development activity associated with conventional and unconventional resources.</p> <ul style="list-style-type: none"> <li>Para 5.119 (g) should be removed as it is unjustified. The nature of activities required to extract conventional or unconventional hydrocarbons will vary and there is no difference in policy terms between extracting conventional and unconventional hydrocarbons. This change is conjecture, as opposed to a definition, which has not been validated by the Oil &amp; Gas Authority nor industry.</li> <li>Amend the change to remove the implication that unconventional hydrocarbon extraction is more complex and requires a greater number of well pads/individual wells than conventional hydrocarbons, Focus on the potential scale and impact of development.</li> <li>Object to the definition of 'hydraulic fracturing' in para 5.119 (f) as it is contrary to Section 50 of the Infrastructure</li> </ul>	<p>UKOOG, Egdon Resources (UK) Ltd, Cuadrilla Resources Ltd, Third Energy Ltd, INEOS Upstream Ltd</p>	<p>Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (e.g. some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, 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 pressure of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. <b>No further change proposed.</b></p>

<p>Act 2015.</p> <ul style="list-style-type: none"> <li>• Incorrect and irrelevant terminology needs to be corrected (e.g. conventional drilling, unconventional techniques).</li> </ul>		
<p>PC63: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to more accurately reflect the regulatory position of the Government's Surface Protections for hydraulic fracturing.</p> <ul style="list-style-type: none"> <li>• Section 4B(1) of the Petroleum Act 1998 does not contain the definition of associated hydraulic fracturing.</li> <li>• It is unnecessarily restrictive that the planning restrictions under the Infrastructure Act 2015 for the purpose of 'associated hydraulic fracturing' should also apply to other oil and gas activity.</li> </ul>	<p>Zetland Group, UKOOG</p>	<p>The definition of "associated hydraulic fracturing" was inserted into the Petroleum Act 1998 Section 4, as Section 4B (1), by the Infrastructure Act 2015.</p> <p>The changes proposed in the Addendum reflect the current regulatory position relating to the Government's current position with regard surface protections for hydraulic fracturing, but the changes also recognise there are some distinctions between development activity associated with conventional and unconventional resources. <b>No further change proposed.</b></p>
<p>PC66: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to clarify the approach and ensure appropriate flexibility.</p> <ul style="list-style-type: none"> <li>• This change does not address the fundamental problem with Policy M16 which seeks to apply restrictions to hydraulic fracturing for conventional gas resources.</li> <li>• The change implies that there may be restrictions on unconventional fracturing operations over and above the Infrastructure Act 2015.</li> <li>• The term 'unreasonably' in the change is not considered acceptable because it replaces objectivity with subjectivity in decision making.</li> <li>• The application of new regulations and proposed surface protections to only high volume fracturing is contrary to the earlier statement that it is not considered appropriate to distinguish between this and lower levels of activity. This is contrary to Section 50 of the Infrastructure Act 2015.</li> </ul>	<p>Egdon Resources (UK) Ltd, INEOS Upstream Ltd, Cuadrilla Resources Ltd,</p>	<p>It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and the clarification in para 5.124 aims to ensure appropriate flexibility in the Plan. <b>No further change proposed.</b></p>
<p>PC67: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to</p>	<p>INEOS Upstream Ltd</p>	<p>It is considered that the text illustrates and reflects the potential position where circumstances may arise such that the presence of</p>

<p>reflect the potential position.</p> <ul style="list-style-type: none"> <li>The change creates uncertainty for the decision maker rather than allowing for objective assessment.</li> </ul>		<p>equipment and activity on site may vary over time and which is therefore relevant to the consideration of, for example, impact on amenity. <b>No further change proposed.</b></p>
<p>PC70: Clarifies the proposed approach in Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> <li>This change fails to address the fundamental issue that there is no justification for setting a well pad density limit within a PEDL area. Cumulative impacts would be taken into account when planning applications are determined.</li> </ul>	<p>Egdon Resources (UK) Ltd</p>	<p>An objective within Policy M17 is ensuring that unacceptable cumulative effect does not arise. However, it is recognised that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The text in 5.137, including the Addendum, regarding well pad density provides an indication of the approach that could be taken to preventing unacceptable cumulative impact, but, as acknowledged in the last sentence of the paragraph PEDL boundaries are based on an OS grid and do not reflect other considerations and constraints. Therefore, the location of existing or planned developments in the vicinity of a proposal will also be considered in assessing cumulative impact under this Policy. <b>No further change proposed.</b></p>
<p>PC71: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> <li>This change restates controls that are within the remit of other regulators. If the MPA wishes to explain how these are applied to hydrocarbon development this should be done through a Supplementary Planning Document.</li> </ul>	<p>INEOS Upstream Ltd</p>	<p>National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. <b>No further change proposed.</b></p>

<p>PC72 &amp; PC73: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to clarify the approach to preventing unacceptable cumulative impact.</p> <ul style="list-style-type: none"> <li>This change is not effective as this arbitrary limit on well pad density is unnecessarily restrictive and without justification. The geographical spacing, scale, type of development and topographical and surface characteristics should be considered in the assessment of a proposal.</li> </ul>	<p>Third Energy Ltd, INEOS Upstream Ltd, Egdon Resources (UK) Ltd, Cuadrilla Resources Ltd, UKOOG, Zetland Group</p>	<p>Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise and that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact, including the location of existing or planned developments in the vicinity of a proposal, may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue. <b>No further change proposed.</b></p>
<p>PC76: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to more accurately reflect the available evidence.</p> <ul style="list-style-type: none"> <li>The reference to 'induced seismic activity' should be deleted as this is the responsibility of the OGA.</li> <li>The change is not effective as any development will be required to demonstrate that the geology is suitable via a technical study.</li> </ul>	<p>INEOS Upstream Ltd, Egdon Resources (UK) Ltd, Third Energy Ltd, UKOOG,</p>	<p>Whilst it is acknowledged that the Oil and Gas Authority has in place specific measures relating to the control of seismic risk, there is potential for this issue to give rise to wider considerations of local amenity, which is a matter relevant to planning and is therefore appropriately referenced in the Plan. <b>No further change proposed.</b></p>
<p>PC79: Amends Policy M18: Other specific criteria applying to hydrocarbon development, to more accurately reflect the relevant regulatory requirements relating to decommissioning of wells.</p> <ul style="list-style-type: none"> <li>This change is not effective as the decommissioning of wells is undertaken in line with regulatory requirements of the HSE, EA and OGA.</li> </ul>	<p>Third Energy Ltd,</p>	<p>The wording of the Policy was revised to delete the reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position and help ensure consistency with other legislative processes. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and that they should focus on the impact of the use. In order to ensure that the impacts of a proposed use can be</p>

		properly assessed through the planning process, it is necessary to ensure that the development plan, as a starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. <b>No further change proposed.</b>
Hydrocarbons key issues - environment/amenity groups and individuals		
Representation main issues	Main representors	Response by the Authorities
<p>PC56 &amp; PC57: Amends the 'Summary of the process of hydrocarbons development' section to clarify the expected nature of development at exploration and production stages.</p> <ul style="list-style-type: none"> <li>Exploratory work should be limited to a defined period otherwise excessive nuisance could be caused.</li> </ul>	Frack Free Ryedale	Whilst this concern is noted it is considered that the suggested approach would lack flexibility to reflect a wide range of potential circumstances that apply to a specific proposal in the Plan area and it is considered that, in combination, the policies provide for a high degree of protection of local communities, taking into account also the role of other relevant regulators. <b>No further change proposed.</b>
<p>PC58: Amends the 'Summary of the process of hydrocarbons development' section to clarify the expected nature of development that could come forward.</p> <ul style="list-style-type: none"> <li>This change appears to contradict the description of the exploration stage in para 5.107, which states that this is an 'intense activity' which for unconventional hydrocarbons may take 'considerably longer' than '12 to 25 weeks'. Therefore, the proposed change should be amended to reflect this.</li> </ul>	Frack Free Ryedale	This is not agreed. It is considered that the text, together with other relevant paragraphs, including 5.107 make it clear that some activities can be short-term, some intensive, some temporary, some intermittent and some may last for longer periods. The activities will vary with the nature of the development and the circumstances of the individual site. <b>No further change proposed.</b>
<p>PC59: Amends the 'Summary of the process of hydrocarbons development' section to clarify the role of the Environment Agency.</p> <ul style="list-style-type: none"> <li>The change should be expanded to include reference to</li> </ul>	Frack Free Ryedale	The suggested addition is not necessary as paragraph 5.112 already refers, in the last sentence of the paragraph, to 'where matters subject to regulation through other regimes also give rise to land use implications, the Authorities will seek to address them through the planning process'. <b>No further change proposed.</b>

<p>para 112 of the Minerals PPG, stating that onsite storage of returned water and associated traffic movements is a matter for the MPA.</p>		
<p>PC61: Amends the 'Other regulatory regimes' section under 'Hydrocarbons' to more closely align the text with national policy and guidance.</p> <ul style="list-style-type: none"> <li>Expand the change to state that 'the MPA must be satisfied that issues will be adequately addressed by the relevant regulatory body'.</li> </ul>	<p>Frack Free Ryedale</p>	<p>National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. <b>No further change proposed.</b></p>
<p>PC62: Amends the 'Definitions' section under 'Hydrocarbons' to clarify distinctions between development activity associated with conventional and unconventional resources.</p> <ul style="list-style-type: none"> <li>This change should be removed and the previous text which defines conventional and unconventional hydrocarbons, as provided in the Publication Draft, should remain as this provided greater clarity to the decision maker.</li> <li>Utilise the Minerals PPG definition of conventional hydrocarbons setting out that higher geology reservoirs often mean sandstone and limestone.</li> <li>Define the terms 'long term' and 'short term' as set out in the Minerals PPG, in addition to 'significant harm'.</li> <li>Expand the change to para 5.119 (d) to include 'for example where the reservoir is sandstone or limestone' to be in accordance with national policy.</li> </ul>	<p>Individual, CPRE (North Yorkshire Region), Frack Free Ryedale</p>	<p>Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, 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 for the management of any related wastes. Given the nature of hydrocarbons and that development can vary on a site by site basis, it is not considered appropriate to provide separate definitions for short-term or long-term to those used in the Minerals PPG and it is not necessary to further expand 5.119 d) regarding the nature of the geological reservoirs. <b>No further change proposed.</b></p>
<p>PC63: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to</p>	<p>Frack Free Ryedale,</p>	<p>The changes proposed in the Addendum reflect the current regulatory position relating to the Government's current position</p>

<p>more accurately reflect the regulatory position of the Governments Surface Protections for hydraulic fracturing.</p> <ul style="list-style-type: none"> <li>Expand change to include text stating that as similar environmental impacts occur when hydraulic fracturing occurs below the defined threshold all proposals in protected areas will be treated the same in policy terms.</li> <li>The use of a '1,000 cubic metres of fluid' threshold is not effective and the Plan's policies should apply to all hydraulic fracturing proposals</li> <li>Query what criteria will be used to judge how an operator may 'persuasively demonstrate why requiring such a consent would not be appropriate'. Defined, robust and objective criteria should be used to ensure consistency.</li> <li>This change should be clear that the Plan will utilise the definition of hydraulic fracturing in para 5.119 (f) which is consistent with National Policy and not that provided in the Infrastructure Act 2015.</li> </ul>	<p>Individuals</p>	<p>with regard surface protections for hydraulic fracturing, but the changes also recognise there are some distinctions between development activity associated with conventional and unconventional resources. It is not necessary to replicate in paragraph 5.122, matters addressed in other paragraphs, such as 5.124. <b>No further change proposed.</b></p>
<p>PC66: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to clarify the approach and ensure appropriate flexibility.</p> <ul style="list-style-type: none"> <li>This change should not be included, and the Plan should utilise the definition of hydraulic fracturing in para 5.119 (f) which is consistent with National Policy.</li> </ul>	<p>Individual</p>	<p>It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and the clarification in paragraph 5.124 aims to ensure appropriate flexibility in the Plan. <b>No further change proposed.</b></p>
<p>PC68: Amendment to the Justification Text supporting Policy M16: Key spatial principles for hydrocarbon development, to reflect the presence of other potentially relevant designations in district local plans.</p> <ul style="list-style-type: none"> <li>The text of this change should be included in the wording of Policy M16 or M17.</li> <li>The change should be amended to refer to the 'appropriate body responsible' rather than NYCC to</li> </ul>	<p>Malton Town Council, South Hambleton Shale Advisory Group, Individuals, Barugh (Great &amp; Little) Parish Council, Habton Parish Council, Frack</p>	<p>It is not considered that specific reference is required within Policy M16 as Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection.</p>

<p>ensure the National Infrastructure Planning body takes account of these policies if responsible for determining the proposal.</p> <ul style="list-style-type: none"> <li>• The change should be amended to refer specifically to employment and economic policies in a local plan because under any other planning context surface development for hydraulic fracturing would be classed as employment or economic development.</li> <li>• The change should be expanded to include having regard to Landscape Character Assessments.</li> <li>• Clarify what is intended by the term 'regard will be had to the requirements of associated local plan policy'.</li> <li>• Ensure areas high in landscape value (i.e. Vale of Pickering and Yorkshire Wolds) are protected.</li> </ul>	<p>Free Malton &amp; Norton, Frack Free Ryedale</p>	<p>Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. <b>No further change proposed.</b></p>
<p>PC70: Clarifies the proposed approach in Policy M17: Other spatial and locational criteria applying to hydrocarbon development.</p> <ul style="list-style-type: none"> <li>• The change should not be accepted as it removes the need to consider planned well pads, which is important when considering the overall plan for the area and cumulative impacts of both planned and permitted sites.</li> <li>• The wording of the Policy should be more robust to consider the density of hydraulic fracturing sites.</li> </ul>	<p>Individuals</p>	<p>An objective within Policy M17 is ensuring that unacceptable cumulative effect does not arise. However, it is recognised that bearing in mind the very early stage of development of the industry in this area there is a need for a degree of appropriate flexibility. The text in 5.137, including the Addendum, regarding well pad density provides an indication of the approach that could be taken to preventing unacceptable cumulative impact, but, as acknowledged in the last sentence of the paragraph PEDL boundaries are based on an OS grid and do not reflect other considerations and constraints. Therefore, the location of existing or planned developments in the vicinity of a proposal will also be considered in assessing cumulative impact under this Policy. <b>No further change proposed.</b></p>
<p>PC71: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to reflect the potential for vehicle movements to impact on air quality.</p> <ul style="list-style-type: none"> <li>• The text of this change should be included in the wording of Policy M17.</li> </ul>	<p>Friends of the Earth (Y&amp;H and the NE)</p>	<p>It is not considered that specific references to matters such as transport and air quality are required within the individual mineral policies, including those relating to hydrocarbons, as the policies of the Plan should be considered as a whole, including Policy D02 (local amenity and cumulative effects) and Policy D03 (transport of minerals and waste and associated traffic impacts). This will enable the consideration of the circumstances of developments</p>



		such that there will be no unacceptable impact having taken into account any proposed mitigation measures. <b>No further change proposed.</b>
<p>PC73: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to clarify the approach to preventing unacceptable cumulative impact.</p> <ul style="list-style-type: none"> <li>Expand the change to include, in addition to green belt, areas of local landscape importance designated in District/Borough Local Plans.</li> </ul>	Frack Free Ryedale	This matter is already addressed in Policy D06 of the Plan, which states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. In the two-tier part of the Plan area the District and Borough Local Plans form part of the statutory development plan and therefore where areas of local landscape importance are identified in local plans and are relevant to a proposal under consideration these will need to be taken into account in determining the acceptability of the proposals. <b>No further change proposed.</b>
<p>PC75: Amendment to the Justification Text supporting Policy M17: Other spatial and locational criteria applying to hydrocarbon development, to improve consistency with national policy and guidance.</p> <ul style="list-style-type: none"> <li>The change is not in conformity with national guidance as developers should aim to reduce noise levels to a minimum level, below the thresholds set out in guidance, not meet them as the change suggests.</li> <li>In accordance with para 21 of the Minerals PPG, the change should be expanded to require applicants to provide evidence if noise levels cannot be reduced without onerous burden (i.e. noise level monitoring).</li> <li>Expand the change to require all well completions to be 'green' completions (i.e. no flaring allowed)</li> </ul>	CPRE (North Yorkshire Region), Frack Free Ryedale	National policy requires that the issue of noise be addressed in the Plan. The Plan sets out a comprehensive range of criteria, including regarding noise and giving consideration to the nature of the proposed development (which could include whether or not flaring is involved), to ensure a robust approach to protection of the amenity whilst providing appropriate flexibility for development in line with national policy. <b>No further change proposed.</b>
<p>PC79: Amends Policy M18: Other specific criteria applying to hydrocarbon development, to more accurately reflect the relevant regulatory requirements relating to decommissioning of wells.</p>	Frack Free Ryedale, Individual	The wording of the Policy was revised to delete the reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position and help ensure consistency with other

<ul style="list-style-type: none"> <li>Do not support this change as this will lead to wells remaining suspended in the hope of becoming commercially viable, and used as a reason to extend permissions in a speculative way.</li> <li>Wells should be decommissioned promptly following completion of the operational phase and should not be suspended pending further planning applications.</li> <li>Flaring at sites, should be considered an onsite waste operation, and not be permitted.</li> </ul>		<p>legislative processes. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and that they should focus on the impact of the use. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as a starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes. <b>No further change proposed.</b></p>
<p>PC80: Amendment to the Justification Text supporting Policy M18: Other specific criteria applying to hydrocarbon development, to clarify that water arising on site may not always constitute waste.</p> <ul style="list-style-type: none"> <li>Do not support this change as removal of the term ‘waste’ implies that water returned via a borehole may be reused instead of disposed of which is contrary to para 110 &amp; 143 of the NPPF (i.e. presents dangers to the environment).</li> <li>The change should be amended to clarify that returned water would require treatment or processing.</li> <li>The change should refer to the potential increase in noise should onsite treatment of waste be permitted.</li> </ul>	<p>Individual, Frack Free Ryedale</p>	<p>In view of the uncertainty which exists in relation to future management of waste from any shale gas industry it is considered important to ensure that implications of on-site water management as well as off-site management requirements are properly addressed. The submission of a water management plan provides a mechanism for this. It is recognised that applications may also need to be accompanied by a transport assessment and that there could be some degree of overlap but this is considered reasonable bearing in mind the potential for large volumes of waste water requiring transport off site. Paragraph 5.154 of the supporting text to Policy M18 already indicates that a waste water management plan will need to address arrangements for the safe and sustainable management and transport of waste. Issues such as noise are dealt with by Policy D02. <b>No further change proposed.</b></p>
<p>PC81: Amendment to the Justification Text supporting Policy M18: Other specific criteria applying to hydrocarbon development, to clarify the position.</p> <ul style="list-style-type: none"> <li>The change should reference the additional impacts to noise levels as a result of site operations (i.e. pumping</li> </ul>	<p>Frack Free Ryedale</p>	<p>Whilst this concern about noise is noted it is considered that, in combination, the policies provide for a high degree of protection of local communities and the environment, taking into account also the role of other relevant regulators. <b>No further change proposed.</b></p>

wastewater).		
Other key policy issues		
Representation main issues	Main representors	Response by the Authorities
<p>PC50: Clarifies the proposed approach in Policy M06: Landbanks for Crushed Rock:</p> <ul style="list-style-type: none"> <li>• Representations have suggested that the Policy is not in accordance with Para 145 of the NPPF, insofar as the Policy uses the wording 'a minimum overall landbank of 10 years' whereas national policy states 'the maintenance of at least 10 years'.</li> <li>• Representations have suggested that the Policy is not in accordance with Para 144 of the NPPF, insofar as the Policy does not include the term 'as far as practical' when referring to sourcing new crushed rock reserves from outside of the National Park and AONBs.</li> </ul>	<p>Minerals Products Association, Tarmac</p>	<p>It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and the maintenance of a landbank of 'at least 10 years'. It is not considered necessary to refer, in the second paragraph of the Policy, to sourcing crushed rock from outside the National Parks and AONBs as far as practicable as it is not expected that there will be a need to seek to develop resources in these protected areas during the plan period in order to maintain the landbank and the policy as currently worded provides greater clarity on the approach the relevant Mineral Planning Authorities intend to take. <b>No further change proposed.</b></p>
<p>PC53: Amendments to the Justification Text supporting Policy M12: Continuity of supply of silica sand, to reflect proposals for the realignment of the A59:</p> <ul style="list-style-type: none"> <li>• The wording is not justified, positively prepared or effective and should be revised to clarify that the design of the A59 realignment should take into account Blubberhouses Quarry.</li> </ul>	<p>Hanson UK</p>	<p>Progress with determination of the planning application at Blubberhouses Moor is a separate, although relevant, matter to progress with the development of the policies in the Joint Plan. Progress with the Joint Plan has not been an influence on the determination period for the application.</p> <p>The Addendum reflects that realigning the A59 at Kex Gill to the other side of the valley is part of North Yorkshire County Council's strategic transport plan to improve east to west connections between the east coast and Humber ports and Lancashire, and that investigations were occurring towards finding a solution to the existing problems with the stability of the road in the vicinity of Blubberhouses. Subsequent to the closure of the Addendum consultation, in September 2017 the County Council as Highway Authority has launched a public consultation based on four route corridors for the realigned road.</p> <p>Whilst the suggested amendment is noted, it is considered that the</p>

