

**North Yorkshire****Local Access Forum****23 November 2016****Joint Minerals and Waste Plan Consultation - Publication****Report of the Secretary****1.0 Purpose of the Report**

- 1.1 To advise members of the current consultation on the Joint Minerals and Waste Plan and to invite the Forum to consider whether it wishes to respond to this phase of the consultation.

**2.1 Background**

- 2.1 North Yorkshire County Council, City of York Council and the North York Moors National Park Authority are working together to produce a Minerals and Waste Joint Plan which will cover the period up to 2030.
- 2.2 A number of public consultations have already taken place to help develop the new Plan, including an 'Issues and Options' consultation in 2014 and a 'Preferred Options' consultation in 2015.
- 2.3 A final draft of the Joint Plan has now been prepared and has been published for a six week period to allow for representations to be made, before it is submitted for examination in public by an independent planning inspector. At this stage only representations relating to the legal compliance and soundness of the Joint Plan are required.
- 2.4 The North Yorkshire Local Access Forum has been invited to participate in the consultation. The consultation can be viewed here:  
[www.northyorks.gov.uk/mwconsult](http://www.northyorks.gov.uk/mwconsult)
- 2.5 Rachel Pillar, Senior Planning Policy officer for North Yorkshire County Council, will attend the meeting to introduce the consultation and to respond to Forum members' questions. It is hoped that this will be useful in helping the Forum to consider the contents of any formal response it wishes to submit as part of the consultation process.
- 2.6 Members will recall that the Local Access Forum considered the Preferred Options consultation at its meeting on 4 December 2015 and submitted a formal response to the consultation. A summary of the responses to the Forum's formal comments is attached.

**3.0 Responding to the consultation**

- 3.1 The closing date for the consultation is 5.00pm on Wednesday 21 December 2016.
- 3.2 At this stage of the Plan's development, the consultation process is limited, and the officer attending has been asked to explain the remit of this current phase of

consultation in order that any comments the LAF decides to formally submit are channelled appropriately.

- 3.3 It is suggested that the Secretary co-ordinates a draft summary of the Forum's views based on the discussion at the meeting, adding any additional issues raised by Forum members arising from consideration of the consultation documents. The draft response will then be circulated by email for members' comments prior to formal submission on behalf of the Forum by the given deadline.

#### **4.0 Recommendations**

- 4.1 That the Local Access Forum considers the content of any response it wishes to submit to the Minerals and Waste Joint Plan – Publication consultation.
- 4.2 That the Secretary co-ordinates a draft formal response to the consultation, and circulates it by email for members' comments prior to submission on behalf of the Forum.

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Report author: Kate Arscott, Secretary to North Yorkshire Local Access Forum

**Background Documents:** 2016-02-19 LAF Submitted comments on Jt MW Plan preferred sites consultation

## Summary of responses to the LAF's comments on the Minerals and Waste Joint Plan – Preferred Options Consultation

### Extract from report to North Yorkshire County Council Executive – 18 October 2016

2192 Local Access Forum

DNS

004: Vision Q02 0889 The 'range of benefits for local communities' should specifically refer to restoring/maintaining the connectivity of local access in the same way it included 'connecting habitats' for the benefit of wildlife.

Response to comment: *Agreed that this should be referenced in the text*

2192 Local Access Forum

DNS

005: Objectives Q03 0952 A specific reference to access should be added to Objective 9 and Objective 11.

Response to comment: *It is agreed that this should be referenced in the objectives but would be best achieved by a revision to objective 11.*

2192 Local Access Forum

S

**D01** Q04 0953 The presumption in favour of sustainable development leads MPAs to use 106 agreements to ensure that mineral extraction and subsequent site restorations are sustainable.

036: Presumption in Favour of Sustainable Development

This should include maintenance, or temporary diversion and final reinstatement of rights of way across an area of mineral extraction.

There are large areas of suspended quarry extraction where PROW have been diverted for many years and loss of wildlife habitat in hedgerows and fields.

Response to comment: *Restoration is covered in Policy D10 and protection of PROW covered by Policy D2.*

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O

**D02**

Q04 0954

Do not support replacing policy 4/15 with policy D02 as it does not provide the same level of protection.

037: Development Management  
Criteria

Section 130 of the 1980 Highway Act there is a duty to assert and protect the rights of the public to the use and enjoyment of any highway. This poses a problem where a planning application conflicts with existing rights of way. Policy D02 needs rewording to reflect this duty.

