

**North Yorkshire County Council****Executive****25 July 2017****Minerals and Waste Joint Plan for North Yorkshire,  
York and the North York Moors National Park  
Updated Minerals and Waste Development Scheme****Report of the Corporate Director – Business and Environmental Services****1.0 Purpose of Report**

- 1.1 To seek approval to publish an updated Minerals and Waste Development Scheme (project plan) for the Minerals and Waste Joint Plan. A revised draft Minerals and Waste Development Scheme for the Minerals and Waste Joint Plan is appended to this report.

**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, commenced on 12 July 2017 for a period of 8 weeks.
- 2.4 The current summary project plan (known as a Minerals and Waste Development Scheme - MWDS) guiding production of the Joint Plan was published in October 2016. However, to reflect the current and expected future position on progress with production of the Plan there is a need to update and re-publish the MWDS prior to the submission of the Joint Plan for formal Examination in Public.
- 2.5 Representations received on the published Joint Plan, and on the consultation on the Addendum of Proposed Changes 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 the Addendum proposed by the Joint Plan authorities, will need to be considered by the Inspector appointed to conduct the EiP.

- 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, the undertaking of a detailed 'Issues and Options' consultation commencing in Spring 2014, a Supplementary Sites Consultation in early 2015, and, following approval by Executive in October 2015, a 'Preferred Options' consultation in Winter 2015/6, with a draft Joint Plan published for formal representations during November and December 2016.
- 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 On 7 March 2017 the Executive considered a report on representations received to the published Joint Plan, as well as a schedule of proposed changes which could be included alongside the Plan when it is submitted for formal Examination in Public. In considering this matter, Executive were advised of the various published guidance applicable to bringing forward changes to the Joint Plan at this stage in the process, as well as the fact that, at the time of consideration of the matter by Executive, legal advice was being sought on whether it would be appropriate to consult on proposed changes prior to submission of the Joint Plan.
- 3.4 Executive resolved to approve the schedule of proposed changes and further resolved that any decision on whether to conduct consultation in relation to the Joint Plan be delegated to the Corporate Director - Business and Environmental Services and the Assistant Chief Executive (Legal and Democratic Services) in consultation with the Executive Member.
- 3.5 Following consideration of legal advice received about whether to consult on the schedule of proposed changes, approval to undertake the consultation was given by the relevant officers in consultation with the Executive Member on 23 June 2017.
- 3.6 The purpose of publishing the Joint Plan in 2016 and the Addendum this summer is to provide a statutory period for interested parties to make representations on the soundness and legal compliance of the Plan. Representations made at this stage need to be provided alongside the Joint Plan when it is submitted for Examination in Public, so that they may be considered by the Inspector.
- 3.7 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. The current MWDS (Sixth Review – 2016) was approved by Executive in October 2016. Some updating is now required in order to ensure that it reflects the current position, such as the consultation on the Addendum and the expected remaining timescale for preparing the Joint Plan.

## 4.0 Issues

- 4.1 The project plan in the current MWDS requires updating 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).
- 4.2 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.
- 4.3 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 – 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.
- 4.4 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.
- 4.4 In response to representations received on publication, and to deal with some other more minor issues the Addendum schedule of proposed changes has been prepared and agreed following discussions with officers from City of York Council and the North York Moors National Park Authority. Consultation on an Addendum of Proposed Changes is now in progress. The consultation period began on 12<sup>th</sup> July 2017 and is due to finish on 6 September 2017. The main purpose of the changes is to correct minor typographical or formatting issues with the text of the Joint Plan, to update on any relevant factual changes, to provide further clarification of matters addressed in the Plan, and to put forward a number of other revisions in response to matters raised in representations, some of which affect the wording of policy.
- 4.5 It is considered that most of the proposed changes, individually and in combination, are generally relatively minor in nature and would not result in any revision to the overall strategy contained in the published Joint Plan. However, taking into account the guidance summarised in paragraphs 4.2 to 4.4 above, and the lack of any specific criteria to determine the significance of the proposed changes in the context of the EiP process, and the legal advice received jointly on behalf of the three Authorities on the appropriate process for dealing with the proposed changes in the lead up to submission of the Joint Plan, including whether it would be appropriate to

consult on them prior to submission, it has been agreed by the three authorities that the current consultation on the Addendum of proposed changes should occur. Therefore, the LDS needs to be updated to reflect that consultation process and the effect that has on the timetable for submission, the anticipated commencement of the EiP and Adoption of the Joint Plan

- 4.6 The main purpose of consulting on proposed changes prior to submission is 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. The representations received on the Addendum would be provided to the Inspector when the Joint Plan is submitted.