		Addendum wording provides greater flexibility to deal with the progression of the quarry in the context of both the existing A59 and the, as yet, draft proposals for a realignment of the road. <b>No further change proposed.</b>
<p>PC84: Addition of link to Policy W10 in the key links to other policies section of Policy S03: Waste management facility safeguarding:</p> <ul style="list-style-type: none"> <li>Policy S03 is too restrictive and does not take account of the fact that waste uses on safeguarded sites may prove unviable.</li> </ul>	Harworth Estates	The Policy's purpose is not to prevent to other development on a safeguarded waste site, but to ensure that the presence of the safeguarded site is taken into account in decision making on other forms of development. The Policy states that the need for alternative development may outweigh the need to safeguard the site and the supporting text, at para. 8.29 already clarifies that the purpose of safeguarding sites in the MWJP is not to prevent other forms of development from taking place but to ensure that the need to maintain important infrastructure is factored into decision-making for other forms of development. This represents an appropriate and proportionate approach reflecting the requirements of national policy. <b>No further change proposed.</b>
<p>PC85: Amendment to the Justification Text supporting Policy S03: Waste management facility safeguarding, to emphasise the need for a pragmatic approach to implementing safeguarding requirements.</p> <ul style="list-style-type: none"> <li>The proposed change is not effective as it does not adequately address situations where new proposals are proposed or within an emerging development plan, therefore the word 'extant' should be removed.</li> </ul>	Harworth Estates	The Addendum change to para 8.30. was proposed to emphasise the need for a pragmatic approach to implementing safeguarding requirements. <b>No further change proposed.</b>
<p>PC87: Amendment to the Justification Text supporting Policy S04: Transport infrastructure safeguarding, to emphasise the linkage between marine and terrestrial planning.</p> <ul style="list-style-type: none"> <li>Policy S04 is not sound as it does not take account of the fact that waste uses on safeguarded sites may prove unviable.</li> </ul>	Harworth Estates	It is agreed that 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. <b>No further change proposed.</b>
<p>PC88: Amendment to the Safeguarding Exemption Criteria to reflect the safeguarding of minerals and waste transport</p>	Harworth Estates	The Addendum change to the 12th bullet point was proposed to reflect that minerals and waste transport infrastructure is also

<p>infrastructure</p> <ul style="list-style-type: none"> <li>The revised bullet point should include reference to 'emerging plan allocations where the minerals and waste planning authority has raised no safeguarding concerns during consultation'</li> </ul>		<p>safeguarded in the plan and is considered to still be appropriate. <b>No further change proposed.</b></p>
<p>PC90: Amendment to introductory text for Policy D04: Development affecting the North York Moors National Park and the AONBs, to clarify the purposes of the AONB designation.</p> <ul style="list-style-type: none"> <li>The term 'particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment' should also apply within the AONB buffer zone in Policy M16 (d) (i).</li> </ul>	<p>South Hambleton Shale Advisory Group</p>	<p>Whilst this concern is noted, Policy M16 d) i) provides policy to protect against impacts outside but near to AONBs and would operate in association with Policy D04 Part 3) to further protect the setting of such areas. <b>No further change proposed.</b></p>
<p>PC91: Amendment to Justification Text supporting Policy D06: Landscape, to reflect the presence of other potentially relevant designations in District local plans.</p> <ul style="list-style-type: none"> <li>This change does not provide consistent scrutiny. Landscape Character Assessments should be undertaken which include sensitivity assessments considering potential impacts of additional drilling sites and what number could be accommodated without detriment to avoid adverse cumulative impact.</li> </ul>	<p>South Hambleton Shale Advisory Group</p>	<p>Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. In the two-tier part of the Plan area the District and Borough Local Plans form part of the statutory development plan and therefore where areas of local landscape importance are identified in local plans and are relevant to a proposal under consideration these will need to be taken into account in determining the acceptability of the proposals. <b>No further change proposed.</b></p>
<p>PC95: Amends Policy D10: Reclamation and Afteruse, to more closely reflect the requirements of national policy.</p> <ul style="list-style-type: none"> <li>The change does not go far enough in terms of consultation with communities and proof of reasonable low impacts on the community and environment.</li> </ul>	<p>Individual</p>	<p>Whilst the concerns are noted it is considered that, in combination, the policies set out a robust approach to consultation, information requirements and the protection provided for the environment (including water resources and air quality) and for local communities, taking into account as well the role of other relevant regulators, such as the Environment Agency and the Oil and Gas Authority. <b>No further change proposed.</b></p>

<p>PC96: Amends Policy D10: Reclamation and Afteruse, to clarify the proposed approach and reflect the diminishing significance of biodiversity action plans.</p> <ul style="list-style-type: none"> <li>'benefits at a landscape scale' can often only be delivered with large areas of land which may not be under the control of a developer and as such this policy cannot be effectively achieved. Therefore, reference to this should be removed.</li> </ul>	<p>Minerals Products Association, Tarmac</p>	<p>Whilst it is accepted that delivery of landscape scale benefits may not often be practicable in the Plan area, it is considered that the potential benefits of such an approach, where it can be delivered, justify the inclusion of this element of the Policy. <b>No further change proposed.</b></p>
<p style="text-align: center;"><b>Site allocation issues</b></p>		
<p style="text-align: center;">Representation main issues</p>	<p style="text-align: center;">Main representors</p>	<p style="text-align: center;">Response by the Authorities</p>
<p>PC102: Revision of site boundary - MJP21: Land at Killerby</p> <ul style="list-style-type: none"> <li>Revision of the site boundary, to exclude land nearest the Killerby Hall Stable Block Listed Building, is opposed. Historic England's assertion, that the previous site boundary would 'be likely to result in harm to elements which contribute to the significance of a Listed Building' (i.e. Stable Block) is not justified.</li> </ul>	<p>Tarmac, Minerals Products Association</p>	<p>The Proposed Change of reducing the site area has been proposed to address a specific concern raised by Historic England, as statutory consultee regarding historic issues, concerning the potential harm to the setting on the listed building that could arise from the proposed development of the field closest to the listed building. However, it is acknowledged that, as pointed out by the objector, no objections have been raised by Historic England to the site design proposed in the planning application (ref. NY/2010/0356/ENV) for which in April 2017 the Planning &amp; Regulatory Functions Committee resolved to grant planning permission subject to the completion of a S106 agreement (which is currently being prepared). <b>No further change proposed.</b></p>
<p>PC104: Revision of site boundary - MJP17: Land to South of Catterick</p> <ul style="list-style-type: none"> <li>Revision of the site boundary, to exclude land nearest to Rudd Hall and Ghyll Hall Listed Buildings, is opposed. Historic England's assertion, that the previous site boundary would 'be likely to result in harm to elements which contribute to the significance of two Listed Buildings' (i.e. Rudd Hall and Ghyll Hall) is not justified.</li> </ul>	<p>Tarmac, Minerals Products Association</p>	<p>The Proposed Change of reducing the site area has been proposed to address a specific concern raised by Historic England, as statutory consultee regarding historic issues, concerning the potential harm to the setting on the two listed buildings that could arise from the proposed development. <b>No further change proposed.</b></p>

<p>PC106: Amendment to Key Sensitivities and Development Requirements - MJP55: Land adjacent to former Escrick brickworks</p> <ul style="list-style-type: none"> <li>• A full archaeological assessment should be required prior to development</li> </ul>	<p>CPRE (North Yorkshire Region)</p>	<p>The support for the proposed addition, in the Addendum, of the reference to the SINC is noted. With regard to an archaeological assessment, the development requirements listed in Appendix 1 to the Publication Draft is not, as is explained at paragraph 1.9 in the introduction text to that appendix, an exhaustive list. PC98 and PC99 were proposed in relation to known significant heritage assets at those sites. The position at the Escrick MJP55 and WJP06 site is not the same and it is considered that the existing bullet point regarding 'appropriate site design and landscaping to mitigate impact on: heritage assets (archaeological remains, Escrick Conservation Area, Listed Buildings ... Escrick Park) is sufficient, as, at the point of an application any applicant should be following the guidance regarding archaeology as provided in the National Planning Practice Guidance. <b>No further change proposed.</b></p>
<p>PC107: Amendment to Key Sensitivities and Development Requirements - WJP06: Land adjacent to former Escrick brickworks, Escrick</p> <ul style="list-style-type: none"> <li>• A full archaeological assessment should be required prior to development</li> </ul>	<p>CPRE (North Yorkshire Region)</p>	<p>The support for the proposed addition, in the Addendum, of the reference to the SINC is noted. With regard to an archaeological assessment, the development requirements listed in Appendix 1 to the Publication Draft is not, as is explained at paragraph 1.9 in the introduction text to that appendix, an exhaustive list. PC98 and PC99 were proposed in relation to known significant heritage assets at those sites. The position at the Escrick MJP55 and WJP06 site is not the same and it is considered that the existing bullet point regarding 'appropriate site design and landscaping to mitigate impact on: heritage assets (archaeological remains, Escrick Conservation Area, Listed Buildings ... Escrick Park) is sufficient, as, at the point of an application any applicant should be following the guidance regarding archaeology as provided in the National Planning Practice Guidance. <b>No further change proposed.</b></p>

# North Yorkshire County Council

## Executive

17 October 2017

### Creation of a Shareholders Committee and Governance arrangements

#### Report of the Assistant Chief Executive, Legal and Democratic Services

#### 1.0 Purpose of the Report

- 1.1 To create a Shareholder's Committee to strengthen governance arrangement of the Council Companies and to appoint the Chief Executive as Chief Executive of NYCC and Group (Shareholder Representative).

#### 2.0 Executive Summary

- 2.1 It is important that the Council ensures that the companies act in the best interests of the Council overall and contributes to the Council's objectives. As the Council is creating more companies, it provides an appropriate time to review the governance arrangements for these companies to ensure that the Council properly exercises its rights as the owner or majority shareholder of our range of companies (as distinct from a customer perspective) and ensure they sit within the strategic direction of the Council.

- 2.2 This review looks at strengthening the governance arrangements by:

- creation of a formal Shareholders Committee
- delegating powers to the Chief Executive to exercise certain ownership rights on behalf of the Shareholder
- delegating powers to the Shareholders Committee to hold the Chief Executive to account
- providing senior officer support to exercise the Council's ownership rights and creating a Shareholder advisory body to assist the decision making of the Shareholders Committee.
- providing a protocol to ensure that conflicts of interests are handled appropriately

#### 3.0 Issues

- 3.1 Local Authorities have been encouraged to create companies through legislation for a variety of reasons, not least to generate profit for the public purse in times of austerity.
- 3.2 It is important to ensure that the Council, as a shareholder/trustee/owner of these organisations has robust governance arrangements to exercise its relevant powers to ensure that they operate under and contribute to delivering the Council's priorities.



- 3.3 Further, proper governance arrangements should include safeguards and arrangements for oversight of the Council's ownership rights to protect the Council from poor performance, inappropriate risk taking and potential decisions that would not be in the best interests of the owner of the Companies.
- 3.4 Therefore the Council as either the sole owner or a part shareholder of these companies, should have robust arrangements to carry out the following activities:
- Being clear and transparent that the Council is the owner/joint owner of the company.
  - Approve and sign off strategic business plans.
  - Monitor performance and financial delivery against strategic business plans.
  - Exercise decision-making over reserve matters.
  - Determine remuneration of Directors.
  - Delegating certain matters for each Company to be 'Reserved' so that they need approval of the Council as the shareholder/owner
- 3.5 The Council currently has ownership rights for the following companies:
- (a) NYnet (100%)
  - (b) Yorwaste (77.7% owned by NYCC)
  - (c) First North Law (100%)
  - (d) North Yorkshire Housing Development (100%)
  - (e) NY Property Services (100%)
  - (f) Veritau (37.5% owned by NYCC)

The Council also successfully sells valued services to schools and the education market directly and whilst it does not do so through a separate company, it would be helpful to review how that operates under the review of governance as a whole.

- 3.6 To ensure that there are appropriate governance arrangements in dealing with all of the Council Companies and shareholdings, it is proposed to formally delegate decision making to :
- (a) The Executive
  - (b) A sub-Committee of the Executive
  - (c) The Chief Executive, as the Shareholders Representative
- 3.7 The delegations to each is described in Appendix 1 and shown diagrammatically in Appendix 2. Each part of the governance arrangements is described further below.

#### **4.0 Shareholders Committee**

- 4.1 As a shareholder, the Council's role is not to manage the business on a day to day level. The Company's Board will be responsible for running the business and should be given sufficient freedom to deliver the strategic and operational priorities of the Company. The Board should have Directors with the right skill to be able to manage the business of the company.
- 4.2 In order to strengthen the Council's governance arrangements over the ownership rights of the companies, it is proposed to create a Shareholder's Committee which is supported by the Statutory Officers. This Committee will be a sub-committee of the Executive and will carry out the functions as identified in Appendix 1. Certain functions will still be

retained by the Executive as identified in the Appendix but it is envisaged that the vast majority of formal decision making on behalf of the Council regarding the Companies will be made by the Shareholders Committee.

- 4.3 The Shareholders Committee will be chaired by the Leader of the Council and will comprise of two additional Executive members. The Shareholders Committee will meet quarterly and monitor the performance of all the companies.

**Delegation to the Chief Executive of NYCC and Group (Shareholder Representative)**

- 4.4 The Executive are asked to formally designate the County Council's Chief Executive as the *Chief Executive of NYCC and Group (Shareholder Representative)*. To be able to provide a manageable mechanism for accountability it is proposed that formal delegation is given to the Council's Chief Executive to hold certain shareholder rights so that he can hold the Companies to account through ownership rights and that the Shareholder's Committee can hold the Chief Executive to account on the performance of that role.

- 4.5 The delegation to an officer will allow a level of commercial flexibility for the companies to be able to report back on a more regular basis and to receive feedback from the Council as their owner or shareholder. It is therefore proposed that a significant amount of delegation is given to the Council's Chief Executive as a representative of the owner of the Companies and that the Shareholders Committee has a role in holding the Chief Executive to account in his role as the Shareholder Representative as well as reviewing the performance of the Companies directly (to be known as Chief Executive of NYCC and Group (Shareholder Representative)). The Shareholders Committee will undertake its role of scrutinising and holding to account the decisions of the Chief Executive.

**NYCC Commercial Stakeholder Board – advisory body to the Shareholders committee**

- 4.6 It is recommended that there is regular discussion between the Members of the Shareholders Committee and senior officers to ensure that there is a clear and agreed strategy on commercial matters. Therefore as well as creating a specific committee to solely concentrate on ownership rights, it is proposed to create an advisory board to the Committee to ensure that there is regularly dialogue between the Companies and the Council. Therefore it is proposed that there would be regular meeting of an informal advisory body to the Shareholders Committee. This Advisory Board will be called the "*NYCC Commercial Stakeholder Board*" which will consist of :

- (1) The Leader
- (2) Two Executive Members
- (3) Chief Executive
- (4) Corporate Director, Strategic Resources
- (5) Assistant Chief Executive, Legal & Democratic Services

- 4.7 This Board will ask each individual Company to provide a short report on key activities and key issues / progress to every meeting but there may be merit in having a periodic "deep dive" where a more detailed discussion can take place with the relevant Chair and MD from each respective Company.

- 4.8 Each Company will produce its own Business Plan which will then be monitored throughout the year on performance against the plan. It is important for the Shareholders Committee to approve the final business plan and therefore it is helpful that the Board

has early sight of and the ability to shape the Business Plan before it is finally submitted to the Shareholders Committee for approval. This then ensures that the Board can have appropriate input and understanding in considering the Company's targets and objectives. Such early dialogue and engagement from the company with its shareholders is seen to be good practice.

- 4.9 Securing new business is likely to be a key focus for all of the Companies. This is therefore likely to feature as a key area for reporting back to the Board and will require the Board to consider how it would recommend investing where that is a requirement. As the Board is merely advisory, the decision making will be made through the Shareholders Committee or through the Executive.

## **5.0 Conflicts of Interest**

- 5.1 Conflicts of interest may arise between the Council and a company, even if the Council and the company have the same overall aims and objectives or is created in response to a Council or government initiative.

- 5.2 The management of conflicts of interests is a cornerstone of good governance. The Council has strong governance in place for its companies and it is important that decisions are not affected or tainted by conflicts of interests so that valid decisions are made, and are perceived to be made in the interests of the companies and the public. A copy of the Guidance provided by the Council is attached at Appendix 3.

- 5.3 This guidance recognises that Conflicts of interest between the Council and the Companies may arise in a number of circumstances, for example:

- If the Council is selling, transferring or leasing land or assets to the company
- If the Council is negotiating a contract with the company
- If the company is seeking funding from the Council
- If there is a dispute between the company and the Council

- 5.4 These conflicts can be appropriately handled through a combination of declaring interests, not taking part in certain decisions and applying for the appropriate dispensations. Ultimately the aim of the Council and the Companies is to ensure that the public purse is protected and the public are receiving value for money and it is vital that decisions are made with the appropriate governance arrangements in place.

- 5.5 The creation of a Shareholder's Committee does not change the need to deal with conflicts of interest as currently being undertaken. The Council currently has Directors on its companies, including Executive members, other Councillors and Officers and those perceived conflicts currently need to be managed. However to clarify the position, it is helpful to set out the number of roles that the Council interacts with its Companies: i.e. The Council carries out the following functions:

- (a) The Shareholder/owner
- (b) Appoints Members/Officers as Director on the Board
- (c) Often is a Customer of the services provided by the company

In carrying out each function it is important to understand where there can be a conflict, or a perceived conflict and how these conflicts can be managed effectively so that decision making is not challenged and can be made for the right reasons.

**(a) Shareholder/Owner**

- 5.6 As an owner or a significant shareholder in the Company, the Council is interested in ensuring the future success of the Company and in the return of 'Shareholder Value' – i.e the benefit the Council receives, whether it is direct financial return or added value through other outcomes. The Council's ownership of a company is an Executive Function which means that it is exercised by Executive members and can be delegated to officers, an Executive Sub-Committee and individual Executive members.
- 5.7 Under Company legislation, shareholders are not subject to the same restrictions regarding conflicts of interest that are imposed onto Directors. This is because shareholders generally can vote in their own best interests, which would normally mirror the Company's best interest i.e. the long term financial growth of the company. Where there is more than one shareholder, there is often a 'Shareholder's Agreement' to deal with conflicts between shareholders.
- 5.8 There are no prohibitions for an officer or member who exercises ownership rights not to be a Director on a Board of one of the companies. Indeed it is the Board of Directors who owe a duty to the shareholders to act in the best interests of the Company. It is not unusual in the commercial sector for Investor/owner Directors to sit on Board of Directors or for Directors to have shares in the Company. If an Executive member is on the Board of a company, then they will have to exercise their statutory duties as a Director and ensure their conflict of interest is appropriately managed- see below and Appendix 3.
- 5.9 Shareholders, as the owners of companies, have substantial powers of a company. They can authorise an actual or potential conflict by ordinary resolution (more than 50% support from those shareholders voting). Under the Companies Act 2006 a director who is also a shareholder can participate in the vote, even if he is one of the directors interested in the matter being authorised.