'Adverse effects to rights of way' is too imprecise a term open to uncertain interpretation and could result in inadequate protection of existing rights of way around the site.

Suggest after the words 'cumulative effects' a new sentence is added 'PROPOSALS THAT CONFLICT WITH AN EXISTING RIGHT OF WAY OR IMPINGE ON THE SAFETY AND WELL-BEING OF THOSE USING THE RECREATIONAL NETWORK, WILL ONLY BE PERMITTED WHERE SATISFACTORY PROVISION HAS BEEN MADE FOR ALTERNATIVE ARRANGEMENTS BOTH DURING AND AFTER WORKING.'

As the provision for the National Parks is covered by the sustainability appraisal, these have not been specifically mentioned in the recommended text.

Response to comment:

*It is agreed that the content of the additional wording should be referred to in the supporting justification for the policy for clarity.*

2192 Local Access Forum

DNS

**D03**

Q04 0955

There are unlikely to be many sites where there is an alternative to road transport which can be used. The effects that heavy traffic has on local amenity, especially for non car users, has not been sufficiently addressed in the assessment criteria.

037: Development Management  
Criteria

Unsurfaced roads and bridleways can be used as access to sites, but are too narrow for HGVs and other road users to pass safely, and associated noise and dust will detract from the recreational enjoyment of the countryside.

Suggest adding another bullet point: ACCESS ARRANGEMENTS MUST MAKE SAFE PROVISION FOR THE NEEDS OF NON-MOTORISED ROAD USERS TO, AROUND OR ACROSS THE SITE, WHO MAY SUPPRESS THEIR JOURNEYS IF THE ADVERSE EFFECTS OF QUARRY TRAFFIC ARE NOT ADEQUATELY MANAGED.

Response to comment:

*It is agreed that reference should be made to needs for non-motorised users.*

2192 Local Access Forum

DNS

**D04**

Q04 0956

*038: Protection of Important Assets*

The maintenance of connectivity and continuity in the local access network is an 'important asset' that should be protected under the terms of this policy and a bullet point included.

Response to comment:

*This point is covered under policy D02.*

2192 Local Access Forum

DNS

**D07**

Q04 0957

*038: Protection of Important Assets*

The maintenance of connectivity and continuity in the local access network is an 'important asset' that should be protected under the terms of this policy and a bullet point included.

There needs to be suitable access for the public to enjoy biodiversity and geodiversity.

Response to comment:

*PROW and public open space is covered under policy D02.*

2192 Local Access Forum

DNS

**D10**

Q04 0958

*040: Reclamation and Afteruse*

The policy needs rewording, instead of 'Proposals will be permitted...' it should be 'Proposals will be REQUIRED...'

One of the principal problems in the areas of extensive mineral extraction is securing effective and appropriate restoration, a much more positive policy is required. This is acknowledged in paragraphs 9.74 and 9.75 but it is not carried through into the working of policy D10.

All applications for sites should include detailed restoration proposals, where sites are extensive proposals for phased restoration should be required. The Policy should clearly indicate that minerals operators will be required to enter into section 106 agreements to underpin planning conditions requiring such measures. The policy should be reworded to address the concerns above.

Para 9.75 advises that the NPPF states that 'bonds and financial guarantees to underpin planning conditions should only be sought in 'exceptional circumstances'. It would be helpful if policy D10 acknowledged that this option is available and indicated what are 'exceptional circumstances' in which it would seek such bond guarantees.

Response to comment:

*Requirements for phased restoration and for longer term management is already referenced in part one vi and vii of the policy and in the relevant supporting text, including reference to use of s.106 agreements.*



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DNS

044: Site Allocations

0959 Section 130 of the 1980 Highway Act there is a duty to assert and protect the rights of the public to the use and enjoyment of any highway. This poses a problem where a planning application conflicts with existing rights of way. Policy D02 needs rewording to reflect this duty.

Cumulative effects in areas where there are several sites need to be taken into consideration in terms of landscape and amenity.

In the site proformas the heading regarding restoration is 'Possible Site Restoration (if applicable). This seems to imply that reinstatement is an optional extra, so operators less likely to provide this information. Recommend changing the title to 'PLANS AND TIMESCALE FOR REINSTATEMENT/AFTER USE'

Policy D10 should be reworded. The suggestion of section 106 agreements and bonds to ensure compliance is also strongly recommended. Should consider a Community Infrastructure Levy to recompense communities.