## **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. Preparation and publication of a Minerals and Waste Development Scheme is also a legal requirement.

## **9.0 Consultation Undertaken and Responses**

- 9.1 The draft updated Minerals and Waste Development Scheme has been produced in consultation with officers from City of York Council and the North York Moors National Park Authority. There is no requirement for public consultation on the MWDS.

## **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 or 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 for any proposed changes and 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 overall task of developing the Joint Plan (Appendix B). 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. The updating of the Minerals and Waste Development Scheme would itself have no equality implication.

## **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 It is recommended that:
- a) The appended draft revised Minerals and Waste Development Scheme for the Minerals and Waste Joint Plan be approved for publication and it will then take effect from the date of publication.

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Report author: Rachel Pillar

Background documents: None

# 1 Introduction

## The plan making system

The Planning & Compulsory Purchase Act 2004 (the Act) established the current system for the preparation of development plans. Changes to the Planning system were introduced through the Localism Act 2011, with the key changes brought into effect through revision in The Town and Country Planning (Local Planning) (England) Regulations 2012.

## The Minerals and Waste Development Scheme

This Minerals and Waste Development Scheme (MWDS) has been produced in accordance with the requirements of the Acts. It sets out a summary project plan for preparation of new minerals and waste planning policies, which are being produced jointly with the City of York Council and the North York Moors National Park Authority. This is the seventh revision to the MWDS to be produced and sets out a project plan for the period 2016 to 2018.

Previous versions of the MWDS are available on the website <https://www.northyorks.gov.uk/minerals-and-waste-development-scheme>

As well as identifying the key milestones, this MWDS will set out how:

- i) the minerals and waste local plan will be structured including a summary profile of each Local Development Document to be produced within the period covered by the current MWDS;
- ii) the evidence base will be managed, specifying the main background technical studies;
- iii) the programme of production will be managed and resources allocated;
- iv) policies and proposals are to be saved from the current plans; and
- v) monitoring and review will occur.

This Scheme has been approved by the County Council's Executive on 25<sup>th</sup> July 2017 and will take effect from 28<sup>th</sup> July 2017.

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## 2 Saved policies

Decisions on applications for planning permission for minerals and waste development are currently made in accordance with the policies contained within the National Planning Policy Framework, the National Planning Policy for Waste and saved policies of the North Yorkshire Minerals Local Plan and Waste Local Plan.

The **North Yorkshire Minerals Local Plan** was adopted in 1997. The policies were due to expire on the 27

September 2007, but the Secretary of State has allowed some policies to be extended, or 'saved' until new local policies being developed supersede them. The saved policies can be found in Appendix 1. The **North Yorkshire Waste Local Plan** was adopted in May 2006. The policies were due to expire in May 2009 but the Secretary of State has authorised some policies to be 'saved' until new local policies supersede them. The list of saved policies can be found in Appendix 1.

### 3 The North Yorkshire Context

The County of North Yorkshire contains seven District and Borough Councils and two National Park Authority areas, all of which also have responsibilities for local planning. The main responsibilities for local planning in North Yorkshire are as follows:

**North Yorkshire County Council (NYCC)** - responsible for minerals and waste planning policies within North Yorkshire outside the Yorkshire Dales and North York Moors National Parks.

**District/Borough Councils** - responsible for local planning policies (except minerals and waste) for those parts of North Yorkshire outside the Yorkshire Dales and North York Moors National Parks.