**(b) Director on the Board of the Company**

- 5.10 Company Directors have a duty to act in the interest of the members of the company as a whole (i.e. for current and future shareholders). Directors have an overriding duty to act in a way that they consider, in good faith, would be most likely to promote the success of the company for the benefit of its shareholders as a whole. This duty is to the Company and they have a duty to take into account the interests of the company's employees, business relationship with suppliers, customers and others. Individual shareholders can take action to enforce the duties in the name of the company and where the Council is the sole owner, this duty is enforceable by the Council.
- 5.11 However if a Councillor is appointed as a Director to the Company, that Councillor is still bound by the Members code of conduct. Similarly, if a Council Officer is a Director on the Company, the s/he will still be bound by their conditions of employment and the Officers' code of conduct. These conflicts which may arise are currently managed with through existing governance and operational arrangements and appropriate guidance. The Council's guidance on this can be found at Appendix 3.
- 5.12 Basically this provides that Directors must act in good faith and must promote the success of the Company when making decisions as a director. On rare occasions, the duties of the Company and the Council as owner may conflict and therefore it is important to have sound protocols in place.

- 5.13 A Director has a duty under Section 175 of the Companies Act 2006 to avoid a situation in which s/he has, or can have, a direct or indirect interest that conflicts, or possibly may conflict, with the interests of the company of which he is a director, unless
- (a) The situation cannot reasonably be regarded as likely to give rise to a conflict of interest
  - (b) The matter is authorised in advance by other Directors who do not have a similar conflict of interest or by a general resolution by the Shareholders
- 5.14 Therefore under existing arrangements if a Board of a company is discussing any transactions with the Council directly, a Director who is an officer or a member will have duty to disclose that interest. If the interest does give rise to a conflict then that individual can ask for a dispensation from the Company or the Shareholder to take part in that decision making on behalf of the Company. If a Director is an Executive member (whether or not s/he sits on the Shareholder's Committee), then a similar situation arises. Either that member must get a dispensation from the Company (or the Shareholder) or not take part in that Board discussion. This situation is not unusual and is comparable to the commercial sector where a Director is a major shareholder in the company.
- 5.15. In either event, the Councillor is free to exercise his/her rights at the Shareholders Committee under company law. However the Code of Conduct still applies to members at all times. Therefore the creation of a Shareholder's Committee therefore does not change the conflict of interest position

**(c) Customer of the services provided**

- 5.16 The Council can also be a customer of the services provided by the Companies and this can lead to a conflict where it can be perceived that the customer will want to pay the cheapest price for services and the company will want to pay the highest price that the market can demand. The realities are that this is an oversimplification of the problem in that both sides wish to have a sustainable model that supports both organisations. However it is important that in any negotiations between the Council in its customer role and the Companies are done in a manner which reduces this inherent conflict of interest and that there is a clear separation between the Council as a customer and the company. The Council's existing arrangements of dealing with this inherent conflict have served it well and it is not proposed to change these arrangements.

**6.0 Reasons For Recommendations**

- 6.1 It is submitted that the Executive consider strengthening the governance arrangements for the Council's Companies by creating a Shareholder's Committee which concentrates solely on the Council's ownership rights and to formally delegate the Chief Executive of NYCC and Group (Shareholder Representative).

**7.0 Recommendation(s)**

7.1 Executive is asked to approve:

- (a) The creation of a Shareholders Committee
- (b) Delegate the Chief Executive as the Chief Executive of NYCC and Group (Shareholder Representative)
- (c) Note the conflicts of interests paragraphs and to remind executive members of their need to declare interests when on the board of a company which discusses transactions with the Council.

(d) Delegate to the Assistant Chief Executive (Legal and Democratic Services) all the necessary powers to implement the above, including reviewing the terms of the Companies governance documents.
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*Appendix 1 : terms of reference of the Shareholders Committee*

*Appendix 2: Governance Structure*

*Appendix 3: Guidance for Councillors and Officers on outside bodies.*

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton

Author of report – Barry Khan, Assistant Chief Executive, Legal and Democratic Services

**DELEGATIONS OF DECISION-MAKING POWERS  
FOR COMPANIES**

For matters relating to a company which would require a Council decision or where approval of the Council is required within the company's governance arrangements the following distribution of powers will apply:

**Decisions reserved to the Executive**

1. Approving steps to wind up a company.
2. Making loans in excess of (£500k) other than by way of normal trade credit.

**Decisions which would fall within the remit of the Shareholders Committee**

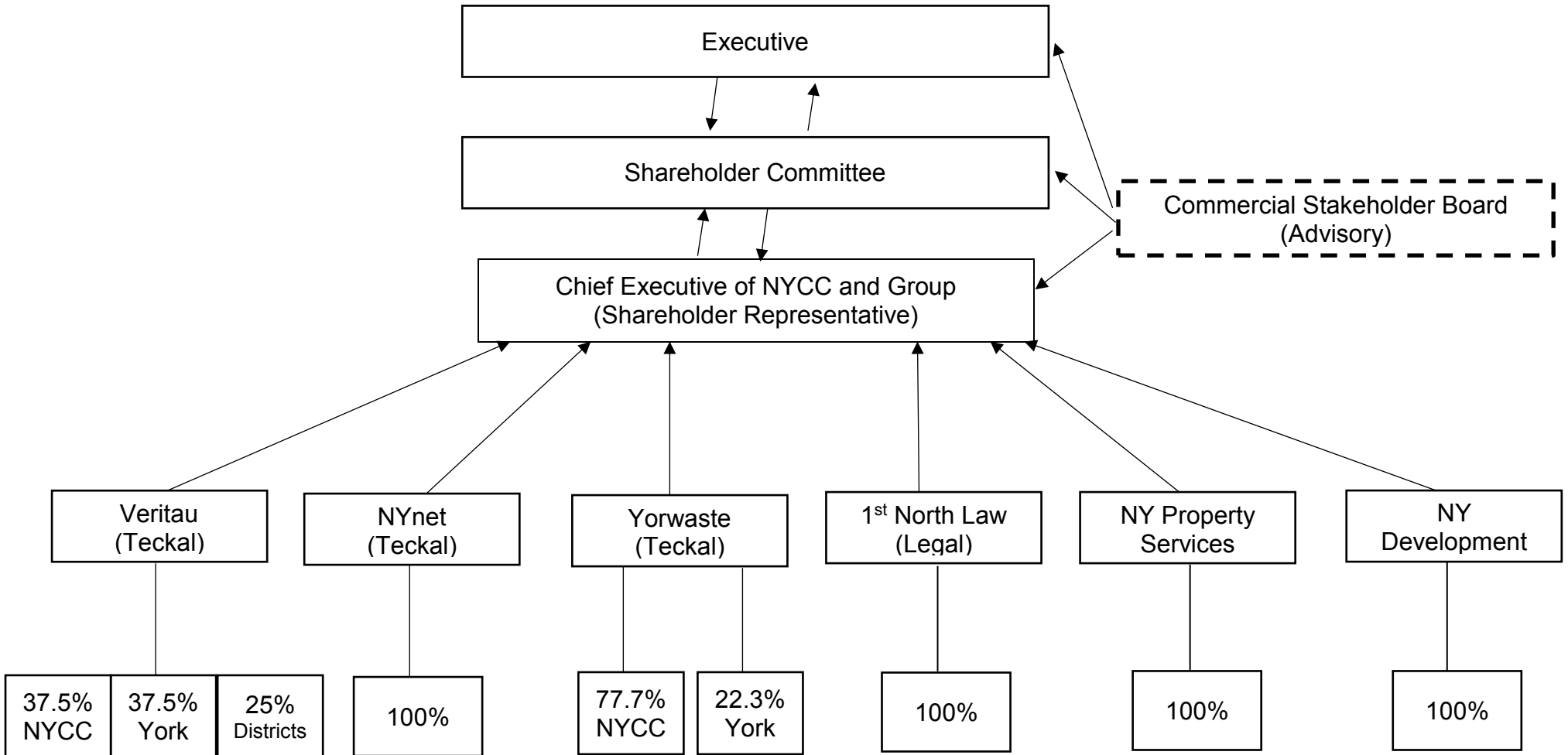
3. Approving or making amendments to the strategic or business plans.
4. Monitoring the strategic and business plans
5. Acquiring shares in another company.
6. Changes to company governance eg changes to Articles, Shareholder Agreements.
7. Establishing subsidiary companies.
8. Approving disposals of assets valued over (£500k) [subject to the Company's articles of association]
9. Approving borrowing in excess of (£500k). [subject to the Company's articles of association]
10. Entering, amending or terminating any agreements which create a potential liability for the company in excess of £500k. [subject to the Company's articles of association]
11. Making changes to the nature of the company's business.
12. Matters relating to the approval of dividends requiring Council consent.
13. Reviewing the decisions of the Chief Executive of NYCC and Group (Shareholder Representative) and holding the decisions and that individual to account. Formal decisions made will be reported back to the Shareholders Committee

**Decisions which fall within the remit of the Chief Executive of NYCC and Group (Shareholder Representative)**

14. Monitoring the strategic and business plans and approving emergency amendments.
15. Approving the appointment or dismissal of company Directors including the Chair.
16. Matters relating to the terms and conditions of company Directors.
17. Matters relating to the entering of any contracts with company Directors.
18. Matters relating to the employment of senior management team of the company.
19. Changes to share capital and admission of shareholders.
20. Making changes to the nature of the company's business.
21. Approving changes to the area in which the company works.
22. Altering the company's name or registered office.
23. Where required giving any further specific approval to a matter provided for within the approved business plan.
24. To Act on behalf of the Shareholder's Committee to monitor Performance of the Company
25. To take appropriate action and decisions as the Shareholder as directed by the Shareholders Committee
26. To take all other decisions as the Shareholder as provided for by legislation or the Company's governance documents.
27. To report back to the Shareholders Committee from time to time on formal decisions made



**Appendix 2: Governance Diagram**





**NORTH YORKSHIRE COUNTY  
COUNCIL**

**GUIDANCE**

**NOTE**

**FOR COUNCILLORS**

**AND OFFICERS**

**ON OUTSIDE**

**BODIES**

## Contents

- 1. General**
- 2. What sort of roles does this apply to**
  - Companies
  - Charities
  - Unincorporated Associations
  - Statutory Corporations
- 3. Some other key points to consider at the outset**
- 4. Duties and Responsibilities of Councillors and Officers on Outside Bodies**
- 5. Companies**
  - Directors' Responsibilities
  - Directors Liabilities
  - Local Authority Controlled and Influenced Companies
- 6. Charities**
  - Charitable Trustees Responsibilities
  - Charitable Trustees' Liabilities
- 7. Unincorporated Associations**
- 8. Non Council Appointments**
- 9. Indemnities**
- 10. Code of Conduct – Councillors' Interests**
  - Code of Conduct
  - Bias
- 11. Officers - Registration and Disclosure of Outside Interests**
  - Declaring Officer Interests
  - Registration of Interests
- 12. Gifts and Hospitality**

## Appendix

Matters for you to check – questions to ask

# GUIDANCE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES

## 1. General

- 1.1 Serving on outside bodies has always been an established part of a Council Member or officer's role. The County Council encourages Councillors and officers to participate in the wider community in this manner. They will be able to use their knowledge and skills to help the organisation to which they are appointed. It brings the benefit of enabling the County Council to participate in partner organisations, and also means that Councillors and officers can bring back knowledge and experience which are of value to the County Council.
- 1.2 The Council is now increasingly working in partnership with outside bodies, and clarity and understanding of the roles that Members and officers play is important. This note aims to help you understand the main implications. It is not a fully comprehensive guide, so if you have any queries, you can obtain further advice from Legal and Democratic Services.

## 2. What sort of roles does this apply to?

- 2.1 You may be appointed to an outside body by the Council, or by the Executive, or an Area Committee. It can involve being a director of a company in which the Council has an interest, being a member of another authority such as the National Park Authority, or a trustee of a charity, a member of the management board for an unincorporated body, or a school governor.
- 2.2 The various roles will bring responsibilities to the organisation, and to the Council in so far as you are fulfilling a role for the Council, and also potential conflicts.
- 2.3 Your responsibilities will depend on the type of body in which you become involved. The main types are as follows:
  - (a) **Companies:** Companies are separate legal entities. They are set up by their members, who may be either shareholders or guarantors. Liability of company members is limited to the value of their shares or by guarantee. Directors of companies have a duty to the company to act properly and in good faith. If not, they can incur personal liability, particularly if the company becomes insolvent. The activities and operation of companies are regulated by their Memorandum and Articles of Association, and also by company law.
  - (b) **Charities:** Some companies and unincorporated associations are also charities. To be a charity, they must be established for charitable purposes only and are subject to stricter regulation by the Charity Commission, to ensure that they are properly managed and that their resources are used properly on the relevant charitable objects. Charities may carry on trading activities which contribute directly to the

furtherance of their charitable objects or where the purpose is to raise funds for the charity which do not involve significant risk. Although charities may qualify for a number of tax exemptions and reliefs on income, gains and on profits for some activities, charities do pay tax on trading profits and on some charity income unless specifically exempt. Additionally VAT rules apply as they do for any other business if the charity has business activities however, the charity may qualify for certain VAT reliefs and exemptions.

- (c) **Unincorporated Associations:** Unincorporated associations are informal organisations. The members regulate their relationship by agreement, such as a membership agreement or the rules of the club or association. Because the association has no legal existence separate from its members, the liability of the members is not limited. Each member can incur personal responsibility for liabilities incurred on behalf of the association, and relies on the membership agreement to be able to recover his/her costs from the other members.
  
- (d) **Statutory Corporations:** These are bodies which are set up under statute. They include, for example Fire Authorities, universities, and some quangoes. The membership and powers of a statutory corporation, and how they are appointed are set out in the statute. The statute will also set out the responsibilities and liabilities of members of the corporation.

### 3. Some other key points to consider at the outset

- 3.1 Firstly, make sure you are given a clear statement of what is expected of you if you are going to be nominated. . A list of questions to ask about the organisation is attached at Appendix 1. The Council should be able to obtain this from the organisation involved
  
- 3.2 Being on an outside body can bring many benefits to the Council, the organisation and the community, but it will sometimes create conflicts with your work as a Councillor or officer. For Council Members, it may have to be included as one of your interests in the Members' Register of Interests and you may have a disclosable pecuniary interest in Council business referring to it. You will need to be sure that involvement with the organisation will not prevent you from fully participating in your work as a Councillor or officer, particularly in areas that interest you, or, where you need to represent the community who elected you. This will depend on the nature of the body and type of involvement.
  
- 3.3 On the other hand, you will also need to make sure that you are able to commit enough time and attention to the organisation. You will want to make a meaningful contribution to their work too. If you cannot attend meetings very often, or are often conflicted out of participating, you will not be able to give the support that the organisation needs, and this will reflect badly upon the Council and upon you. It is best not to be appointed if you cannot participate fully.
  
- 3.4 As a member of the organisation's management committee, as a director of a company, or as a trustee, you will not only be representing the interests of the Council, but you will also owe duties and responsibilities towards the organisation. You will have to exercise your own best judgement in the best interests of the outside body and you cannot just take instructions from the County Council although you may take account of the County Council's wishes.

#### **4. Duties and Responsibilities of Councillors and Officers on Outside Bodies**

- 4.1 The following is a summary of the main duties and responsibilities of Councillors and officers who are nominated by the Council to the most common types of outside body. The main principles of the obligations applying to company directors also apply to trustees and members of management committees. If you are in doubt about your duties and responsibilities, seek advice from the Assistant Chief Executive (Legal and Democratic Services), or the advisers to the body involved.

#### **5. Companies**

- 5.1 A company is a separate legal entity which can hold property in its own right, enter into contracts, employ staff and sue and be sued in its own name. The company is distinct from its members, who may be either shareholders or guarantors. The Council itself may be a member of the company, either a shareholder or guarantor.
- 5.2 If the body is a limited company, and you are asked to be involved, it is likely that you will be appointed as a company director. The duties of a company director are now set out in the Companies Act 2006. The management of a company is usually the responsibility of the Board of Directors. Directors' powers are usually set out in the company's Articles of Association. Another important document is the Memorandum of Association, which sets out the Company's objectives and powers.
- 5.3 The duties of a company director are not the same as your responsibilities as a Councillor or officer. Basically, the company must come first. Directors must act in the interests of the company, and not in the interests of other parties, including shareholders.
- 5.4 The Companies Act 2006 codifies the existing common law and equitable principles relating to the duties of directors. Most provisions of the 2006 Act took effect from October 2007. The provisions reflected in the paragraphs below marked with an asterisk will take effect at a later date. The principles however remain relevant to the responsibilities of a director.
- 5.5 **Directors' Responsibilities** are:
- (a) To **promote the success of the company**, which includes having regard to the likely long term consequences of decisions, the interests of employees, fostering relationships with suppliers and customers and others, the impact of operations on the community and environment, maintaining a reputation for high standards of business conduct, and acting fairly between members of the company.
  - (b) To **exercise care, diligence and skill**, using your own knowledge, skill and experience, together with the care, skill and diligence which may reasonably be expected of a person who is carrying out the functions of a director. So a director with significant experience must exercise the appropriate level of diligence in exercising their duties in line with their higher level of expertise.

- (c) **Not to exceed powers.** A company director must act in accordance with the company's constitution, and exercise powers for the purposes for which they were given.
- (d) **To comply with the Companies Acts** in relation to the keeping of accounts, and ensure that the relevant returns are made to the Registrar of Companies. Failure to do so incur fines and persistent default can lead to disqualification as a director.
- (e) **To avoid conflicts of interest\***. A director must avoid a situation in which he or she has, or may have, a direct or indirect interest which conflicts, or could conflict, with the interests of the company. This duty applies particularly to transactions between a director and a third party in relation to the exploitation of any property, information or opportunity.
- (f) **To exercise independent judgement.** A director nominated by the Council cannot, for example, simply vote in accordance with the Council's instructions. To do so would be a breach of duty. The director must act in the company's interests.
- (g) **Not to accept benefits from third parties\***. A company director must not accept any benefit from a third party (whether monetary or otherwise) which has been conferred because of the fact that he or she is a director. This is based on the established principle that a director must not make a secret profit as a result of being a director. This duty applies unless the acceptance of the benefit cannot reasonably be regarded as likely to give rise to a conflict of interest.
- (h) **To declare an interest in a proposed transaction or arrangement with the company\***. A company director who has either a direct or an indirect interest in a proposed transaction or arrangement with the company must declare the 'nature and extent' of that interest to the other directors before the company enters into the transaction.

5.6 **Directors' Liabilities:** If a director fails to carry out his/her duties, action can be brought for breach of duty, either by the company itself, or by a liquidator if the company goes into liquidation, or with the consent of the court, by a shareholder. Such actions are unlikely where the company is properly controlled by the directors.

5.7 Some important considerations are:

- (a) It is not always easy to reconcile the various factors which must be taken into account when reaching a major decision. The important thing as a director is to show that you are aware of and have taken account of the relevant factors, and have exercised due care and diligence in giving them all fair consideration.
- (b) It may be difficult to be certain whether benefits may be regarded as giving rise to a conflict of interest. If you are unsure take advice from the company's advisers.
- (c) Make sure you are aware of the company's constitution, its Memorandum and Articles of Association, so that you know what it can

and cannot do. You must take this into account when making decisions, as well as any shareholder decisions that are relevant.

- (d) Be diligent, and make sure you are well informed about the company's affairs. Make sure you are well briefed when taking up the role, and that you receive regular briefings throughout your term of office.
- (e) Attend training and briefing sessions.
- (f) Ensure director and officer insurance is in place.
- (g) Some Board decisions may be reviewed on a future occasion. Make sure detailed minutes show that all necessary factors have been considered when major decisions are being taken. Obtain expert advice where necessary e.g. regarding impact of a decision on the environment. Take legal advice where there are doubts about a director's duty in relation to a particular matter.

5.8 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to companies and other outside bodies.

5.9 **Local Authority Controlled and Influenced Companies:** There are special rules that affect companies in which councils have major interests. These are 'regulated' companies for the purposes of the Local Government and Housing Act 1989. They are in effect controlled by (more than 50% interest) or subject to a council's influence (20% interest plus business relationship) because of its level of interest, either individually, or with a group of other authorities. They will generally be subject to the local government capital finance regime and special propriety controls. However, so far as Members and officers who are involved are concerned, there are some additional requirements that need to be complied with as follows:

- (a) Remuneration that Councillors receive from the company should not exceed that received from a local authority for a similar role, and it should be declared. Officers should not receive any fee or reward other than their Council salary, unless so agreed with the Council;
- (b) To provide information to Councillors about their activities as required by the local authority (unless it is confidential); and
- (c) To cease to be a director immediately if disqualified as a Councillor, or on the termination of an officer's employment by the Council.