Response to comment:

*The issues of impact on rights of way and cumulative effect of development will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate. The 'restoration' heading is so phrased to recognise that some of the site submissions are on sites with existing permanent planning permissions as at Site WJP13. It is not possible for the County Council to collect CIL from mineral operations as it is not a CIL collection authority.*

2192 Local Access Forum

DNS

**MJP03** Q14 0979  
044: Site Allocations

The access is along a bridleway and there will be impact on the users with no opportunity for passing places or alternatives.

Response to comment:

*The MJP03 site has been withdrawn.*

2192 Local Access Forum

O

**MJP04** Q14 0960  
044: Site Allocations

This site should not be preferred. The proposed quarry crosses bridle paths and footpaths which cannot easily be rerouted. If the rights of way were avoided there would still be an impact from noise, dust and loss of wildlife habitat.

Since there is a lack of off-road routes for recreation in the area there would need to be further detailed discussions prior to permission being granted.

Response to comment:

*The MJP04 site has been withdrawn.*

2192 Local Access Forum

DNS

**MJP06** Q14 0961  
044: Site Allocations

The cumulative effects are disproportionately negative on habitat, recreational users of the rights of way and local lanes. Restoration should be defined before permission is given.

Response to comment:

*Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate. Restoration details would be required as part of any planning application.*

2192 Local Access Forum

DNS

**MJP14** Q14 0962  
044: Site Allocations

There is no possible re-routing of the lorry access, unless by parallel track, but the peace and pleasure of this section of the promoted Rowel Way would be diminished. More detailed discussion regarding access would be required before permission was granted.

Response to comment:

*Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

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DNS

**MJP15** Q14 0963 What are the plans to restore this mothballed site.

044: Site Allocations

Response to comment:

*The proposed restoration is referred to in the site table. Reference is also made to the current planning application NY/2011/0465/73 which is awaiting determination.*

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DNS

**MJP17** Q14 0964 There is a bridleway which runs across the centre of this site which must be retained. The bridleway from Ghyll Lane to Leases Lane (new, in connection with the A1 upgrade) is not shown on the plan. Detailed access plans must be approved before the site is progressed.

044: Site Allocations

Response to comment:

*Issues raised regarding bridleways and access will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

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DNS

**MJP21** Q14 0965 Previously advised that all new access's should be as inclusive as possible. In view of the cut off date for rights of way it is expected that proposed 'permissive walkways' are made into dedicated bridleways, if this occurred the gain could be seen as some recompense for noise, dust etc. during the life of the quarry working.

044: Site Allocations

The traffic arrangements for linking to the Local Access Road have been ignored so should be revisited so non motorised users of Low Lane are not put at risk.

The connecting bridge across the Swale should be left after the operation is complete as a benefit to the community, but this is not mentioned in the details.

Response to comment:

*Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*



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DNS

**MJP33** Q14 0966  
044: Site Allocations

The connecting bridge across the Swale should be left after the operation is complete as a benefit to the community, but this is not mentioned in the details.

Response to comment:

*Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

2192 Local Access Forum

DNS

**MJP37** Q14 0967  
044: Site Allocations

Should this site be reconsidered the sensitive access measures should be agreed before any permission is considered.

Response to comment:

*Noted. If the site was reconsidered the issues raised would be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

2192 Local Access Forum

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**MJP38** Q14 0968  
044: Site Allocations

The site has a short life, would not unduly impact on the local roads or rights of way, and should have been one of the preferred sites.

Response to comment:

*It is considered the site would be likely to have significant adverse impacts, particularly on the historic environment to the south-west of West Tanfield and on local amenity. The site is only capable of making a small contribution to requirements and other options are more appropriate.*

2192 Local Access Forum

DNS

**MJP39** Q14 0969  
044: Site Allocations

Any reconsideration of this site should ensure that the rights of way are preserved together with mitigation measures for the loss of tranquillity and habitat.

Response to comment:

*Noted. If the site was reconsidered the issues raised would be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

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DNS

**MJP41** Q14 0980  
044: Site Allocations

No problem with access or rights of way.