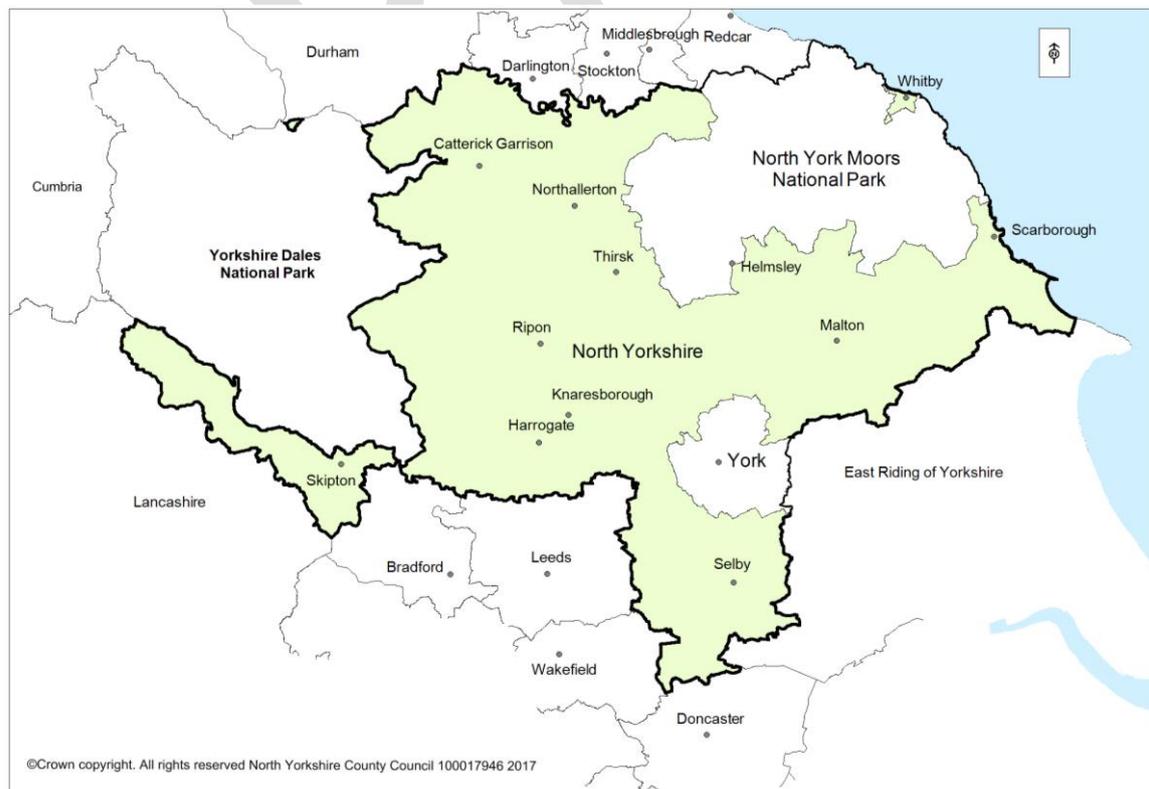
**Yorkshire Dales and North York Moors National Park Authorities** - responsible for all local planning policies within their areas.

As an adjacent unitary authority area, the City of York Council is responsible for all local planning policies in York.

In exercising these various responsibilities, North Yorkshire County Council, City of York Council and the North York Moors National Park Authority have agreed to produce a joint local plan for minerals and waste. The Yorkshire Dales National Park Authority is producing a separate local plan containing minerals and waste policies for that authority area.

This MWDS relates only to the exercise of local planning responsibilities by NYCC. Separate local development schemes are maintained by the other planning authorities in North Yorkshire and the City of York in order to reflect their varying local planning responsibilities.

A map of the NYCC area is provided below.



## **The minerals and waste local plan**

The local planning documents for minerals and waste that NYCC intends to prepare are:

- 1) A Minerals and Waste Joint Plan. This will form a key part of the minerals and waste local plan for the NYCC area. As indicated above, the Joint Plan is being prepared in partnership with City of York and the North York Moors National Park.
- 2) A joint Policies Map to support the Minerals and Waste Joint Plan.
- 3) Supporting documents in the form of a Statement of Community Involvement (SCI) and Authorities Monitoring Report (AMR).

Collectively the above will documents comprise the minerals and waste local plan for the NYCC area. A summary of the different types of documents that comprise the minerals and waste local plan is set out below:

### Local Development Documents (LDD)

These spatial planning documents are afforded statutory status and are prepared through a process of community involvement and consultation and are subject to independent examination. Parties making representations seeking changes have a right to be heard at an independent examination. The documents are adopted following receipt of the Inspector's report. The Minerals and Waste Joint Plan and accompanying Policies Map will be LDDs.