## 6. Charities:

6.1 A charity is an organisation which operates for the public benefit and exclusively charitable purposes, either:

- the relief of poverty and human suffering
- the advancement of education
- the advancement of religion
- another purpose for the benefit of the community.

6.2 A number of useful publications are available on the Charity Commission's website at [www.charitycommission.gov.uk](http://www.charitycommission.gov.uk). Publication CC£ - 'The Essential



Trustee- What you Need to Know' is a useful guide. Those who are responsible for the control and administration of a charity are referred to as its *trustees*, even where the organisation is a company limited by guarantee and even though they are not strictly trustees. A charity may also be unincorporated.

6.3 Trustees of a charity retain personal liability, and can only delegate to the extent that the constitution authorises them so to do.

6.4 **Charitable Trustees' Responsibilities** are:

- (a) To act in accordance with the charity's trust deed or governing document.
- (b) To protect the charity's assets.
- (c) To comply with the Charities Acts, and the Trustee Act 2000.
- (d) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission.
- (e) To perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.
- (f) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.
- (g) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

6.5 **Charitable Trustees' Liabilities:** Generally, a trustee may incur personal liability if he/she:-

- acts outside the scope of the trust deed
- falls below the required standard of care
- acts otherwise than in the best interests of the charity, in a way which causes loss to the charity fund
- makes a personal profit from the trust assets

6.6 In such circumstances the trustee will be in breach of the trust, and will incur personal liability for losses incurred. If in doubt, always consult the Charity Commissioners. You may avoid personal liability for breach of trust if you act in accordance with their advice.

6.7 Trustees can incur personal liabilities for contracts they enter into in the name of the charity. They will normally be entitled to be reimbursed from charitable funds for liabilities and expenses properly incurred by them. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course of events, but will be personally liable if they commit a breach of trust, as stated above.

6.8 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to charitable bodies and other outside bodies.

## **7. Unincorporated Associations**

- 7.1 Groups which are not charitable trusts or companies are “unincorporated associations” and have no separate identity from their members. The rules governing the members’ duties and liability will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. Management Committee members must act within the constitution, and must take reasonable care in exercising their powers. An unincorporated organisation may be charitable and may register as a charity.
- 7.2 If you are involved in a decision making capacity or have a position of general control or management on an unincorporated body, as the body has no separate corporate status, any liabilities will fall upon you personally. Councillors or officers appointed to such bodies should familiarise themselves with the Constitution to understand the nature of their role responsibilities and liabilities, and should assess the risk of personal liability, and the extent to which it has been covered by insurance.
- 7.3 See Paragraph 9 below which deals with indemnities for Members and officers who are appointed to unincorporated associations and other outside bodies.

## **8. Non Council Appointments**

- 8.1 Councillors and officers may become members of or be appointed to voluntary organisations *in their private capacity*. If you are appointed to a body in these circumstances, you will need to make sure that there is no conflict of interest with your position as a Councillor or officer. Your role and responsibilities will be governed by the organisation’s constitution, or governing document, as it is with Council nominations. You will not however be entitled to any indemnity from the Council in relation to such an appointment.

## **9. Indemnities**

- 9.1 Councillors and officers who participate in external bodies may be indemnified in relation to liabilities they incur in that capacity, though this is subject to certain limitations.
- 9.2 Indemnity by the outside body:
- (a) Directors: Directors cannot be indemnified by the company against liability for negligence, default, breach of duty and trust. Companies can however purchase insurance to protect directors against claims of negligence, default, breach of duty and trust. Those appointed as directors should ensure that appropriate insurance is in place. Companies can, if their Articles of Association allow, provide for directors to be indemnified for the costs of defending such a claim if they are granted relief by the court or acquitted.
  - (b) Trustees: Provided a charitable trustee acts properly, and within his/her powers, indemnity can be given from the trust fund. Trustees can take out insurance to protect themselves from personal liabilities, but not for

criminal acts such as fraud. If the premiums are to be paid out of the charitable funds, the consent of the Charity Commissioners will be needed.

- (c) **Unincorporated Associations:** Members may be entitled to an indemnity if they act in accordance with the Constitution of the association, and are not at fault. However, regard must be had to the terms of the constitution. The constitution will determine whether insurance can be paid for by the organisation.

9.3 **Indemnity by the Council:** The Council has decided to adopt a specific policy relating to indemnifying Councillors and officers. If you are appointed to an outside body you should have regard to the detail in the policy relating to those activities.

9.4 The Council can provide an indemnity where Councillors and officers are acting on an outside body at the request of the County Council, and provided:

- the appointment was made by the Council,
- the nomination was made by the Council,
- the appointment was specifically approved for the purpose of the indemnity.

9.5 The indemnity the Council can provide is subject to limitations. In general terms, if a Councillor or officer is acting properly, within their powers and in good faith, the power to indemnify will usually apply. However, the Council cannot, for example, provide an indemnity in relation to any action or failure by any Member or officer which constitutes a criminal offence, or for any action or failure by any Member or officer which is the result of fraud, or other deliberate wrongdoing or recklessness on the part of the Member or officer. When you are serving on an outside body, the Council's indemnity will only apply after any indemnity or insurance from the body itself. There are further limitations and it is advisable to be clear about the scope of the Council indemnity that may be available to you. You can seek further advice on indemnity from the Assistant Chief Executive (Legal and Democratic Services).

## **10. Code of Conduct – Councillors' Interests**

10.1 **Code of Conduct:** All Councillors are subject to the Council's Code of Conduct for Members. You will find a copy of the full Code in the Constitution. The Code sets out the standards of behavior required of you whenever you are acting in your official capacity as a Councillor. When Councillors act as the Council's representative on any other sort of outside body, they must comply with the County Council's Code of Conduct unless it conflicts with the lawful obligations of the other body.

10.2 Councillors may have to include their appointment to outside bodies in their register of interests, and must advise the Monitoring Officer of any change to registered interests within 28 days. Councillors may have a disclosable pecuniary interest in any matter to be considered at a meeting arising out of such registered interests.

10.3 This means that if you are present at a meeting when a matter is to be considered or is being considered, in which you have a disclosable pecuniary

interest, you must declare that you have an interest (if the interest is not already registered in the Register of Members' Interests) not participate in the discussion or vote and leave the meeting room (subject to the granting of a dispensation by the Standards Committee or Monitoring Officer).

- 10.4 **Bias:** Where you might be inclined to the view that you have no disclosable pecuniary interest, your duties as a director, or trustee, or member of a management committee may well be regarded, on an objective appraisal, as giving rise to a legitimate fear of lack of impartiality, especially having regard to the desirability of maintaining public confidence. Participation in the decision making at a Council committee meeting by a Councillor who is biased potentially invalidates the decision.
- 10.5 Where membership of the outside body is on an advisory or consultative basis, bias will not be assumed from mere membership. However, once the outside body has a line which is being advocated by you, this could potentially be viewed as bias, and the Council's decision on the issue could be vulnerable to challenge if you participate in those circumstances. It will depend on the facts, and in such circumstances advice should be sought from the Assistant Chief Executive (Legal and Democratic Services).

## 11. Officers - Registration and Disclosure of Outside Interests

- 11.1 **Declaring Officer Interests:** Section 117(1) of the Local Government Act 1972 requires that, if it comes to the knowledge of an officer of a local authority, that the County Council has entered or proposes to enter into any contract in which s/he has a pecuniary interest, whether or not s/he would actually be a party to the contract, s/he must give notice in writing to the County Council. This is interpreted as any circumstance in which s/he or a member of his/her immediate family stand to gain or lose financially as a result of the contract.
- 11.2 **Registration of Interests:** Under the County Council's Code of Conduct for Officers, officers must declare to their Business Unit Head any outside interests which they have, both upon appointment and as those interests change. Officers at Grade Band 12 and above are also required to make a declaration of interests in a register kept by the Monitoring Officer. This information is not available to the public but is accessible by other officers who have a "need to know".

## 12. Gifts and Hospitality

- 12.1 Councillors and officers must not accept gifts or consideration as an inducement for doing or not doing something in their roles as Members or officers of the County Council. Where officers accept inducements from anyone who has or is seeking a contract with the Council, the gift or consideration is deemed to have been accepted corruptly unless the officer can prove to the contrary. It is therefore very important to be completely open about any significant gift or hospitality, to avoid the suspicion of misconduct.
- 12.2 Members are required to register any gift or hospitality received by/offered to them because of their office with a value of £25 or more. This Register of Members' Gifts and Hospitality is held and maintained by the Monitoring Officer. Every Business Unit holds a similar register of Gifts and Hospitality for Officers, and the Monitoring Officer maintains a central Register of Officers' Gifts and Hospitality.

- 12.3 A particular issue arises for officers seconded to work on behalf of outside bodies, as Section 117(2) of the Local Government Act 1972 provides that an officer shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration. It is therefore essential that, where an officer is to be seconded and might be in receipt of any payment from the authority to which s/he is to be seconded, that the Council agree that his/her proper remuneration shall include any payment to the officer by the body to which s/he is seconded.
- 12.4 A revised legal framework to deal with bribery was introduced in The Bribery Act 2010 which introduced new bribery offences, the main offences relating to bribing another person, being bribed, bribing a foreign official and the failure of commercial organisations to prevent bribery.

## **Matters for you to check – questions to ask**

If you are appointed to an outside body, you should be clear about the answers to the following questions. The organisation should be able to respond to these questions:

1. What is the nature of the organisation and its main activities? Is it a company, and if so is it limited by shares or by guarantee? Is it unincorporated? Does it have charitable status?
2. In what capacity do I serve on the outside body? Is the effect of my appointment to make me a member of the company, a director or a charitable trustee?
3. Do I have a copy of the body's governing instrument (this may be a trust deed, a constitution, or memorandum and articles of association)?
4. Does the organisation have a Code of Conduct that I need to comply with? Have I been supplied with a copy?
5. Am I aware of the identity of the other directors, trustees and committee members?
6. Is there an officer of the organisation, such as the secretary or clerk to whom I can refer for advice and information?
7. Are written minutes kept of the meetings, and have I seen the minutes?
8. Are meetings conducted in accordance with the governing instrument?
9. Am I aware of the financial position of the organisation to which I have been appointed? Is it regularly reported to the governing body?
10. Am I aware of any contract between the organisation and the Council?
11. Have I seen the last annual report and accounts?
12. Have I been advised of the main risks the body faces and what steps are taken to deal with such risks?
13. Have I been informed of the main insurances/indemnities held by the organisation?

**NORTH YORKSHIRE COUNTY COUNCIL****EXECUTIVE****17 October 2017****Joint Working with Health in Hambleton, Richmondshire and Whitby Proposed partnership agreement under Section 75 National Health Services Act 2006****Joint Report of the Corporate Director – Health and Adult Services and the Assistant Chief Executive (Legal and Democratic Services)****1.0 Purpose of Report**

- 1.1 The purpose of this report is to enter into a partnership agreement between the County Council and NHS Hambleton, Richmondshire and Whitby Clinical Commissioning Group (CCG).

**2.0 Issues**

- 2.1 On 25 July 2017 the Executive agreed to commence a consultation exercise on the proposed partnership agreement with the CCG to provide a strong governance framework for both organisations to work together with the common aim of ensuring the best outcomes for the residents in their locality.
- 2.2 As mentioned in the previous Executive report, local authorities and CCGs operate under different legislation and therefore this partnership agreement seeks to provide a platform to enable joint working through using the provisions of Section 75 of the National Health Services 2006. This allows local authorities and NHS bodies (including the CCG) to enter into partnership arrangements to provide a more streamlined service and to pool resources, if such arrangements are likely to lead to an improvement in the way their functions are exercised.
- 2.3 Attached at Appendix 1 is the Section 75 Agreement which was agreed at the Executive meeting on 25 July 2017 to be consulted on. The terms of the Section 75 Agreement are designed to meet the joint vision of both organisations to provide “A timely transformation towards an integrated approach to the provision of healthcare, public health and social care services in Hambleton, Richmondshire and Whitby. The parties believe that by both co-ordinating and integrating their planning and commissioning activities will help facilitate the best use of resources to support the local resident and patient population. This approach will be developed through the joint arrangements with an agreed work plan including the Joint Commissioning Strategy.”
- 2.4 The Agreement further provides that the parties wish to improve the existing working relationships “to provide for shared planning, oversight and commissioning arrangements for the people in Hambleton, Richmondshire and Whitby so that more joined up decisions can be made by each organisation and

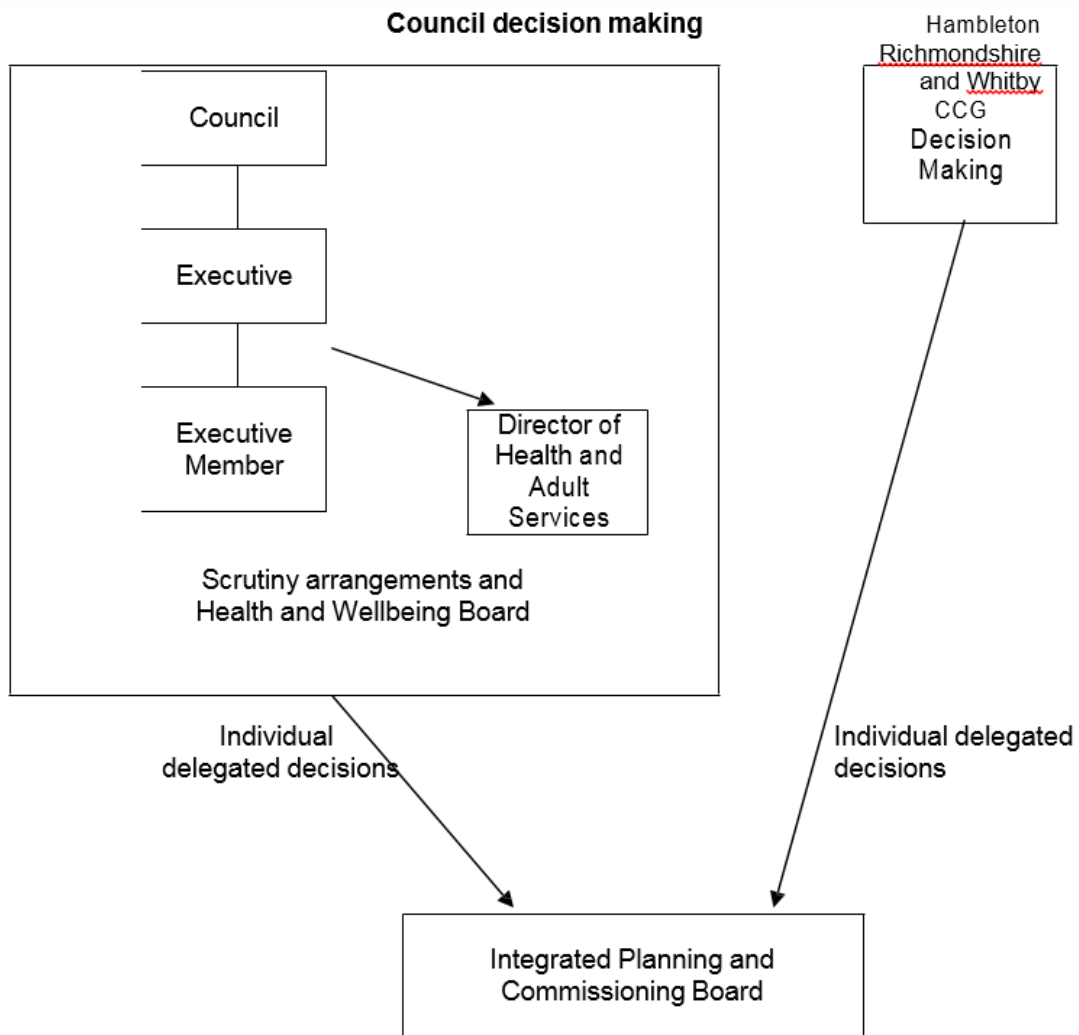
not just for those areas which have a pooled budget. The aim is to create a venue for shared strategic thinking and making better informed decisions for the public, which will be able to discuss all expenditure and prevention work across the NHS, public health and adult social care by the parties. This will include, but not limited to, planning for primary care, public health, extra care, living well, prevention, VCS commissioning, care and support, care market, CHC, intermediate care and reablement, frailty services, mental health and learning development, carers, sub-acute care, community health and other relevant services.”

### **3.0 Terms of the Section 75 Agreement**

- 3.1 The Agreement provides, amongst other things, the creation of an Integrated Planning and Commissioning Board and the creation of appropriate financial arrangements.
- 3.2 The Section 75 Agreement will create a new Joint Commissioning and Planning Body of officers between the CCG and the Council specifically for Hambleton, Richmondshire and Whitby which will work together to seek to achieve continuous health and wellbeing improvements for the population of Hambleton, Richmondshire and Whitby.
- 3.3 The Agreement recognises that both organisations have sound and robust decision-making processes and therefore both parties will continue to be in control of their own functions. However the Agreement provides for a platform where both organisations can have sensible and coherent conversations about future budget decisions. The Agreement recognises that the existing processes of decision-making within the Council will not be affected by the agreement with the existing Member and Officer Scheme of Delegation under the Constitution remaining unchanged. The Council will still be statutorily accountable and responsible for delivering its services. However the agreement will create a Joint Integrated Planning and Commissioning Board of officers from both organisations to provide strong governance for joint working.
- 3.4 The Board will create a forum for broad discussions, planning and commissioning across a range of services, which will allow for greater integration where it is agreed by both parties. The purpose of the Board will be to jointly plan, commission and integrate where appropriate services within the locality.

The below diagram represents how the Integrated Planning and Commissioning Board will receive its decision-making delegations:





3.5 Under the finalised agreement, the County Council and the CCG will remain responsible and sovereign for their services and decision-making. The Section 75 Agreement simply creates an integrated planning and commissioning board to plan and develop a range of services to the public. The Agreement recognises good governance practice in establishing clear organisational arrangements on how the partnership will be managed, monitored and reviewed. The Board will agree plans, monitor performance and review the performance framework.

3.6 The benefits which the agreement aims to achieve are:

- Better planning and commissioning of health and social care to meet the needs of the local population
- A shared vision of the benefits that the partnership is intended to achieve
- Jointly agreed objectives of what the partnership wants to achieve expressed as local targets
- Seeks to optimise resources for the local population
- Streamlining services where possible and where locally agreed
- Reducing bureaucracy
- Sovereignty of decision making remaining with each partner authority

- Mutual learning to inform service improvement
- Joint discussions and target setting where possible shared outcomes for service users
- Provide a structure to support ambitions for further integration and joint working arrangements between the council and the CCG

#### **4.0 Creation of Appropriate Financial Arrangements**

- 4.1 The Agreement provides that the majority of expenditure for the relevant services (circa £70-90 million for the combined expenditure) will be simply 'in view' by both organisations which means that the responsibility for the budgets will remain with either the County Council or the CCG, depending on respective existing responsibilities, but there will be visibility of future decisions so that integration and collaboration based on outcomes to the residents/patients is easier to achieve.
- 4.2 The Agreement also enables formal pooling arrangements where approval has been given by the Council through its usual decision-making processes. The Agreement does provide for a platform for future decisions to be made about pooled budgets but this will be made on a case by case basis with the approval of both organisations.
- 4.3 From a governance perspective, the Integrated Planning and Commissioning Board will take the overall day to day responsibility for monitoring any pooled budgets where the Council has determined that a budget is suitable to be pooled. Initially the Innovation Fund will be hosted by the County Council and future pools will be hosted in the most operationally and tax efficient manner possible.

#### **5.0 Consultation**

- 5.1 The terms of the Section 75 Agreement have been advertised on the Council's website and on the CCG's website. There has been no formal responses to the six week consultation from the public which may not be surprising as the agreement sets out a governance mechanism of how both organisations will work closer together and this has already been consulted and engaged on with relevant stakeholders and the local community. The future decisions with regards to services will be made using the usual procedures and therefore there may not be any strong support or objections from the public about the mechanism in which both organisations will interact with each other.

#### **6.0 Risk Management Implications**

- 6.1 The Section 75 Agreement identifies the principles of risks and highlights that the ultimate financial risk remains with the relevant statutory organisation. (eg. the County Council or the CCG). However the platform that the Section 75 Agreement creates will allow different approaches to risk sharing in the future through the greater use of pooled budgets but only if agreed by both parties.

6.2 For any pooled budget in the future, there is provision for appropriate Budget Managers to be assigned to monitor and mitigate any risks on overspends. However as the majority of all expenditure will remain with the commissioning organisations, the risks will continued to be managed in the usual way. However the Agreement allows for conversations and agreements to be developed to highlight risks and agree an approach of how these are collectively dealt with.