Response to comment:

*Noted.*

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DNS

**MJP43** Q14 0970  
044: Site Allocations

The applicants will not be aware that NYCC propose to make a non motorised route north of the bypass, almost parallel with the bypass from Hamhall Lane to Low Street, using an existing farm track and the access to the balancing pond just east of Low Street. This is part of the plans for building the bypass.

The site application incorporates this proposed route at the eastern end of the proposed workings, just north west of the railway line. One of the suggested accesses is off the bypass, there should be some recognition and allowance made for the NMU route, if this is not done would not approve of the application.

The total area of the proposed site will dramatically alter the landscape because of its size, there will be an environmental impact on current users of the area. Detailed discussions should be required so the NMU track is not jeopardised.

Response to comment:

*The 7 engineering layout drawings that identify for the non-motorised route adjacent to the bypass are public documents accessible on the NYCC online planning register within case reference NY/2010/0126/ENV. Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

2192 Local Access Forum

O

**MJP46**

Q14

0971

Do not support the discounting of this site as there would be a large community benefit of having the connecting bridge.

044: Site Allocations

Response to comment:

*No bridge was proposed in connection with the MJP46 site.*

2192 Local Access Forum

DNS

**MJP49**

Q14

0972

Need clarification regarding how the public rights of way will be protected with the quarry planned to operate both sides of this footpath as a diversion is not possible.

044: Site Allocations

Response to comment:

*Noted. If the site was reconsidered the issues raised would be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

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S

**MJP53**

Q14

0973

Negative impacts on NMUs too great to reconsider this site.

044: Site Allocations

Response to comment:

*Noted.*

2192 Local Access Forum

DNS

**MJP55**

Q14

0974

Concerned no reference is made to the Trans Pennine Trail, which runs through the middle of this site, in the mitigation measures. The people who use the rights of way are not given consideration in minerals and waste applications. Protection of rights of way should be agreed prior to permission being granted.

044: Site Allocations

Response to comment:

*The Trans Pennine Trail is the 'leisure route' referred to in the MP55 sensitivities and mitigation sections in Appendix 1. Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*

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**DNS**

**MJP57** Q14 0981 This site has disappeared from Appendix 1.

044: Site Allocations

Response to comment:

*The MJP57 site was withdrawn prior to the publication of the Preferred Options consultation in November 2015 so was not included in the consultation document.*

2192 Local Access Forum

**S**

**MJP58** Q14 0982 Negative impacts on NMUs too great to reconsider this site.

044: Site Allocations

Response to comment:

*Noted.*

2192 Local Access Forum

**DNS**

**MJP59** Q14 0975 Rights of way issues to be fully resolved and detailed if this site is to be reconsidered.

044: Site Allocations

Response to comment:

*Noted. If the site was reconsidered the issues raised would be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate.*



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**DNS**

**MJP60** Q14 0976  
044: Site Allocations

The cumulative impact of yet more quarrying in the locality could be justified if one of the nearby application sites is withdrawn due to loss of habitat, landscape features, safety on Low Lane and recreational pleasure will far outweigh the gain from mineral extraction. No mention is made of the bridleway running right through the site.

Response to comment:

*Issues raised will be considered through the Site Assessment process where relevant and also within the identification of the key sensitivities and identification of development management matters to be considered in any future application where appropriate. The right of way through the site is a footpath, not a bridleway.*

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**DNS**

**MJP61** Q14 0978  
044: Site Allocations

Planning permission was granted in July 2015, how have the rights of way on this site have been protected and what mitigation has been provided.

Response to comment:

*The MJP61 site submission was withdrawn prior to the Preferred Options Consultation in November 2015. The presence of the footpath was taken into account in the determination of the planning application NY/2014/0204/FUL. Details of the mitigation measures can be found within the application details and decision notice.*

2192 Local Access Forum

**DNS**

**WJP07** Q14 0983  
044: Site Allocations

This site is missing from the assessments of site preferences.

Response to comment:

*Site WJP07 was withdrawn prior to the publication of the Preferred Options in November 2015 so was not included in the consultation document or the assessments. Assessment was however made separately of the WJP22 site submission.*

2192 Local Access Forum

DNS

**WJP23** Q14 0977 Has vanished from the site assessments.

044: Site Allocations

[Response to comment:](#)

*Details of WJP23 were published on pages 81-83 of Appendix 1 to the Preferred Options Consultation, but the site has now been withdrawn and a new site submitted (to be referenced WJP24) which will be subject to consultation.*