### Statement of Community Involvement (SCI)

This sets out the overall approach to community involvement in the preparation of all local development documents and in development control decisions. It does not form part of the

development plan and is not subject to independent examination.

### Authorities Monitoring Report (AMR)

The AMR provides up to date information on the implementation of the MWDS and the success with which the adopted policies are implemented. The AMR is published annually. AMR relates specifically to the NYCC area only. The other relevant planning authorities referred to above are responsible for preparing equivalent supporting documents in their areas.

### Supplementary Planning Documents (SPD)

These provide guidance on a range of issues and supplement policies and proposals of the Development Plan Documents. They are not part of the development plan nor are they subject to independent examination. It is not currently proposed by NYCC to prepare any SPDs in support of the Minerals and Waste Joint Plan, although the need for this will be kept under review.

## **Links to Other Strategies**

In preparing the minerals and waste local Plan other relevant policies and strategies, including those at the national, regional and local level, will need to be taken into account if the most efficient and sustainable use of land is to be achieved.

Key reference points for the minerals and waste local plan will include the National Planning Policy Framework and the National Planning Policy for Waste. Regard will also be had to the North Yorkshire Community Plan, and the York and North Yorkshire Municipal Waste Management Strategy<sup>1</sup>.

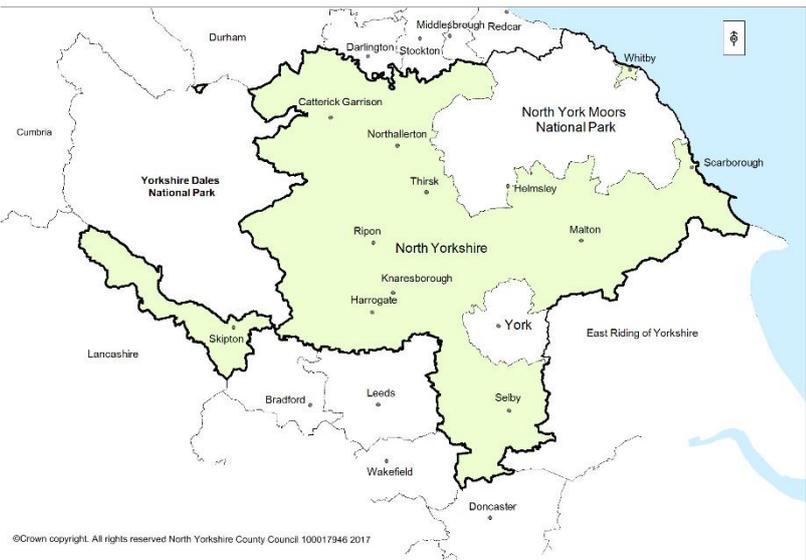
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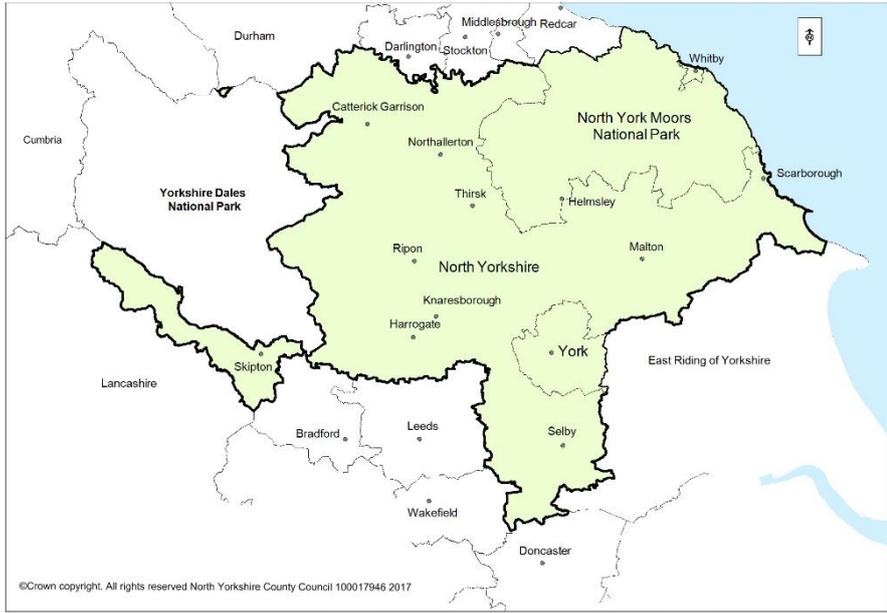
<sup>1</sup> Prepared in conjunction with the District Councils and City of York Council