## **7.0 Equalities Implications**

7.1 As mentioned previously the Section 75 arrangements describe the process of commissioning and not the actual service delivery. As such there is no impact expected on any of the groups as a consequence of the approval of the Section 75 Agreement. However the purpose of implementing a formal collaboration approach with Hambleton, Richmondshire and Whitby is to improve the positive impact on the cross section of its residents and therefore the equality impact assessment will be kept under review. A copy of the current Equality Impact Assessment is attached at Appendix 2.

## **8.0 Recommendation**

8.1 The Executive is asked to agree to enter into the Section 75 Partnership Agreement with Hambleton, Richmondshire and Whitby CCG and to delegate to the Assistant Chief Executive (Legal and Democratic Services) all the necessary powers to give effect to this decision including amending and signing the final Partnership Agreement in consultation with the relevant Executive Member.

RICHARD WEBB  
Corporate Director – Health and  
Adult Services

BARRY KHAN  
Assistant Chief Executive (Legal and  
Democratic Services)

County Hall  
Northallerton

17 October 2017

Author of report – Barry Khan, Assistant Chief Executive (Legal and Democratic Services)  
Presenter of report – Barry Khan

Background Documents – Executive report of 25 July 2017

**DATED** \_\_\_\_\_

**Hambleton Richmondshire and Whitby Commissioning Group (1)**

**and**

**North Yorkshire County Council (2)**

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**SECTION 75 PARTNERSHIP  
AGREEMENT**

**For the creation of shared planning and  
commissioning arrangements and a pooled  
fund for Health Care, Public Health and Adult  
Social Care Service in Hambleton  
Richmondshire and Whitby**

**These arrangements include use of  
Section 75 powers to establish Pooled  
Fund and for shared planning and Commissioning  
arrangements**

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**Responsible Officers:**

**On behalf of NHS Hambleton Richmondshire and Whitby Clinical Commissioning Group**

(Accountable Officer)

**On behalf of North Yorkshire County Council**

(Insert name and role of responsible officers for the purpose of this Agreement)

(The Council's Responsible Officers)

## INDEX OF CONTENTS

1. Parties
2. Introduction
3. The Joint Document
4. Section 75 Document Purpose
5. Background to the Agreement
6. Definitions
7. Appointment of Planning and Commissioning Function and Pooled Fund Hosts and their duties
8. Integrated Planning and Commissioning
  - 8.1 Introduction
  - 8.2 Delegations
  - 8.3 Partial or Incomplete Delegations
  - 8.4 Integrated Commissioning Objectives
  - 8.5 Parties Mutual Responsibilities
  - 8.6 Legacy contracts, transition commissioning arrangements
  - 8.7 Monitoring and Review of the Integrated Planning and Commissioning Board
  - 8.8 Joint Integrated Commissioning Arrangements through the Integrated Planning and Commissioning Board
  - 8.9 Role of Integrated Planning and Commissioning Board
  - 8.10 Specific functions of the Integrated Planning and Commissioning Board
9. **Pooled Fund**
  - 9.1 Pooled Fund Agreement
  - 9.2 Operation of Pooled Budgets
  - 9.3 Contributions to Pooled fund
  - 9.4 Financial Accountability and Risk Sharing
  - 9.5 Pooled fund: Overspend and underspend procedures
  - 9.6 Non-financial contributions to the Pooled Fund; transfer of assets in lieu of money contributions
  - 9.7 Division of Pooled Fund into Individual Pooled Service Budgets (PSB's)
  - 9.8 Capital expenditure
  - 9.9 Relationship between parties and the HRWIPCB, over-arching principles of financial probity
  - 9.10 Commercial Confidentiality Arrangements

- 9.11 Shared data protection arrangements under the Data Protection Act (the 1998 Act), the Freedom of Information Act (the 2000 Act) and the Environmental Protection Regulations 2004 (the 2004 Act)
- 9.12 Conflicts of interest
- 9.13 Resolution of commissioning disputes between parties by mediation
- 10 [Not used]
- 11 Liabilities, insurance and indemnity
- 12 Term of agreement
- 13 Continued Co-operation between parties after end of agreement
- 14 Continuing contracts and liabilities arising from termination of agreement
- 15 Third Party rights and contracts
- 16 Governing and applicable law
- 17 Complaints procedures
- 18 Review and variation
- 19 Appointment of legal advisors
- 20 Appointment of financial and audit advisors
- 21 Responsibility for public statements and press releases
- 22 Entire Agreement
- 23 No partnership or agency
- 24 Invalidity and severability
- 25 Counterparts
- 26 Notice
- 27 Addresses
- 28 Force Majeure
- 29 Termination
- 30 Transferability of Agreement

**Schedule 1** *(to follow)*

Schedules describing the services to be provided under integrated commissioning and planning arrangements.

**Schedule 2** *(attached)*

Pooled Budgets

**Schedule 3** *(to follow)*

HRWIPCB Governance specifications

**Schedule 4** *(to follow)*

Conflicts of Interest Principles

**Schedule 5** *(to follow)*

Governance Diagram

DRAFT



### **Summary of Agreement**

Both North Yorkshire County Council and the SRCCG have a commitment to shared planning and commissioning arrangements and using a pooled budget for healthcare, public health and adult social care services.

These arrangements include a Better Care Fund (BCF).. The parties have noted that the BCF monies included within the pooled funds are subject to a pre-condition that they are deployed through a S75 pooled fund agreement. There is currently an existing Section 75 Agreement for the Better Care Fund and this agreement builds on the current arrangements and creates a stronger governance arrangement for the parties to work together on a wider remit.

Joint Planning and Commissioning and pooled budgets between NYCC and SRCCG are designed to cut across organisational boundaries, to improve the health and well-being of people in Hambleton Richmondshire and Whitby and to provide better value for money.

Both NYCC and SRCCG have now agreed to extend these arrangements to provide for shared planning, oversight and commissioning arrangements for the people in Hambleton Richmondshire and Whitby so that more joined up decisions can be made by each organisation and not just for those areas which have a pooled budget. The aim is to create a venue for shared strategic thinking and making better informed decisions for the public, which will be able to discuss all expenditure and prevention work across the NHS, Public Health and Adult Social care by the Parties. This will include, but not limited to, planning for Primary Care, Public Health, Extra Care, Living Well, Prevention, VCS Commissioning, Care and Support, Care Market, CHC, Intermediate Care and reablement, frailty services, mental health and Learning Development, Carers, Sub acute care, community health and other relevant services.

It is recognised that both organisations have and will continue to have good decision making processes exercised through the Council's Constitution and elected members and through the CCG's Governing Body. These arrangements ensure that both organisations remain sovereign to their own decision making and allows the joint arrangements to be responsible for services and budgets that are specifically delegated to them through agreement.

**1. Parties:**

- (1) **NHS HAMBLETON RICHMONDSHIRE AND WHITBY DISTRICT CLINICAL COMMISSIONING GROUP** of [insert address] (“**the CCG**”);
- (2) **NORTH YORKSHIRE COUNTY COUNCIL** of County Hall, Northallerton, DL7 8AD (“**the Council**”)

**2. Introduction**

- 2.1 The purpose of this agreement is to put in place the arrangements required to govern and manage the **shared planning and commissioning arrangements and a pooled fund for Health Care, Public Health and Adult Social Care Service in Hambleton Richmondshire and Whitby**. It will establish the Hambleton Richmondshire and Whitby Integrated Planning and Commissioning Board Integrated Planning and Commissioning Board (HRWIPCB) as the vehicle through which both parties will discharge their shared planning and commissioning responsibilities in respect of working together and operating the pooled funds. The agreement applies to the defined health, public health and social care services supplied to the residents of the North Yorkshire County Council and to patients registered with the GP Practices within the Hambleton Richmondshire and Whitby area and whose medical services contracts are managed by the CCG. This agreement builds on any previous Section 75 agreements and is to be regarded as an entirely new arrangement, whilst keeping any existing arrangements in place..
- 2.2 A main aim of the HRWIPCB is to provide a body to carry out strategic planning on a joint level which will have an oversight of both organisations and enhance joint working. Some of this joint working will be delivered through pooled budgets but the vision is to provide a wider focus on collaboration/planning across the whole geography.
- 2.3 Both organisations will remain sovereign for decision making regarding expenditure for their services, except where specifically agreed between the

parties and each organisation will be responsible for obtaining the appropriate legal authority through its own internal decision making process. The arrangement will allow discussions to take place regarding Health Care (including Primary care), Public Health and adult social care at a strategic level.

### **3. The Joint Vision**

3.1 The Parties have a shared vision of a timely transformation towards an integrated approach to the provision of health care, public health and social care services in Hambleton, Richmondshire and Whitby. The parties believe that significantly by both coordinating and integrating their planning and commissioning activities will help facilitate the best use of resources to support the local resident and patient population. This approach will be developed through the joint arrangements with an agreed Work plan including the Joint Commissioning Strategy.

### **4. Section 75 Document Purpose**

The purpose of this Section 75 agreement is to:

1. Provide a joint strategic planning body for a range of services to the public. The creation of the Integrated Planning and Commissioning Board will have oversight of the budgets for [insert details of budgets].

The Agreement will not cover the commissioning of a MCP, which will be commissioned by the CCG directly.

2. As part of the joint commissioning, to allow for the Pooled Fund arrangements, including provision for the new services set out in Schedule 1 These arrangements will be kept under constant review the ability to add additional services with the agreement of both parties.

3. Record the intentions of the Parties to work together in commissioning health, public health and social care services.
4. Describe the role of the Integrated Planning and Commissioning Board in the administration of the Pooled Fund and to make formal arrangements for its procedures and actions.
5. Make any necessary arrangements to ensure that the commissioning and planning of the defined functions takes place on the basis of and by reference to evidence based information and standards, and uses up-to-date service specifications and recognised and authoritative clinical protocols implemented with suitable and expert medical and social care advice.
6. Describe the joint work plan to be taken by the parties both through and outside the Integrated Planning and Commissioning Board in order to commission health, public health and social care services in an integrated way.
7. Describe the relationships between the parties as exercised through the Integrated Planning and Commissioning.
8. Provide for the development of formal joint commissioning arrangements by the parties through the Integrated Planning and Commissioning Board.
9. Make the necessary delegation, governance, audit and regulatory arrangements to facilitate the purposes listed above as agreed by each Organisation. Each organisation will remain sovereign for decision making through its own internal procedures.

## **5. Background to the Agreement**

- 5.1 The Parties are organisations working to improve the health and wellbeing of people resident in the Hambleton Richmondshire and Whitby CCG area and patients registered to GP practices within the same area. They believe that outcomes for their served populations can be greatly enhanced by closer working Partnership arrangements.

- 5.2 The objective of the Partnership Arrangements is to improve the outcomes for health and social care users from commissioned services through closer working between the National Health Service and Local Government to the extent (from time to time and subject to the terms of this agreement) that it is lawful to do so and consistent with the obligations of the Parties to co-operate with each other in commissioning the care.
- 5.3 These Partnership Arrangements have been established pursuant to Section 75 of the Act and pursuant to the Regulations.
- 5.4 The Parties believe that the Partnership Arrangements proposed by this Agreement fulfil the objectives set out by the North Yorkshire County Council Health and Wellbeing Board within the Joint Health and Wellbeing Strategy, Hambleton Richmondshire and Whitby CCG's Strategic Plan, the NHS Constitution and Guidance in so far as it relates to local, regional and national requirements, the Council Plan and the Council's relevant Strategic Directorate Business Plans.

## 6. Definitions and Interpretation

In this Agreement, unless the context otherwise requires:

**"The Authorised Officers"** means the Responsible Officers of the Parties as specified in the introductory page of this Agreement

**"The Act"** means the National Health Service Act 2006

**"The Chief Officers"** means the Chief Clinical Officer of the Clinical Commissioning Group and the Chief Executive Officer of the Council

**"The Commencement Date"** means [insert date 2017]

**"The Council"** means the North Yorkshire County Council

**"The Council's Functions"** means such functions of the Council as may be necessary to provide the Services specified in Schedule 1(1)

**"The Financial Year"** means a twelve month period commencing on 1 April and terminating on the following 31 March

**“The Functions”** means together Hambleton Richmondshire and Whitby Clinical Commissioning Group Functions and the Council's Functions in so far as they relate to the agreement

**“The HSCA 2012”** means the Health and Social Care Act 2012

**“The Health-Related Functions”** shall mean the public health functions of the Council under the HSCA 2012 and any other functions that may be exercised by the Council in its commissioning or delivery of the Services specified in Schedule 1

**“The Initial Term”** means a period of one year and capable of extending thereafter on a year to year basis at the parties discretion and agreement for a maximum period of ten years from the date of this agreement and thereafter as agreed between the Parties by further negotiation

**“The Integrated Planning and Commissioning Board”** shall mean the joint arrangements made by the Parties to commission the integrated services

**“Commissioning Function Host”** shall mean the NYCC as the party responsible for hosting the integrated commissioning arrangements

**“Ancillary Service Commissioner” (ASC)** shall mean the party that has been nominated in writing within an Ancillary Service Commissioning Agreement to be the lead commissioner of a service that falls within Schedule 1 of this agreement but which the parties have agreed shall fall outside the Integrated Planning and Commissioning Board integrated commissioning arrangements

**“Ancillary Service Commissioning Agreement”** shall mean an agreement made between the parties under Clause 7.10.8

**“The MCP”** means the Multispecialty Community Provider to be established by the CCG or any provider which is procured for Community Services which is undertaken solely by the CCG. This will be commissioned solely by the CCG and the commissioning/procurement of the MCP will be outside of this agreement.

**“The NHS Functions”** means those NHS functions listed in Regulation 5 of the Regulations as are exercisable by the CCG as are relevant to the commissioning of the Services and which may be further described in each Service Schedule

**“The Pooled Fund Host”** shall mean the Council as the Party responsible for the accounting for and audit of the pooled fund established under this agreement

**“The Pooled Fund”** means such fund or funds of monies received from separate contributions by the Parties for the purposes of providing the specified services to be commissioned through the Integrated Planning and Commissioning Board and which are set out in Schedule 1 of this agreement

**“The Pooled Fund Arrangements”** means the arrangements agreed by the Parties for establishing and maintaining the Pooled Fund

**“The Pool Fund Manager”** will be the nominated officer(s) who will be accountable to the Integrated Planning and Commissioning Board for the management of the Pooled Fund in accordance with the Pooled Fund Arrangements.

**“The Individual Pooled Service Budgets”** shall mean the budgets agreed between the Parties within the Integrated Planning and Commissioning Board to provide the services specified in Schedule 1 of this agreement from the Pooled Fund

**“The Individual Pooled Service Budget Managers”** being officers with delegated responsibility (for budgets and the commissioning of services within an Individual Pool Budget

**“The Parties”** means together Hambleton Richmondshire and Whitby Clinical Commissioning Group and the Council

**“The Partnership Arrangements”** means the arrangements jointly agreed by the Parties for the purposes of providing the Services pursuant to the Regulations and Section 75 of the Act

**“Finance Lead”** shall mean the Section 151 Officer of the Council

**“Hambleton Richmondshire and Whitby CCG”** means the Hambleton Richmondshire and Whitby Clinical Commissioning Group

**“Hambleton Richmondshire and Whitby CCG functions”** means such of those functions as described in Schedule 3 as may be necessary to provide the Services

**“The Regulations”** means the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 SI No. 617 and any amendments and subsequent re-enactments

**“The Services”** means the services commissioned under this Agreement

**“The Service User”** means an individual in receipt of services commissioned under the agreement.

**“The Term”** means a period of means a period of seven years from the Commencement Date, plus any extended period as agreed by the Parties under clause 14.3;

**“The Hambleton Richmondshire and Whitby area”** means the area of Hambleton Richmondshire and Whitby CCG within the Boundary of North Yorkshire. It includes areas in which GPs listed by the CCG are practicing and for which commissioning responsibilities exist for the registered population

**“Losses”** means any and all direct losses, costs, claims, proceedings, damages, liabilities and any reasonably incurred expenses, including legal fees and disbursements

**The headings** in this Agreement are inserted for convenience only and shall not affect its construction and a reference to any Schedule or clause is to a Schedule or clause of this Agreement.

**Words importing the singular** number shall include the plural and vice versa and words importing the masculine shall include the feminine and vice versa.

**“SOSH”** means the Secretary of State for Health.

**“Third Party Costs”** means all such third party costs (including legal and other professional fees) in respect of each service as a Party reasonably and properly incurs in the proper performance of its obligations under this Agreement and as agreed by the Partnership Board.

**“Working Day”** means 8.00am to 6.00pm on any day except Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday (in England) under the Banking & Financial Dealings Act 1971.

**All references to any statute or statutory provision** shall be deemed to include references to any statute or statutory provision which amends, extends, consolidates or



replaces the same and shall include any orders, regulations, codes of practice, instruments or other subordinate legislation made thereunder and any conditions attaching thereto. Where relevant, references to English statutes and statutory provisions shall be construed as references also to equivalent statutes, statutory provisions and rules of law in other jurisdictions.

**Reference to the Parties** shall include their respective statutory successors, employees and agents subject to the provision of Clause 20.

**In the event of a conflict**, the conditions set out in the Clauses to this Agreement shall take priority over the Schedules.

**Non-exhaustive lists:** Where a term of this Agreement provides for a list of items following the word "including" or "includes", then such list is not to be interpreted as being an exhaustive list.

**Gender and persons :** In this Agreement, words importing any particular gender include all other genders, and the term "person" includes any individual, Partnership, firm, trust, body corporate, government, governmental body, trust, agency, unincorporated body of persons or association and a reference to a person includes a reference to that person's successors and permitted assigns.

**Singularity:** In this Agreement, words importing the singular only shall include the plural and vice versa.

**"Staff" and "Employees"** shall have the same meaning and shall include reference to any full or part time employee or officer, director, manager and agent.

**Mode of formal communication:** Subject to the contrary being stated expressly or implied from the context in these terms and conditions, all communication between the Parties shall be in writing.

**Money:** Unless expressly stated otherwise, all monetary amounts are expressed in pounds sterling but in the event that pounds sterling is replaced as legal tender in the United Kingdom by a different currency then all monetary amounts shall be converted into such other currency at the rate prevailing on the date such other currency first became legal tender in the United Kingdom.

**References to this Agreement** within its text include (subject to all relevant approvals) a reference to the Agreement as amended, supplemented, substituted, novated or assigned from time to time.

**7. Appointment of the Planning and Commissioning Function and Pooled Fund Hosts and their duties**

- 7.1 The Parties propose to continue to build upon the existing Section 75 BCF model and provide a stronger governance mode with this agreement, under which the parties will commission the services described in Schedule 1 of this agreement and provide a forum for wide planning and integration. The Integrated Planning and Commissioning will be subject to the rules for meetings, voting arrangements and procedural rules set out in Schedule 3 to this agreement. The Integrated Planning and Commissioning Board will provide strategic direction in the areas of agreed joint financing, planning and commissioning set out in this agreement, with delegated authority for the development and operation of integrated planning, commissioning and service innovation in these areas, taking into account the wider strategic framework set by the Health and Wellbeing Board and the Joint Health and Wellbeing Strategy and within the strategic plans of the Parties, and informed by appropriate intelligence such as the JSNA. Integrated commissioning will initially take place by sharing the planning and commissioning arrangements and then commissioning services using separate contracts with providers through the Integrated Planning and Commissioning Board.. Under the agreement the Parties retain independence in their commissioning arrangements relating to the specified services and will determine what services will be integrated and/or pooled and how they will achieve this.
- 7.2 The parties will appoint NYCC through the Integrated Planning and Commissioning Board as the host for the integrated commissioning arrangements (which such expression shall have a different meaning to the role of Lead Service Commissioner referred to in this agreement) and NYCC as the host for the pooled fund. In order to facilitate these arrangements the following functions will be undertaken in the manner set out elsewhere in this agreement

- 7.2.1 To agree to, and oversee, the use of HSCA 2012 flexibilities for establishing and then operating pooled budgets and integrated commissioning between the Parties under the terms of this agreement.
- 7.2.2 To oversee the establishment of the Pooled Fund and then the establishment of lead commissioner arrangements through the Integrated Planning and Commissioning Board where agreed and in line with the Joint Commissioning Strategy, to administer the individual Pool Budgets (if appropriate) and to receive information from the Finance Lead and Individual Pool Budget Managers (where appropriate) with delegated responsibility for the access to an agreed level of funding from the Pooled Fund.
- 7.2.3 To approve the overall pooled budget, the component individual pool budgets and the required Party contributions to the Pool Fund.
- 7.2.4 To monitor the BCF in accordance with NHS England guidance, making use of recommended best practice templates and to report to the HRWIPCB on a quarterly basis for sign off and in relation to any specific required annual returns.
- 7.2.5 To prepare proposals for managing the financial aspects of the Pooled Funds for consideration by both parties, including the initial separate management of the Parties contributions and then following the eventual pooling of the aligned resources the risk management arrangements associated with this.
- 7.2.6 To receive (as a minimum) quarterly information from the Pooled Fund Manager(s), to include both service and financial information, in a form to be agreed, to fulfil the Parties' performance management requirements.
- 7.2.7 To receive quarterly information from the officers to include both service and financial information, in a form to be agreed, to fulfil the Parties' performance management requirements.

- 7.2.8 To agree appropriate action resulting from the above reports where necessary.
  - 7.2.9 To resolve disputes or where necessary to refer such to dispute resolution procedures.
  - 7.2.10 To review the role and effectiveness of the integrated commissioning arrangements through achievement of planned objectives and targets, ultimately demonstrating improved outcomes for service users and making recommendations to the Council and CCG as to any amendment to its functions.
  - 7.2.11 To report, on an appropriate basis, on the integrated commissioning arrangements to ensure appropriate reporting and accountability to the parent organisations.
  - 7.2.12 To report to statutory bodies and other stakeholders by the inclusion of minutes on Parties' bodies agendas as appropriate and as agreed by each Party.
  - 7.2.13 Any other purposes as may be deemed appropriate by the Parties and agreed as set out in this agreement
- 7.3 The Council through the Integrated Planning and Commissioning Board will be the Pooled Fund Host with responsibility for accounting, audit and the financial reporting of the Pooled Fund and its collection, administration and for making payments out of it in relation to the performance of contracts agreed through the Integrated Planning and Commissioning Board in relation to the relevant Pooled Service Budget and such part of the Pooled Fund that is represented by it.
- 7.4 Where there is agreement on joint commissioning, the commissioning contracts will initially be between the party with responsibility for commissioning of that service and the provider selected by the Integrated Planning and Commissioning Board and subject to the integrated service delivery arrangements agreed. Following the establishment of integrated commissioning arrangements through the Pooled Fund, the contracting role may be undertaken by either Party or as otherwise provided for

under this agreement as long as both Parties agree and in line with the agreed Strategy.

## **8. Integrated Planning and Commissioning:**

### **8.1 Introduction:**

The planning and commissioning arrangements set out in this agreement shall be the means by which the Parties co-operate in order to provide the services described in Schedule 1 to this agreement through integrated commissioning and planning. This Agreement sets out the mechanism through which the Parties will work together in partnership through the Integrated Planning and Commissioning Board. During the period of this agreement the Parties will co-operate with a view to introduce integrated commissioning, where appropriate and with both Parties Agreement, through capitation and outcome based payments for services provided under the service contracts and the establishment of standard contracts and outcome assessment arrangements to support this. Where this is not appropriate the Parties will co-operate to ensure that planning and commissioning by both Parties is done in a coordinated and joined up manner.

### **8.2 Delegations:**

Under the arrangements the Parties retain independence and sovereignty in their commissioning arrangements relating to the specified services and will only delegate functions as agreed by both parties. With a view to working together in partnership (but not so as to create the legal relationship of partnership between them), in order to implement the integrated commissioning arrangements set out in this agreement and to make arrangements for the services to be provided under Schedule 1 the parties agree that:

8.2.1 The Council shall delegate to the CCG and the CCG agrees to exercise, on the Council's behalf, the Council's Functions to the extent necessary for the purpose of performing its obligations under this Agreement in conjunction with the NHS Functions (and where the Council agrees), and

8.2.2 To the extent to which it may legally do so, the CCG shall delegate to the Council and the Council agrees to exercise on the CCG's behalf the NHS Functions to the extent necessary for the purpose of performing its obligations under this Agreement in conjunction with the Council's Functions (and where the CCG agrees).

8.2.3 In the event that any delegation of powers by any of the Parties provide for under this agreement shall require obtaining the consent or approval of any Minister of the Crown, Government Department or any other body formally constituted for that (and other) purposes then the party required to seek such consent or approval shall use its best endeavours to do so and in a timely fashion, efficiently and without unreasonable delay.

8.2.4 The Parties shall only delegate such powers to each other as are required to implement the terms of this agreement and through consent and specifically reserve all other commissioning powers and functions to themselves.

### 8.3 **Partial or incomplete delegations:**

Where the powers of a Party to delegate any of its statutory powers or functions are restricted, such limitations will automatically be deemed to apply to the relevant service specification in Schedule 1 and the Parties shall agree arrangements designed to achieve the greatest degree of delegation to the other Party necessary for the purposes of this Agreement which is consistent with those statutory constraints.

### 8.4 **Integrated planning and commissioning objectives:**

The Parties shall seek to achieve the following objectives in the course of making the integrated planning and commissioning arrangements under this agreement:

8.4.1 To continue to deliver the S75 services as covered by previous agreements and the defined services as have been specified in Schedule 1.

- 8.4.2 To deliver improved and improving service delivery efficiencies through the integrated planning and commissioning arrangements.
- 8.4.3 To work with the main NHS and other service providers within the locality to facilitate the planning and commissioning of services
- 8.4.4 To take any necessary steps to develop a future procurement strategy for the better integration of services.
- 8.4.5 To look at the possibility of introducing new service planning and commissioning arrangements involving the use of outcomes assessment frameworks to be developed by the Parties during the period of this agreement where appropriate.
- 8.4.6 Where the Parties propose to add a new Budget line to this Agreement a Scheme Specification for the new service shall be completed and agreed between the Parties.
- 8.4.7 The Parties shall not enter into a new Scheme Specification in respect of an additional contract unless they are satisfied that the Individual Scheme in question will improve the health and wellbeing of the population of Hambleton Richmondshire and Whitby in accordance with this Agreement
- 8.4.8 Each Party shall keep the other Party and the Integrated Planning and Commissioning Board informed of the effectiveness of the arrangements including the Better Care Fund and any overspend or underspend in the Pooled Fund.

**8.5 Parties mutual responsibilities:**

The Parties agree that their boards, their officers and employees, their controlled subsidiaries and any independent contractors retained by either of the Parties or their controlled subsidiaries shall work together for the purposes of undertaking

integrated commissioning arrangements and achieving the objectives described in Clause 7.5 and in particular shall:

- 8.5.1 Co-operate with each other in the conduct of all activities relating to the objectives.
- 8.5.2 Make the necessary delegations as set out in Clauses 7.2 and 7.3, including any formal arrangements to give all necessary third party consents or notifications.
- 8.5.3 Make all and any agreed contributions into the Pooled Fund as set out in Schedule 1 promptly and without deductions for the purposes of providing the services.
- 8.5.4 Make any necessary arrangements to make payments from the pooled fund as may be required by the Integrated Planning and Commissioning Board in order to provide the services that have been commissioned under this agreement.
- 8.5.5 Operate all their related activities and services in a manner that is compatible with the objectives set out in Clause 7.4 so far as they are not inconsistent with their other legal obligations or formal service delivery arrangements.
- 8.5.6 Operate the integrated planning and commissioning arrangements and fulfilling all responsibilities relating to them as agreed in this agreement. Exercise candour in their dealings with each other and to conduct themselves transparently in any negotiations, including disclosing any reasonable prospect that there shall be a conflict of interest between them.
- 8.5.7 Exercise candour in their dealings with each other and conduct themselves transparently in any negotiations, including disclosing any reasonable prospect that there shall be a conflict of interest between them.



8.5.8 Unless otherwise specifically agreed in writing, overspends in a pooled arrangement are the responsibility of the relevant commissioning organisation.

**8.6 Legacy contracts, transition commissioning arrangements:**

8.6.1 Both Parties agree that any contracts for the full or partial delivery of the services specified in Schedule 1 that are continuing at the date of this agreement and which are between the parties and other providers (legacy contracts) will be unaffected by this agreement.

**8.7 Monitoring and review of the Integrated Planning and Commissioning Board**

The Responsible Officers of the Parties shall from time to time agree joint arrangements to monitor and review the manner in which the Integrated Planning and Commissioning Board exercises the delegated commissioning and regulatory powers set out in this agreement to ensure that they are exercised in compliance with the law and with the terms of this agreement and that the manner in which they are exercised is both effective and appropriate.

**8.8 Joint integrated commissioning arrangements through the Integrated Planning and Commissioning Board**

8.8.1 Both Parties shall work in cooperation and shall endeavour to ensure that the services specified in Schedule 1 are commissioned with all due skill, care and attention through the Integrated Planning and Commissioning Board arrangements.

8.8.2 Where appropriate each Party shall be responsible for making payments to Providers from the Pooled Fund of all sums pursuant to the terms of the contract negotiated on behalf of that Party through the Integrated Planning and Commissioning Board and for complying with the terms of that contract.

8.8.3 Both Parties shall work in cooperation and endeavour to ensure that the relevant Services as set out in each Scheme Specification in Schedule 1

are commissioned through the Integrated Planning and Commissioning Board within each Parties Financial Contribution in respect of that particular Service in each Financial Year.

8.8.5 Each Party shall keep the other Party and the Integrated Planning and Commissioning Board regularly informed of the effectiveness of the arrangements including the Better Care Fund and any Overspend or Underspend in the Pooled Fund.

8.8.6 The Integrated Planning and Commissioning Board Integrated Planning and Commissioning Board will report back to both the Parties in the event of any failure by either of them to make payments required by this agreement.

8.8.7 The parties will make any necessary reports to the Health and Wellbeing Board outside the terms of this agreement as may be required under Chapter 7 of the HSCA 2012.

#### 8.9 **Role of Integrated Planning and Commissioning Board**

The parties will commission the services specified in Schedule 1 through the strategic direction of the Integrated Planning and Commissioning Board. The administrative work involved in implementing the decisions taken by the Integrated Planning and Commissioning Board and in undertaking the commissioning arrangements for these services shall be under the overall direction of the Lead Commissioner. The parties may at their discretion after approval by the Integrated Planning and Commissioning Board either make their own commissioning arrangements or instruct the Integrated Planning and Commissioning Board to make such arrangements as may be required in relation to the services. The Integrated Planning and Commissioning Board shall oversee the integrated commissioning arrangements operated between the parties for the purposes of implementing this agreement.

**8.10 Specific Functions of the Integrated Planning and Commissioning Board:**

Without prejudice to the generality of the Clause 8(9) above the Integrated Planning and Commissioning Board shall undertake the following specific functions to enable it to make recommendations to the Parties:

- 8.10.1 Undertake population health and social care needs assessments as agreed by both parties
- 8.10.2 Carry out strategic planning of health and social care services as agreed by both parties
- 8.10.3 Undertake assurance activity of planned commissioning changes
- 8.10.4 Exercise the consultation responsibilities of commissioners in planning for the redesign
- 8.10.5 Undertake assurance (including clinical assurance) of system capacity, outcomes and delivery
- 8.10.6 Undertake assurance (including clinical assurance) of system quality and safety
- 8.10.7 Establish the weighted capitation payment linked to an age cohort as and if appropriate
- 8.10.8 Establish and oversee the operation of the outcomes framework as and if appropriate
- 8.10.9 Establish the procurement strategy for the schedule of services as outlined in the agreement as and if appropriate
- 8.10.10 Establish the acceptable provider forms and the scope of service delivery as and if appropriate
- 8.10.11 Consider assessment criteria for providers as required and agreed
- 8.10.12 Consider assessment criteria for providers as required and agreed

8.10.13 Oversee the development of an integrated planning and commissioning resource to align expertise and capacity within both Parties

**9. Pooled Fund:**

9.1 The Parties agree as follows:

9.1.1 The Council will be the Pooled Fund Host with the responsibility for accounting and audit and the financial reporting of the overall pool being exercised by the Finance Lead.

9.1.2 The *Parties* will determine delegation of financial responsibility to Individual Pooled Service Budget Managers who will work through the HRWIPCB to commission all appropriate services on behalf of the Parties and provide appropriate information to the Parties and the HRWIPCB.

9.1.3 The Standing Orders and Standing Financial Instructions of the Party by which an Individual Pooled Service Budget Manager is employed shall apply to the management of each Individual Pooled Service Budget through the HRWIPCB under this Agreement.

9.1.4 The Parties will provide the HRWIPCB and the Individual Pooled Service Budget Managers with all the necessary financial and administrative support to enable the effective and efficient management of the Pooled Fund and any Individual Pooled Service Budget.

9.1.5 The Parties will create a clear identifiable accounting structure within their financial systems (e.g. a separate cost centre) to enable effective monitoring and reporting of the Pooled Fund and the budgets of the Individual Pooled Services and the Finance Lead will be responsible for maintaining an overall accounting structure for the Pooled Fund.

9.1.6 The Individual Pooled Service Budget Managers will provide such information as is deemed necessary by the Parties to this Agreement, to the Integrated Planning and Commissioning Board, to enable effective performance management of the Services provided under this Agreement and any Pooled budget.

- 9.1.7 The Individual Pooled Service Budget Managers will be accountable for managing their Pooled Service Budget and forecasting expenditure and will notify the nominated finance officers of each party who must report to the Integrated Planning and Commissioning Board on the outputs and outcomes and the achievements of targets as set out in the service plans and objectives.
- 9.1.8 The Individual Pooled Service Budget Managers will be responsible for the management of each specific Individual Pooled Service Budget within financial balance and will report any potential or actual variations to any Individual Pooled Service Budget and its potential effect upon the Pooled Fund, as soon as practicably possible to the Integrated Planning and Commissioning Board following identification of any such variation;
- 9.1.9 Individual Pooled Service Budget Managers will follow their own statutory accounting and audit arrangements. A year-end Memorandum Account showing income received, expenditure and any balance remaining shall be prepared by the Pooled Fund Host and sent to the Parties for inclusion in their statutory accounts.
- 9.1.10 The Parties shall comply, at all times, with HMRC guidance as updated from time to time on VAT in respect of the respective Pooled Service Budgets and their Statutory Finance Officers shall consult with HMRC to agree an appropriate scheme for recovery of VAT.

## 9.2 **Operation of Pooled Budgets**

- 9.2.1 The Parties will agree their contribution to the Pooled Fund as set out in Schedule 2 each year in accordance with this clause 9. The contributions for the Financial Year [] are as set out in Schedule 2 here to and will be used as a basis for agreeing future Financial Year contributions from the Parties. Such annual contributions will be evidenced in writing by insertion into the said Schedule 2 as an agreed amendment.
- 9.2.2 The Parties agree that annual Pooled Fund will be confirmed by 31 March for the following Financial Year. The Board will receive notice of planned contributions within one week of each Party agreeing their respective budgets.

9.2.3 The Lead Commissioner shall ensure that VFM is actively secured at all times in making payments from Individual Pooled Service Budgets to deliver the services set out in Schedule 1.

9.2.4 Any monies specifically allocated by the government for particular client groups, services or specific projects shall be put into the relevant Pooled Service Budget subject to such discretions that funding allocations allow to the HRWIPCB. The HRWIPCB shall approve the expenditure plans for such grants. The appropriate Individual Pooled Service Budget manager will ensure that the conditions of the grant are met. Where grants are put into relevant Pooled Service Budgets any underspends in the grant will be carried over to the next financial year unless this is not allowed by the conditions of the grant.

9.2.5 For the avoidance of doubt, all funding between the organisations supplied under this Agreement is included in each party's annual contribution to the Pooled Fund.

9.2.6 Liabilities for any overspend will be the responsibility of the relevant Commissioning organisation.

**9.3 Contributions to the Pooled fund:**

- (i) Annual contributions to the Pooled Fund will be agreed between the parties and may consider, but no limited to the following: recurrently rolled forward Funds from previous year
- (ii) plus or minus agreed in-year changes where recurrent (overspends or underspends)
- (iii) plus or minus agreed inflationary uplift
- (iv) plus or minus planned and agreed changes, and
- (v) minus planned and agreed efficiency requirements

9.3.1 The parties agree that these changes must not have a detrimental financial impact on either party unless specifically agreed with the party adversely affected and approved by the Integrated Planning and Commissioning Board

- 9.3.2 Contributions agreed by Parties will be formally budgeted for prior to the start of the new financial year.
- 9.3.3 Where required, the organisation which is not hosting the Pool will pay its contribution to the Pooled Fund by 4 equal instalments on a fixed date agreed with the Pool Host in each year of this Agreement or as alternatively agreed. The amounts will be set out in Schedule 2.
- 9.3.4 The annual Pooled Fund will normally be calculated as the initial Pooled Fund for the previous year, plus any agreed in-year changes where it is decided these should be recurrent, plus any agreed inflationary uplift for the forthcoming year, plus any agreed planned changes for the coming year, plus any agreed efficiency requirements. The way in which such annual Pooled Fund will be determined shall be in accordance with the above provisions.
- 9.3.5 The contribution by the Council to the Pooled Fund shall be made upon the net figure after deductions for charges levied on Service Users, or any associated costs or expenses or as alternatively agreed.
- 9.3.6 The parties recognise that there may be scope to develop the Partnership and to bring other budgets and services in addition to those specified in Schedule 1 into pooled or aligned arrangements from time to time and any such changes will be treated as variations to this agreement and will be evidenced in writing and Scheduled to this agreement.
- 9.3.7 The Pooled Fund shall only be used for the provision of Services agreed to fulfil the Aims and Outcomes of this Agreement as set out at Schedule 1 to this Agreement.
- 9.3.8 Changes forecast to the total level of agreed Pooled Fund expenditure for the year shall be reported to the next meeting of the HRWIPCB and the HRWIPCB shall agree appropriate action to contain expenditure within an individually agreed Individual Pooled Service Budget or to utilise a surplus,

or exceptionally, where additional funding is thought to be required, shall submit a case of need to the Parties. Where additional funding is approved, the Parties will consider the appropriateness of continuing such level of funding as part of the Pooled Fund setting process for the following year.

- 9.3.9 Liabilities for any overspend will be the responsibility of the relevant Commissioning organisation.
- 9.3.10 Where an unforeseen overspend arises at the end of the Financial Year, the Parties will need to consider how best to fund this and its implications for future years. Parties have agreed that as a general principle overspends will not be tolerated and if this situation arises then actions will be approved in-year by the HRWIPCB to avert this situation. In the event that overspends do arise then the nature of this will be explicitly set out by the Individual Pooled Service Budget Manager and the source understood by the HRWIPCB. The responsible Party for commissioning the relevant service that is overspent, will be responsible for funding the pressure.
- 9.3.11 The HRWIPCB will be responsible for negotiating any proposed arrangements for joint support in the instance of under or overspends in year within the overall spirit of Partnership arrangements and financial positions recognising that Parties retain statutory responsibility for this element of the service. Such negotiated proposals must be agreed between the parties before they shall be implemented. Where recurrent pressures are identified then the HRWIPCB will consider whether it is necessary to instruct the Individual Pooled Service Budget Managers to develop robust recovery plans.
- 9.3.12 Where there is a surplus in an Individual Pooled Service Budget then the Pool Host shall identify this for in-year financial management purposes, taken in wider context with all other Pooled Service Budgets, and any recurrent impact of this on future year's contributions. Any in-year surpluses identified should be made explicit in the reports so that the HRWIPCB can understand this in the wider context of all Individual Pooled Service Budgets



and give consideration to other options it feels are appropriate (such as applying this to other Pooled Service overspending areas or known pressures and/or carrying forward any surplus for the benefit of the service in future years or making an in-year repayment to the Parties based on percentage contributions). Where the surplus has a recurrent impact then Parties may propose options around retaining this for service investments or agreeing a recurrent deduction to party contributions which will be subject to review by the HRWIPCB. Such agreement is to be indicated in writing in the minutes of the relevant meeting of the HRWIPCB.

9.3.13 The Parties may not normally vary their annual contributions to the Pooled Fund during the course of the financial year to which the annual contribution applies. Any variations to the Parties' annual contributions must be recommended by the HRWIPCB, having considered the wider context as outlined above, with such agreement indicated in writing in the minutes of the relevant meeting of the HRWIPCB.