## 4 Profile of the minerals and waste local plan

The tables below provide a summary of the general content of the documents the Council is intending to produce or

maintain during the period covered by this MWDS.

<b>Statement of Community Involvement (SCI)</b>	
<b>Geographical Coverage:</b>	<p>North Yorkshire County Council (the whole of North Yorkshire outside those areas administered by the North York Moors and Yorkshire Dales National Park Authorities).</p>  <p><small>©Crown copyright. All rights reserved North Yorkshire County Council 100017946 2017</small></p>
<b>Subject Matter:</b>	Explains to local communities and stakeholders how they can be involved in the preparation, alteration, adoption and on-going review of all local development documents and the determination of planning applications.
<b>Timetable for Production</b>	<b>Adopted in 2006. Reviewed February 2013</b>
<b>Review Period</b>	No Review Required within this MWDS Period

<b>Minerals and Waste Joint Plan (LDD)</b>	
<b>Geographical Coverage:</b>	<p>North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council</p> 
<b>Subject Matter:</b>	
<ul style="list-style-type: none"> <li>• Establishes the overall planning strategy for minerals related development taking into account national and local requirements and objectives. It will contain a number of strategic policies to deliver the overall strategy.</li> <li>• Sets out the overall planning strategy for sustainable waste management taking into account national and local requirements and objectives. It will contain a number of strategic policies to deliver the overall strategy.</li> <li>• Sets out the indicative quantities of waste expected to require managing over the plan period and identifies locations and criteria to indicate where waste development may be acceptable in principle.</li> <li>• Sets out the indicative quantities of minerals expected to be required over the plan period to 31 December 2030 and identifies locations and criteria to indicate where mineral working may be acceptable in principle.</li> <li>• Identifies site allocations where the need for this can be justified and appropriate sites identified.</li> <li>• Addresses the safeguarding of important mineral resources and minerals and waste related infrastructure.</li> <li>• Sets out a limited number of development management policies establishing the main criteria against which minerals and waste related development will be considered.</li> <li>• Will be prepared to be in general conformity with the National Planning Policy Framework and other national policy and guidance including the Local plans of the District and Borough Councils within the North Yorkshire plan area.</li> <li>• Will be prepared in accordance with the requirements of the Duty to Cooperate</li> </ul>	
<b>POLICIES MAP (LDD)</b>	
<ul style="list-style-type: none"> <li>• On an Ordnance Survey base it identifies those areas to which the various policies and proposals apply. Inset Maps will be produced for certain areas at a larger scale where necessary.</li> </ul>	

- It covers the whole of North Yorkshire, outside the area administered by the Yorkshire Dales National Park Authority, and includes the City of York Council administrative area.
- This will be revised when new Development Plan Documents are adopted in order to illustrate geographically the application of the policies in the Local Plan.

#### **Authorities Monitoring Report (AMR)**

- It covers the whole of North Yorkshire, outside the areas administered by the Yorkshire Dales National Park Authority and North York Moors National Park Authority, and excluding the City of York Council administrative area.
- The Council will produce an Authorities Monitoring Report (AMR) covering the period 1<sup>st</sup> April to 31<sup>st</sup> March each year, which will be published on the Council's website. Further details on the AMR can be found in Section 11.

## **5 Progress so far**

Work has been progressing generally in accordance with the 2016 MWDS, Sixth review.

A number of consultation activities on the Minerals and Waste Joint Plan (MWJP) have been carried out, under regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. These are summarised below.