9.3.14 In the event of dispute or disagreement in relation to the liability or benefit for any overspend or underspend the matter may be referred by either Party in accordance with Clause 10

9.3.15 The *Pool Fund Manager* shall present a quarterly and an annual report (unless alternative arrangements are agreed in writing by both Parties) to the HRWIPCB, which shall be provided to the relevant Parties and include income and expenditure received by or incurred from the Pooled Fund. Such reports shall include an item on potential overspend or underspend.

#### 9.4 **Financial accountability and risk sharing:**

9.4.1 Each party will maintain its existing financial accountability and internal and external audit arrangements and shall bear its own risks in relation to the integrated commissioning arrangements. By way of clarification this means that the Council will follow its Financial Procedure rules and the CCG will follow its own Standing Financial Instructions and Standing orders as last approved by the CCG Governing Body.

9.4.2 The approach to bearing risks will remain under continuous review by both parties in line with the objectives of the agreement relating to integrated commissioning and the management of the Pooled Fund. The default position (unless otherwise agreed by both Parties in writing) will be that the relevant commissioning Party who has responsibility for the service in question will be liable for the overspend.

**9.5 Pooled Fund: Overspend and underspend procedures**

9.5.1 Subject to Clause 9.2, the HRWIPCB shall manage expenditure from the Pooled Fund within the Financial Contributions and shall ensure that the expenditure is limited to Permitted Expenditure.

9.5.2 The Council as the host organisation of the Pooled Fund shall not be in breach of its obligations under this Agreement if an Overspend occurs provided that expenditure from the Pooled Fund has been in accordance with Permitted Expenditure, the Pooled Fund has been managed by it in compliance with the terms of this Agreement and that regular reporting of overspends and underspends has taken place in accordance with Clause 8.8.5

9.5.3 In the event that any Pooled Service Budget Manager identifies an actual or projected variation then they must ensure that the HRWIPCB is informed as soon as reasonably possible and the provisions of the relevant Service Specification are applied. The default position (unless otherwise agreed by both Parties in writing) will be that the relevant Commissioning Party who has responsibility for the service in question will be liable for the overspend.

**9.6 Non-financial contributions to the Pooled Fund; transfer of assets in lieu of money contributions**

The Services Specifications in Schedule 1 and the relevant budgets in Schedule 2 shall set out any non-financial contributions (and the service or services to which they relate) of each Party including staff (including the Pooled Service Budget

Manager), premises, IT support and other non-financial resources necessary to perform its obligations pursuant to this Agreement (including, but not limited to, management of service contracts and the Pooled Fund).

**9.7 Division of Pooled Fund into Individual Pooled Service Budgets (PSB's):**

The HRWIPCB shall establish suitable arrangements for the purposes of creating pooled service budgets for the individual services to be provide under this agreement to be operated in accordance with the financial governance arrangements set out in this agreement and the budgets set out in Schedule 2

**9.8 Capital Expenditure**

No part of the Pooled Fund shall normally be applied towards any one-off expenditure on goods and/or services, which will provide continuing benefit and would historically have been funded from the capital budgets of the Council. The CCG does not have a capital budget. If a need for capital expenditure is identified this must be agreed by the Parties.

**9.9 Relationship between parties and HRWIPCB, over-arching principle of financial probity**

9.9.1 All Parties shall promote a culture of financial probity and sound financial discipline and control in relation to the arrangements set out in this Agreement. The Council as the host of the pooled fund shall arrange for the audit of the accounts of the Pooled Fund and shall require the relevant internal auditors to make arrangements to certify an annual return of those accounts as may from time to time be required under Section 28(1) of the Audit Commission Act 1998 or other applicable legislation of similar effect

9.9.2 All internal and external auditors and all other persons authorised by the Parties will be given the right of access by them to any document, information or explanation they require from any employee, member of the Parties in order to carry out their duties. This right is not limited to financial information or accounting records and applies equally to premises or equipment used in connection with this Agreement. Access may be at any time without notice, provided there is good cause for access without notice.

9.9.3 The Parties will at all times comply with Law and ensure good corporate governance in respect of each Party (including the Parties respective Standing Orders and Standing Financial Instructions).

9.9.4 The CCG is subject to the CCG Statutory Duties and these incorporate a duty of clinical governance, which is a framework through which they are accountable for continuously improving the quality of its services and safeguarding high standards of care by creating an environment in which excellence in clinical care will flourish. This Agreement and the operation of the Pooled Funds are therefore subject to ensuring compliance with the CCG Statutory Duties and clinical governance obligations.

9.9.5 The Parties are committed to an approach to equality and equal opportunities as represented in their respective policies. The Parties will maintain and develop these policies as applied to service provision, with the aim of developing a joint strategy for all elements of the service.

**9.10 Commercial confidentiality arrangements**

Information shall be shared between the parties in accordance with the data sharing arrangements set out in Clause 9.17 below save that no commercially sensitive information shall be communicated between the parties in the course of the operation of the Integrated Planning and Commissioning Board without the express agreement of the an officer of each of the parties appointed for that purpose

**9.11 Shared data protection arrangements under the Data Protection Act (the 1998 Act), the Freedom of Information Act (the 2000 Act) and the Environmental Protection Regulations 2004 (the 2004 Act)**

9.11.1 The Parties agree that they will each cooperate with each other to enable any Party receiving a request for information under the 2000 Act or the 2004 Act to respond to a request promptly and within the statutory timescales. This cooperation shall include but not be limited to finding, retrieving and supplying information held, directing requests to other Parties as appropriate and responding to any requests by the Party receiving a request for comments or other assistance.

9.11.2 Any and all agreements between the Parties as to confidentiality shall be subject to their duties under the 2000 Act and 2004 Act. No Party shall be in breach of Clause 26 if it makes disclosures of information in accordance with the 2000 Act and/or 2004 Act.

9.11.3 Any processing of data that is undertaken by the Parties, their servants, employees, agents or subcontractors in the course of this agreement shall comply with the Fair Data Processing principals set out in the 1998 Act and shall be in accordance with the over-arching data processing policy

## 9.12 **Conflicts of interest**

The Parties shall comply with the agreed principles for identifying and managing conflicts of interest.

## 9.13 **Resolution of commissioning disputes between parties by mediation**

9.13.1 In the event of a dispute between the Parties arising out of this Agreement, either Party may serve written notice of the dispute on the other Party, setting out full details of the dispute

9.13.2 The Authorised Officer shall meet in good faith as soon as possible and in any event within seven (7) days of notice of the dispute being served pursuant to Paragraph 9.13.1 At a meeting convened for the purpose of resolving the dispute

9.13.3 If the dispute remains after the meeting detailed in Clause 10.7.2 has taken place, the Parties' respective Authorised Officer or nominees shall meet in good faith as soon as possible after the relevant meeting and in any event with fourteen (14) days of the date of the meeting, for the purpose of resolving the dispute.

9.13.4 If the dispute remains after the meeting detailed in Clause 0 has taken place, then the Parties will attempt to settle such dispute by mediation in

accordance with an independent mediation procedure as agreed by the Parties in compliance with this agreement. To initiate mediation, either Party may give notice in writing (a "**Mediation Notice**") to the other requesting mediation of the dispute and shall send a copy thereof to the Centre for Effective Dispute Resolution (CEDR) or an equivalent mediation organisation as agreed by the Parties asking them to nominate a mediator. The mediation shall commence within twenty (20) Working Days of the Mediation Notice being served. Neither Party will terminate such mediation until each of them has made its opening presentation and the mediator has met each of them separately for at least one (1) hour. Thereafter, Clause 14 of the Model Mediation Procedure will apply (or the equivalent Clause of any other model mediation procedure agreed by the Parties). The Parties will co-operate with any person appointed as mediator, providing him with such information and other assistance as he shall require and will pay his costs as he shall determine or in the absence of such determination such costs will be shared equally.

9.13.5 Nothing in the procedure set out in this Clause 23 shall in any way affect either Party's right to terminate this Agreement in accordance with any of its terms or take immediate legal action.

**10** [Not used]

**11 Liabilities and Insurance and Indemnity**

11.1 Subject to Clause 8, if a Party ("First Party") incurs a Loss arising out of or in connection with this Agreement or in relation to the Services to be jointly commissioned under the terms of this agreement as a consequence of any act or omission of another Party ("Other Party") which constitutes negligence, fraud or a breach of contract in relation to this Agreement or the contract under which the Services are to be provided then the Other Party shall be liable to the First Party for that Loss and shall indemnify the First Party accordingly.

- 11.2 Clause 11.1 shall only apply to the extent that the acts or omissions of the Other Party contributed to the relevant Loss. Furthermore, it shall not apply if such act or omission occurred as a consequence of the Other Party acting in accordance with the instructions or requests of the First Party or the HRWIPCB.
- 11.3 If any third party makes a claim or intimates an intention to make a claim against either Party, which may reasonably be considered as likely to give rise to liability under this Clause then the Party that may claim against the other indemnifying Party will:
- 11.3.1 As soon as reasonably practicable give written notice of that matter to the Other Party specifying in reasonable detail the nature of the relevant claim
- 11.3.2 Not make any admission of liability, agreement or compromise in relation to the relevant claim without the prior written consent of the Other Party (such consent not to be unreasonably conditioned, withheld or delayed)
- 11.3.3 Give the other Party and its professional advisers reasonable access to its premises and personnel and to any relevant assets, accounts, documents and records within its power or control so as to enable the indemnifying Party and its professional advisers to examine such premises, assets, accounts, documents and records and to take copies at their own expense for the purposes of assessing the merits of and if necessary, defending the relevant claim.
- 11.4 Each Party shall ensure that they maintain policies of insurance (or equivalent arrangements through schemes operated by the National Health Service Litigation Authority) in respect of all potential liabilities arising from this Agreement.

11.5 Each Party shall at all times take all reasonable steps to minimise and mitigate any loss for which one party is entitled to bring a claim against the other pursuant to this Agreement.

**12 Term of agreement:**

This Agreement shall come into force on the Commencement Date and shall continue until it is terminated in accordance with its terms. The duration of the arrangements for each Individual Service shall be as set out in the relevant Scheme Specification in Schedule 1.

**13 Continued co-operation between parties after end of agreement:**

The Parties shall continue to co-operate with each other or their statutory successors following the termination of this agreement (for any reason) with a view to ensuring the continuity of delivery of the services, the continuation, renewal or procurement of the services, any commissioning arrangements relating to them and the continued provision of health and social care to the served populations.

**14 Continuing contracts and liabilities arising from termination of agreement:**

In the event that this agreement is ended then any contracts made under it will be deemed to continue as between the parties to that agreement and the parties will seek to co-operate under Clause 13 in relation to the arrangements made under such contracts.

**15 Third party rights and contracts**

Unless the right of enforcement is expressly provided, no third party shall have the right to pursue any right under this Contract pursuant to the Contracts (Rights of Third Parties) Act 1999 or otherwise.

**16. Governing and Applicable law**

16.1 This Agreement and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the laws of England and Wales.



16.2 Subject to Clause 23 (Dispute Resolution), the Parties irrevocably agree that the courts of England and Wales shall have exclusive jurisdiction to hear and settle any action, suit, proceedings, dispute or claim, which may arise out of, or in connection with, this Agreement, its subject matter or formation (including non-contractual disputes or claims).

## **17 Complaints procedures**

17.1 During the term of the Agreement, the Parties will develop and operate a joint complaints system. The application of a joint complaints system will be without prejudice to a complainant's right to use either of the Parties' statutory complaints procedures where applicable

17.2 Prior to the development of a joint complaints system or after the failure or suspension of any such joint complaints system the following will apply

17.3 Where a complaint wholly relates to one or more of the Council's Health Related Functions it shall be dealt with in accordance with the statutory complaints procedure of the Council

17.4 Where a complaint wholly relates to one or more of the CCG's NHS Functions, it shall be dealt with in accordance with the statutory complaints procedure of the CCG

17.5 Where a complaint relates partly to one or more of the Council's Health Related Functions and partly to one or more of the CCG's NHS Functions then a joint response will be made to the complaint by the Council and the CCG, in line with local joint protocol

17.6 Where a complaint cannot be handled in any way described above or relates to the operation of the arrangements made pursuant to this Agreement or the content of this Agreement, and then the HRWIPCB will set up a complaints subgroup to examine the complaint and recommend remedies. All complaints shall be reported to the HRWIPCB

## **18 Review and variation**

- 18.1 The Parties shall review the integrated commissioning arrangements six months prior to expiry of the Term.
- 18.2 Review will comprise the delivery of the NHS Functions and the health-related Functions, the extent to which the objectives of the integrated commissioning arrangements are met, compliance with and fulfilment of national and local policies, financial arrangements and continuous improvement in quality of care through clinical governance.
- 18.3 The Parties may determine to renew the Partnership Agreement at the end of the Term.
- 18.4 The review and variation provisions in this Clause shall apply as a means of developing and refining the parties' respective functions in relation to the services and fulfilling the objectives of this Agreement.
- 18.5 If at any time during the term of this Agreement either party gives Notice to vary this Agreement, it shall be considered first by the HRWIPCB for approval and then if approved will be recommended for approval by the other party. In the event of such mutual approval then a memorandum of agreement shall be prepared and executed by the parties and thereafter the variation shall be binding.
- 18.6 If the CCG or SMBC do not agree to the request to vary the agreement, then the variation shall not take place

## **19 Appointment of Legal Advisors**

The parties shall in all circumstances where it is practicable to do so take a single advisor approach to seeking legal advice in relation to the implementation of this agreement, any dispute arising from it or any proposed change to or modification of its terms, such advice being commissioned through the HRWIPCB.

## **20 Appointment of Financial and Audit Advisors**

At all times the Parties shall retain their own financial and audit advisors for their financial and governance arrangements but may make arrangements for a single

advisor in relation to specific matters where it is practicable and desirable to do so, such advice being commissioned through the HRWIPCB.

## **21 Responsibility for Public Statements and Press Releases**

The parties shall co-operate when issuing any public statement or press release relating to the terms of this agreement or any activity undertaken under it or discretion exercised by reference to it to the intent that both parties agree such statement or release which should represent the agreed position of both parties in relation to such matters.

## **22 Entire Agreement**

The terms herein contained together with the contents of the schedules constitute the complete Agreement between the Partners with respect to commissioning and supersede all previous communications, representations, understandings and agreement and any representation, promise or condition not incorporated herein shall not be binding on any Partner.

## **23 No Partnership or Agency**

Nothing in this Agreement shall create or be deemed to create a legal partnership or the relationship of employer and employee or agent and principal between the Parties.

## **24 Invalidity and Severability**

If any Clause or part of this Agreement is found by any court tribunal administrative body or authority of competent jurisdiction to be illegal invalid or unenforceable then that provision will to the extent required be severed from this Agreement and will be ineffective without as far as is possible modifying any other Clause or part of this Agreement and this will not affect any other provisions of this Agreement which will remain in full force and effect.

## **25 Counterparts**

This Agreement may be executed in any number of counterparts or duplicates, each of which shall be an original, and such counterparts or duplicates shall together constitute one and the same agreement.

**26 Notice**

All formal Notices relating to this Agreement shall be given by hand, pre-paid first class post (or in accordance with the Postal Services Act 2000 if applicable) or facsimile transmission confirmed by pre-paid letter to the addressee at the address given below or such other address as the addressee shall have for the time being notified to the other Party giving the notice and such notice shall be deemed to have been delivered either upon delivery if by hand or if by letter at the expiration of forty eight (48) hours after posting or if by facsimile, upon receipt.

**28 Addresses**

For the purposes of this agreement, the address of each Party shall be:

North Yorkshire County Council:

Chief Executive  
North Yorkshire County Council  
County Hall  
Northallerton  
DL7 8AD

Clinical Commissioning Group:

Chief Clinical Officer  
Hambleton Richmondshire and Whitby Clinical Commissioning Group  
[INSERT ADDRESS]

**29 Force Majeure**

Neither Party will be liable to the other for any delay in or failure to perform its obligations as a result of any cause beyond its reasonable control, including fire, natural disaster, flood shortage or delay of power, fuel or transport.

**30 Termination**

30.1 This agreement will commence on [ [insert date] 2017] and run for one year. Thereafter it can be extended on a year to year basis at the parties' discretion and agreement for a maximum period of ten years.

- 30.2 This Agreement shall terminate upon the effluxion of time except where Clause 30.1 applies or the agreement is otherwise renewed on review by the parties.
- 30.3 In the event of dispute or disagreement relating to the terms and conditions of this Agreement, which cannot be resolved under this Agreement, then either Party may, by service of 6 months' notice in writing upon the other Party, terminate this Agreement.
- 30.4 In the event that the Agreement terminates, responsibility for the CCG's Functions exercised under the Agreement will be returned to the CCG and responsibility for the Council's Functions exercised under the Agreement will be returned to the Council.
- 30.5 Either Party may terminate the Agreement at any time with immediate effect in the event that:
- (i) There is a change in law that materially affects the Partnership Arrangements made pursuant to this Agreement under the Regulations or renders performance of any Party's obligations (or the obligations of any other party towards that Party) ultra vires.
  - (ii) One of the parties is in material breach of its obligations under this Agreement, provided that where the breach is remediable, the nondefaulting Party shall require the defaulting Party to remedy the breach and if the defaulting Party so remedies the breach within one month, such breach shall not give rise to a right to terminate the agreement.
- 30.6 In the event of immediate termination of the agreement the Pooled funds, including underspends and overspends shall be returned to the Parties based on proportions of contributions to the Pool. In the event of assets being purchased from the pool, the Parties will provide proposals to the HRWIPCB for how these will be dealt with prior to the termination of the agreement. If these proposals cannot be agreed that Parties will refer to the dispute procedure at Clause 10.7.

30.7 Termination of the Agreement shall be without prejudice to the rights, duties and liabilities of the Parties or any of them that have accrued prior to termination.

### **31. Transferability of agreement**

In the event that any individual role or statutory function of any party that is a fundamental requirement for the effectiveness of this agreement shall be transferred to another organisation then:

31.1 The remaining Parties shall first seek to negotiate a continuation of this agreement with that organisation and if that shall not prove possible within a reasonable period (to be agreed between the Parties) then this agreement will be deemed to have ended due to supervening impossibility of performance.

31.2 Should either Party cease to exist or cease to be responsible for the defined functions then subject to any applicable ministerial direction or delegated legislation this agreement shall be deemed to continue with any other organisation that takes over substantially all its role or statutory function with the Hambleton Richmondshire and Whitby boundaries.

## **Schedule One**

### **The services to be provided under integrated planning and commissioning arrangements.**

The following services are in scope for integrated planning and Commissioning arrangements which can be considered by the Integrated Planning and Commissioning Board (whilst recognising that the Parties are still sovereign over their own decision making):

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## Schedule Two Pooled Budgets for 2016/17

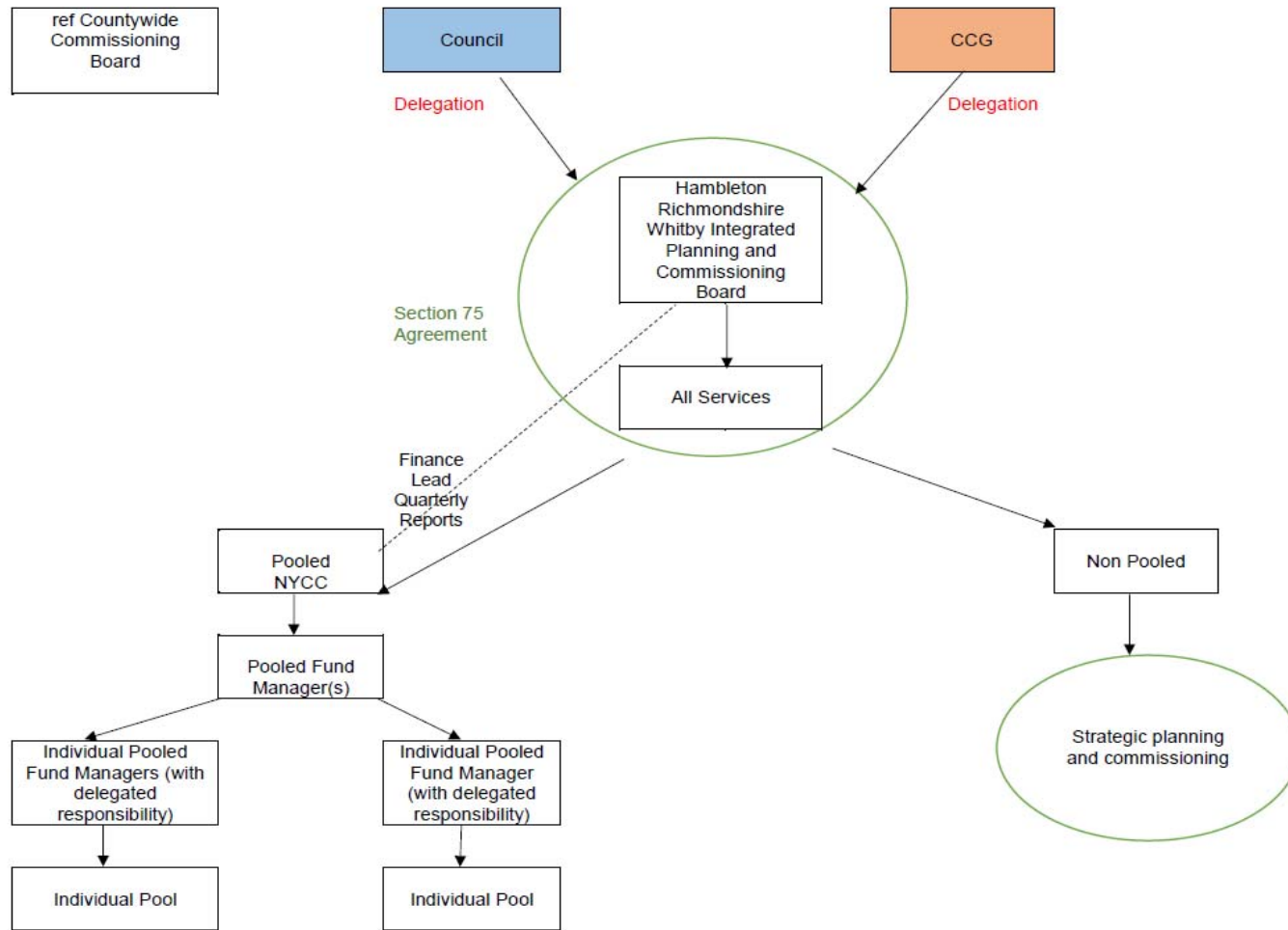
There are no agreed pooled budgets at this time however there is an option to add these in.