<b>Activity</b>	<b>Date</b>
MWJP first consultation	May 2013
MWJP Issues and Options Consultation	February 2014
MWJP Supplementary Sites Consultation	January 2015

Although not a formal requirement, a 'Preferred Options' consultation was undertaken between November 2015 and January 2016.

A 'Publication' draft document was produced and made available for comment under regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 during November and December 2016.

In addition to the above the council has been undertaking work to improve and update the evidence base for the Plan.

#### **Reasons for review**

The need to review the MWDS has arisen so as to ensure that the Scheme reflects progress to date and the expected future timetable for completion of the remaining stages of preparation of the Minerals and Waste Joint Plan. Following the receipt of representations on the Publication document a number of Proposed Changes were identified in the Plan and it is considered necessary to present these for consultation purposes to enable representations on the basis of legal compliance and soundness. Therefore an extra stage has been added into the timetable to accommodate this.

## 6 Revised Project Plan - Timetable for production 2016-2018

During the period covered by this MWDS the Council will be producing the following documents:

- Minerals and Waste Joint Plan.
- Minerals and Waste Joint Plan Policies Map

This revised scheme sets out the timetable to achieve the key milestones for the preparation of the Minerals and Waste Joint Plan and Policies Map. These key milestones are summarised below:

1. Preparation of the local plan (Regulation 18)
2. Consultation on Sustainability Appraisal scoping report
3. Pre-submission Publication (Regulation 19),
4. Addendum of proposed changes to the Publication document. (Regulation 19)
5. Submission of development plan documents (Regulation 22);

6. Commencement of examination (Regulation 24); and
7. Adoption of Local Development Documents (Regulation 26).

The summary chart below identifies the key milestones achieved to date and those expected to be met within the period 2016-2018. Following submission and commencement of examination (Regulation 24 stage), the timescale for completion of the examination and subsequent adoption of the Plan (Regulation 26 stage) is outside the direct control of the Authority and is also influenced by the schedule of Full Council meeting within the three Authorities producing the Joint Plan, as Full Council approval will be required to adopt the Plan once the examination process is complete. It is expected to be achieved by spring 2018 at the latest.

Minerals and Waste Development Scheme - Timetable for production 2016- 2018

Joint York and North Yorkshire and North York Moors Minerals &	2016												2017												2018											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Preparation of a Local Plan (Reg 18)	█	█	█	█	█	█	█	█	█	█	█																									
Publication (Reg19)											█																									
Proposed Changes (Reg 19)																																				
Submission (Reg 22)																																				
Commencement of Examination (Reg 24)																																				
Adoption (Reg 26)																																				

## 7 Strategic Environmental Assessment and Sustainability Appraisal (SEA/SA)

EU Directive 2001/42/EC requires that a Strategic Environmental Assessment (SEA) is undertaken on the relevant elements of a local plan. The Planning

and Compulsory Purchase Act 2004 also requires that a Sustainability Appraisal (SA), considering economic, environmental and social issues, be

produced. Following Government guidance and to maximise efficiency, it is intended to integrate the two processes. Strategic Environmental Assessment and Sustainability Appraisal are integral to the process of preparation of the Minerals and Waste Joint Plan and will input at key stages where decisions are being taken about the plan.

The Sustainability Appraisal will be prepared in parallel with production of

the Minerals and Waste Joint Plan and may be subject to change should a need arise to review this MWDS.

Assessment under the Habitat Regulations will take place as necessary in relation to any emerging policies and site allocations. A Strategic Flood Risk Assessment is also being carried out to support the Plan.

## 8 Evidence base

Work has taken place and will continue to take place on developing the evidence base on which the emerging Minerals and Waste Joint Plan (including Policies Map) can be produced. The focus for the work is on developing a detailed understanding of:

- the current position in respect of minerals production, reserves and supply patterns
- the need for future mineral provision and the potential resources available to meet such need
- the need for future waste management provision
- current methods, capacity and spatial distribution of waste management facilities
- national and local policies and guidance

- Economic, environmental and social information relevant to the Plan

The analysis of this information will assist the generation and refinement of issues and options for addressing the minerals and waste development needs of the area. The need for further evidence base work will be kept under review.

The main tasks that have been, or are expected to be, undertaken in support of the Minerals and Waste Joint Plan are listed in the table below. A more comprehensive list of evidence produced to support preparation of the Plan is available on the Minerals and Waste Joint Plan web pages.

STUDY	DESCRIPTION	<i>Indicative Timetable</i>
Mineral Resource Data	Review of existing Minerals Resources to Identify and help safeguard areas with known potentially valuable mineral resources	<i>British Geological Survey report on minerals safeguarding and sand and gravel resource re-assessment completed December 2011</i>

Local Aggregates Assessment	To gain a greater understanding of aggregates production, flows and requirements	<i>Updated Annually. Last updated 2016</i>
Sustainability Appraisal/ Strategic Environmental Assessment	Appraise Local Development Documents and Supplementary Planning Documents against Sustainability Criteria	<i>Ongoing</i>
Review of Community Plan / other Strategies	Review of the county and districts/ boroughs community plans and other relevant strategies	<i>Completed</i>
Strategic Transport Assessment	Assessment of the potential impacts of minerals and Waste development of the transport network	<i>Completed</i>
Strategic Flood Risk Assessment	Identify strategic level flood risk issues	<i>Ongoing</i>
Habitats Regulations Assessment	Identify strategic level impact on European protected nature conservation sites	<i>Ongoing</i>
Waste and minerals cross boundary movements interpretation	Analysis of the current arisings and flows of non-municipal waste within North Yorkshire	<i>Completed</i>
Waste Capacity and arisings Study	Identify existing waste management capacity and anticipated future requirements.	<i>October 2013. Updated in 2015 and 2016</i>
<i>Marine Aggregate Supply Potential</i>	<i>Establish deliverability of potential for increased supply of marine aggregate.</i>	<i>Completed *</i>

*\*NYCC contributing partner and funder for regional level project.*

## 9 Resources

NYCC input into production of the Minerals and Waste Joint Plan and Policies Map, as well as other relevant NYCC documents identified in this MWDS, will be led by the Planning Service of the Council's Business and Environmental Services Directorate. The Service employs a number of professional planners and the majority of the work will be carried out by a small team drawn from this staff resource under the overall direction of the Assistant Director – Growth, Planning and Trading Standards. The team will be managed by the Team Leader, Plans and Technical Services and will include a Senior Policy Officer and three Policy Officers. The Council also

has in-house staff with expertise in Sustainability Appraisal and Strategic Environmental Assessment who will contribute to the project.

Close liaison will be maintained with staff from other Business Units and Directorates within the Council, in particular the Heritage team and the Corporate team responsible for preparation of the Community Strategy.

Consideration will be given to bringing in expertise from outside the Council in respect of certain areas of plan preparation. In particular, consideration will be given to the potential for external

input relating to certain areas of evidence acquisition.

Budget provision has been agreed to meet the expected cost of work covered by this Minerals and Waste Development Scheme and has been incorporated within the financial plan.

Political leadership to represent North Yorkshire County Council in the preparation of the Minerals and Waste Local Plan will be provided by the Council's Executive. This body has the responsibility for taking key decisions relating to the development of County Council policy, subject to ratification by

the full County Council. In 2014 a new Joint Member Working Group, with representation from North Yorkshire County Council, City of York Council and the North York Moors National Park was established to provide input into preparation of the Minerals and Waste Joint Plan. It is intended that this Group will continue to meet as necessary during the remaining stages of work on the Plan.

## 10 Risk assessment

The table below highlights potential risks, together with contingency plans to help ensure progress of work in line

with the timetable identified in this MWDS.