- BCF Pooled budget will continue to be held under the existing Section 75 Agreements and renewals, whilst this agreement will allow the Integrated Planning and Commissioning Board to have strategic oversight of the total expenditure in Hambleton Richmondshire and Whitby

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### Schedule Five Governance Diagram



## Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated May 2015)

### *Section 75 Agreement with Hambleton Richmondshire and Whitby CCG*

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Central Services and Health and Adult Services
Lead Officer and contact details	Barry Khan, Assistant Chief Executive (Legal and Democratic Services) ( <a href="mailto:barry.khan@northyorks.gov.uk">barry.khan@northyorks.gov.uk</a> )
Names and roles of other people involved in carrying out the EIA	Relevant officers will be engaged in carrying out a full Equality Impact Assessment during the consultation stage and also an Equality Impact Assessment will be undertaken for specific areas on an individual basis.

How will you pay due regard? e.g. working group, individual officer	Entering into a Section 75 arrangement describes the process of commissioning and not the actual service delivery and as such there is no impact expected on any groups as a consequence of the approval for Section 75 agreements. However the purpose of implementing a formal collaboration approach will seek to have a positive impact on people with protected characteristics and therefore the Equality Impact Assessment will be kept under review and more detailed assessments will be made on any proposals for service change.
When did the due regard process start?	1 May 2017

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

North Yorkshire County Council and Hambleton Richmondshire and Whitby CCG are seeking to formalise a partnership approach to commissioning and planning within the Hambleton Richmondshire and Whitby area. It seeks to ensure that joined up decisions are made in the best interests of the resident and patient population for the area. The purpose is to create a governance framework for partnership working which will enhance decision-making process going forward. It is assumed that this approach will provide a platform for basing decisions around the patient's needs.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The County Council and Hambleton Richmondshire and Whitby CCG have existing working relationships with each other and the purpose of entering into this agreement is to formalise the arrangements and to provide strong governance for future decision-making. Section 75 of the National Health Service Act 2006 provides that local authorities and NHS bodies (including the CCG) can enter into partnership arrangements to provide a more streamlined service and to pool resources *if such arrangements are likely to lead to an improvement in the way their functions are exercised*. It is proposed by entering into this agreement a platform can be created to improve the way in which the functions of the CCG and the County Council are improved.

**Section 3. What will change? What will be different for customers and/or staff?**

The proposed Section 75 agreement creates a Joint Integrated Planning and Commissioning Board to allow the total expenditure for health care, public health and adult social care to be viewed and allow long term planning for future decisions. It is not proposed at the commencement stage that staff will be transferred between each organisation nor that there would be an immediate impact on the community. However the governance arrangements will provide the ability to make decisions in the future which could affect people with protected characteristics and therefore subsequently Equality Impact Assessments will need to be carried out for relevant individual decisions about services in the future.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Formal consultation is required to enter into a Section 75 agreement and the Executive is being asked to approve the commencement of the said consultation exercise. This Equality Impact Assessment will be further reviewed following the outcome of that consultation exercise.

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

Please explain briefly why this will be the result.

The creation of this new governance arrangement does not bring new money into the system but rather allows transparency between the Council and the CCG of their total expenditure for health care, public health and adult social care to be brought into view and more joined up decisions being made on each organisation's existing budget.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age		X		The purpose of the decision to enter into a Section 75 agreement will be to create stronger governance between both organisations so that services are streamlined to the benefit of the population. The agreement sets out the process for commissioning and planning and not the actual service delivery. A detailed assessment for changes in service delivery will require a separate Equality Impact Assessment.
Disability		X		As above.
Sex (Gender)		X		As above.
Race		X		As above.
Gender reassignment		X		As above.
Sexual orientation		X		As above.
Religion or belief		X		As above.
Pregnancy or maternity		X		As above.
Marriage or civil partnership		X		As above.

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
.live in a rural area?		X		The purpose of the decision to enter into a Section 75 agreement will be to create stronger governance between both organisations so that services are streamlined to the benefit of the population. The agreement sets out the process for commissioning and planning and not the actual service delivery. A detailed assessment for changes in service delivery will require a separate Equality Impact Assessment.
...have a low income?		X		The purpose of the decision to enter into a Section 75 agreement will be to create stronger governance between both organisations so that services are streamlined to the benefit of the population. The agreement sets out the process for commissioning and planning and not the actual service delivery. A detailed assessment for changes in service delivery will require a separate Equality Impact Assessment.

**Section 8. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

The entering into new governance arrangements with the CCG will not affect anyone more because of a combination of protective characteristics for the reasons stated above.

Section 9. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. <b>No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	✓
2. <b>Adverse impact - adjust the proposal</b> - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. <b>Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. <b>Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
5.	

**Explanation of why option has been chosen.** (Include any advice given by Legal Services.)

It is currently not expected that a strengthening of governance arrangements between the Council and the CCG will have an adverse impact on people with protected characteristics. However this will be kept under review during and at the conclusion of the consultation period.

**Section 10. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

The proposed new governance arrangements will create a Joint Commissioning and Planning Board which will monitor and review the success of the partnership arrangement and also on future service delivery decisions. Further as each organisation remains sovereign for the services it delivers, the responsibility of doing Equality Impact Assessments for individual decisions will remain with the relevant commissioning authority.

**Section 11. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
Ensure consultation responses are considered in any future decision.	Barry Khan, Assistant Chief Executive (Legal and Democratic Services)	August/ September 2017	Consultation will commence if the Executive give approval to the proposal.	Barry Khan, Assistant Chief Executive (Legal and Democratic Services)
Ensure that the relevant commissioning body continues to carry out Equality Impact Assessments for individual decisions.	Representative from each commissioning organisation.			

**Section 12. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The findings from this EIA currently shows that there should be no adverse impact expected on any of the groups as a consequence of approving a Section 75 agreement on the governance arrangements between the County Council and the CCG. However this will be kept under review once the consultation responses have been received and will be reviewed after implementation if the agreement is eventually approved.

**Section 13. Sign off section**

This initial draft EIA will be completed by:

**Name:** Barry Khan  
**Job title:** Assistant Chief Executive (Legal and Democratic Service)  
**Directorate:** Central Services  
**Signature:** B Khan

**Completion date:**

**Authorised by relevant Assistant Director (signature):**

**Date:** 17 July 2017

## North Yorkshire County Council

### Executive

17 October 2017

### Appointments to Committees and Other Bodies

#### 1.0 Purpose of the Report

- 1.1 To enable any appointments to outside bodies, which are to be made by the Executive under the County Council's Constitution, to be considered.
- 1.2 To enable any appointments to Committees to be recommended for approval by County Council on 8 November 2017.

#### 2.0 Appointment to Outside Body

- 2.1 The Executive are asked to confirm the Council's shareholder representative for the Border to Coast Pension Partnership Limited.

#### 3.0 Changes on Committees

- 3.1 The Executive are asked to recommend to County Council the following appointments:

(Home to School Transport) Appeals Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Heather Moorhouse, Karin Sedgwick, Gill Quinn and David Hugill.

Audit Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Richard Cooper, Angus Thompson, Andy Paraskos and Caroline Patmore

Care and Independence Overview and Scrutiny Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Caroline Patmore, Cliff Lunn, Andrew Jenkinson.

Corporate and Partnerships Overview and Scrutiny Committee:

County Councillor Val Arnold to be appointed in place of County Councillor Callum Walsh.

The following to be appointed as Conservative Group Substitutes – County Councillors Caroline Patmore, Cliff Lunn, Andrew Jenkinson.



Employment Appeals Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Angus Thompson, Keane Duncan, Gill Quinn and Caroline Goodrick.

Pension Fund Committee:

The Conservative Group to nominate a replacement for County Councillor Richard Musgrave.

The following to be appointed as Conservative Group Substitutes – County Councillors David Blades, Chris Pearson, Carl Les, Robert Windass, and John Mann.

Planning and Regulatory Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors David Jeffels, Roberta Swiers, Cliff Lunn and Caroline Goodrick.

Scrutiny of Health Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Annabel Wilkinson, Stuart Martin MBE, Cliff Trotter and Keane Duncan.

Standards Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Bob Baker, John Ennis and Robert Windass.

Transport, Economy and Environment Overview and Scrutiny Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Caroline Goodrick, John Ennis, Cliff Trotter and Chris Pearson.

Young People Overview and Scrutiny Committee:

The following to be appointed as Conservative Group Substitutes – County Councillors Richard Musgrave, Zoe Metcalfe, Chris Pearson, David Jeffels and Andy Paraskos.

Area Committee Co-optees

The number of seats for co-opted Members for voluntary sector representatives on Craven Area Committees was incorrectly reported to County Council on 19 July 2017 as two, when this should have been three. Please note this correction for recommendation to County Council 8 November 2017.

**4.0 Recommendations**

- 4.1 That the Executive confirm the appointment to the outside body specified in paragraph 2.1.

- |  |
|--|
| <p>4.2 That the Executive are asked to recommend to County Council the appointments set out in paragraph 3.1.</p> <p>4.3 That any proposals for the re-allocation of seats, if necessary to achieve political proportionality, or for changes to memberships or substitute memberships of committees, or other bodies to which the Council makes appointments put forward by the relevant political group, prior to or at the meeting of the Council, be agreed.</p> |
|--|

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)  
County Hall  
Northallerton

9 October 2017

JOD

Background documents: None

## FORWARD PLAN

The decisions likely to be taken by North Yorkshire County Council in the following 12 months are set out below:

Publication Date: 5 October 2017

Last updated: 5 October 2017

Period covered by Plan: up to 30 September 2018

### PLEASE NOTE:-

In accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to information)(England) Regulations 2012, at least **28 clear days' notice**, excluding the day of notification and the day of decision taking, must be published on the Forward Plan of any intended key decision. It is also a requirement that **28 clear days' notice** is published of the intention to hold a Executive meeting or any part of it in private for the consideration of confidential or exempt information. For further information and advice please contact the Democratic Services Manager on 01609 532591.

FUTURE DECISIONS								
Likely Date of Decision	Decision Taker (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	Description of Matter – including an indication if the report contains any exempt (not for publication) information and the reasons for this	Key Decision  YES/NO	Decision Required	Consultees (ie the identity of the principal groups whom the decision-taker proposes to consult)	Consultation Process (ie the means by which any such consultation is to be undertaken)	How representations may be made and details of Contact Person (Tel: 0845 034 9494) unless specified otherwise)	Relevant documents already submitted to Decision Taker
<b>THE EXECUTIVE</b>								
Standing Item	Executive	TRO's	Yes in most instances	Introduction of Traffic Regulation Orders	Executive Members, local Members, public	Statutory consultation	In writing to the Corporate Director	

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
							Business and Environmental Services	
Standing Item	Executive	Area Committee Feedback		As required, but usually for noting	N/A	N/A	N/A	N/A
Standing Item	Executive	Appointments to Outside Bodies and/or recommendations to Council re Committee appointments		Approval of appointments to Outside Bodies and/or making of recommendations to Council re Committee appointments	N/A	N/A	N/A	N/A
17 October 2017	Executive	Submission of joint bid for community health care in Scarborough and Ryedale and to consider and agree final business case in respect of the legal entity or entities for the provision of community health (and associated services) as required by the CCG.  <b>The report will contain exempt information which</b>	Yes	To agree the final business case for the joint bid to be submitted with health partners for community health services in Scarborough and Ryedale including the financial model, to enable the legal entity or entities to start trading for the provision of community health services	NYCC Management Board (subject to the ethical wall) HAS staff, Echo GP Federation and the Federation members	Meetings between NYCC, Echo GP Federation and other community health care providers.	Director – Health and Adult Services	Reports to Executive 25 April 2017, 15 August 2017

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
		<b>will be commercially sensitive</b>						
17 October 2017	Executive	Skipton Ings Community Primary School – closure proposals	Yes	Decision to publish statutory notices for the closure of Skipton Ings Community Primary School.	School community, wider community, other schools, Early Years providers, Parish and District Councils, Diocese, local MP, Councillors, unions and professional associations.	Consultation period runs from 26th June to 15th September 2017  Statutory notice would be published on 26th October 2017 for four weeks.	Representations can be made in writing to Corporate Director – Children and Young People’s Service, County Hall, Northallerton DL7 8AE by 23rd November 2017.	None
17 October 2017	Executive	St Mary’s RC Primary School, Malton – expansion proposals	Yes	Approval to publish statutory notices for the proposed expansion of St Mary’s RC Primary School, Malton	School community, wider community, other schools, Early Years providers, Parish and District Councils, Diocese, school trustees, local MP, Councillors, unions and professional associations.	Statutory notices would be published on Wednesday 11th October 2017.	In writing to Corporate Director – Children and Young People’s Service, County Hall, Northallerton DL7 8AE by 8th November 2017.	None

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
17 October 2017	Executive	Minerals and Waste Joint Plan - Submission stage	Yes	To recommend to Full Council the Minerals and Waste Joint Plan for submission for Examination in Public	Extensive consultation has taken place during preparation of the Plan	A wide range of consultation methods have been used	Vicky Perkin Head of Planning Services	Draft Minerals and Waste Joint Plan (November 2016), Schedule of proposed changes approved by Executive 7 March 2017, updated Local Development Scheme approved by Executive 25 July 2017
17 October 2017	Executive	Creation of a Shareholder Committee	No	To create a shareholder sub-committee of the Executive	N/A	N/A	Barry Khan, Assistant Chief Executive (Legal and Democratic Services)	None
17 October 2017 or 14 November 2017	Executive	Land at New Farm, Green Hammerton  <b>This item will contain commercially sensitive information</b>	Yes	To approve terms for the variation of restrictive covenants benefitting NYCC	None – the land was sold by NYCC in 2003 with restrictive covenants	Not applicable	Not applicable	None
TBC	Executive	To advise the Executive on the	YES	To ratify the decisions made by the Governing	N/A	Consultation has already been	John Lee Ext 3182	None

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
		<p>legislation and statutory guidance relating to changes of age range in community schools.</p> <p>To inform the Executive of change of age range proposals determined by governing bodies of community schools in North Yorkshire made following the 2014 statutory guidance.</p> <p>To ask the Executive to endorse the lowering of age range for 15 community primary schools.</p>		Bodies of 15 community primary schools to lower their age ranges		undertaken by the Governing Bodies of the community primary schools with local stakeholders		
14 November 2017	Executive (Performance Monitoring)	<p>Q2 Performance Monitoring and Budget report including:</p> <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> </ul>			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b> <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
		<ul style="list-style-type: none"> <li>Treasury Management</li> <li>Prudential Indicators</li> </ul>						
14 November 2017	Executive (Performance Monitoring)	Preferred option(s) for the Kex Gill diversion scheme.	YES	Decision as to which option/s will be progressed to Outline Business Case status for submission to the DfT	Executive Members. Harrogate and Craven Area Committees. Stakeholders General Public.	Formal consultation will be undertaken with stakeholders in August and September 2017.	Email to <a href="mailto:LTP@northyorks.gov.uk">LTP@northyorks.gov.uk</a>	Reports submitted to Exec Members Feb 2017, April 2017 and further report planned for October 2017.
14 November 2017	Executive (Performance Monitoring)	Report recommending the implementation of a Permit Scheme for works undertaken on the North Yorkshire highway network. It is not anticipated that there will be any exempt content.	Yes	Decision to Implement a Permit Scheme under the Traffic Management Act 2004 (Part 3).	<ul style="list-style-type: none"> <li>Statutory Undertakers</li> <li>Emergency Services</li> <li>District Councils</li> <li>Parish Councils</li> <li>Highway Authorities</li> </ul>	Formal Consultation (3 Months) as required under the Traffic Management Act 2004 (Part 3).	-Consultation page on NYCC website with link to Feedback Survey - Dedicated email address <a href="mailto:nycc.permitconsultation@northyorks.gov.uk">nycc.permitconsultation@northyorks.gov.uk</a> - Postal	Scheme Documentation currently in Draft and will be submitted once finalised
5 December 2017, 16 January 2018	Executive  No items identified yet							
30 January 2018	Executive	To consider and recommend to County Council the		Approval of the Revenue Budget/MTFS	Proposals will be subject to the appropriate	Budget Consultation Process	Gary Fielding, Corporate Director -	County Council consideration of



**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b> <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
		Revenue Budget 2018/19 and the Medium Term Financial Strategy (MTFS). Also to consider: <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> <li>• Treasury Management</li> <li>• Prudential Indicators</li> </ul>			consultation process		Strategic Resources	Budget savings proposals
30 January 2018	Executive	Council Plan	Yes	To consider draft Council Plan 2018-2022	Corporate and Partnerships overview and Scrutiny Committee  Management Board		Assistant Director, Policy and Partnerships	None
20 February 2018	Executive (Performance Monitoring)	Q3 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> <li>• Treasury Management</li> <li>• Prudential Indicators</li> </ul>			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
13 March, 27 March, 24 April, 22 May 2018	Executive  No items identified yet							
12 June 2018	Executive (Performance Monitoring)	Q4 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> <li>• Treasury Management</li> <li>• Prudential Indicators</li> </ul>			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports
26 June, 24 July 2018	Executive  No items identified yet							
14 August 2018	Executive (Performance Monitoring)	Q1 Performance Monitoring and Budget report including: <ul style="list-style-type: none"> <li>• Revenue Plan</li> <li>• Capital Plan</li> <li>• Treasury Management</li> <li>• Prudential Indicators</li> </ul>			Management Board		Corporate Director - Strategic Resources	Previous quarterly reports
4 September and 25	Executive							

**FUTURE DECISIONS**

<b>Likely Date of Decision</b>	<b>Decision Taker</b> (a full list of the membership of the Council and all its Committees is set out in Part 3 of the Constitution)	<b>Description of Matter</b> – including an indication if the report contains any exempt (not for publication) information and the reasons for this	<b>Key Decision</b>  <b>YES/NO</b>	<b>Decision Required</b>	<b>Consultees</b> (ie the identity of the principal groups whom the decision-taker proposes to consult)	<b>Consultation Process</b> (ie the means by which any such consultation is to be undertaken)	<b>How representations may be made and details of Contact Person</b> (Tel: 0845 034 9494) unless specified otherwise)	<b>Relevant documents already submitted to Decision Taker</b>
September 2018	No items identified yet							

Should you wish to make representation as to the matter being discussed in public please contact Josie O’Dowd, Democratic Services Manager  
 Email: (josie.o’dowd@northyorks.gov.uk) Tel: 01609 532591.