<b>Risk</b>	<b>Impact</b>	<b>Mitigating Measures</b>
Secretary of state (SoS) directs amendments to the MWDS	MWDS Delayed Causes slippage in programme	<i>Prepare Plan in accordance with National Guidance</i>
Inability to secure appropriate cooperation from key party in order to demonstrate fulfilment of Duty to Cooperate	Causes slippage in programme Potential failure at EiP Additional work load	<i>Maintain constructive and ongoing dialogue with key partners Engage with members where necessary Maintain robust audit trail of cooperation activity</i>
Government Re-organisation leads to need to re-structure and/or re-programme work	Causes slippage in programme Slow progress due to uncertainty	<i>Ensure adequate resources are available to maintain progress with Minerals and Waste Joint Plan work</i>
Volume of work greater than anticipated e.g. on submitted representations or work arising from sustainability appraisal.	Causes slippage in programme	<i>Ensure timetable is realistic but has some flexibility Monitor progress against MWDS Consider additional resources Use of project management tools</i>
Final SA Report fails to meet requirements/is delayed	Delays Submission of Plan to SoS Cause Slippages in Programme	<i>Ensure SA/SEA follows guidance/requirements Consider external verification of SA Report</i>
Lack of in-house skills for specialised areas of policy work/sustainability appraisal/background studies	Slow progress causing slippage in programme Objectives on quality compromised Evidence base/SA is challenged/ undermined.	<i>Employ specialised staff on a consultancy basis where necessary</i>

<b>Risk</b>	<b>Impact</b>	<b>Mitigating Measures</b>
Policy team required to do other unforeseen work.	Diverts Team from Minerals and Waste Joint Plan causing slippage in programme	<i>Minerals and Waste Joint Plan made a corporate priority and other work minimised</i>
Insufficient revenue provision to finance the project.	Work cannot be progressed Objectives on quality compromised	<i>Budget/cost to be kept under review Ensure compliance with key milestones in MWDS to meet milestones</i>
Staff turnover	Slow Progress causing slippage in programme	<i>Take prompt action to fill vacancies with staff with the required skills. Flexible use of existing resources. Adopt flexible approach to terms and conditions.</i>
Minerals and Waste Plan programme too ambitious	Key Milestones in Programme not met	<i>Ensure MWDS is realistic. Monitor progress against MWDS Priorities LDDs.</i>
Plan fails test of soundness.	Plan cannot be adopted without additional work	<i>Ensure Plan is sound, legally compliant, founded on a robust evidence base with well audited stakeholder engagement Use soundness self assessment toolkit Early engagement with PINS Robust approach to Duty to Cooperate Critical Friend review</i>
Legal Challenge	Adopted Plan quashed Additional Work Load	<i>Ensure Procedures, Act, Regulations etc. are complied with. Use soundness self assessment toolkit.</i>
Failure of key partners to deliver according to programme	Slippage in programme Failure to deliver strategy and objectives	<i>Maintain close liaison with key partners. Monitor and review</i>
Planning Inspectorate unable to meet the time scales for examination/reporting	Key milestones in programme not met	<i>Ensure timescales are realistic and has sufficient flexibility Close liaison with planning inspectorate.</i>

## 11 Monitoring and review

Monitoring and review are essential in ensuring that the minerals and waste local plan remains up to date and is effectively delivering the vision and objectives.

Section 35 of the Planning and Compulsory Purchase Act 2004 requires each local planning authority to publish an Authorities' Monitoring Report (AMR).

In addition a monitoring framework will be set out in the Plan to ensure

relevance to the specific topic area. However it is broadly expected that an assessment will be made of:

- the extent to which the Plan remains consistent with policy and guidance at the national level and with other local strategies;
- changes in baseline data in respect of minerals and waste or other significant development challenges facing the area;

- the implementation of the policies of the Minerals and Waste Plan; and
- the extent to which targets are being met.
- Whether a review of the Plan, either in whole or in part, is required.

Each year an Authorities' Monitoring Report will be prepared covering the

period 1<sup>st</sup> April to 31<sup>st</sup> March. These will be published annually on the Council's website. The purpose of these documents is to summarise progress with preparation of the Plan and to monitor progress with the implementation of minerals and waste policies. It is intended that annual reporting will continue in this way in subsequent years, with more frequent updates as necessary.

DRAFT

## APPENDIX 1 - Saved Policies

It is proposed that these saved policies will be replaced by new policies in the Minerals and Waste Joint Plan.

### Minerals Local Plan

Policy	Saved	Not Saved
<b>Chapter 3 Mineral Extraction and Resource Protection</b>		
3/1 – Landbanks		✓
3/2 – Preferred Areas	✓	
3/3 – Areas of Search	✓	
3/4 - Other Areas	✓	
3/5 - Building Sand, Non Aggregate and Energy Minerals		✓
3/6 – Mineral Consultation		✓
3/7 – Mineral Sterilisation		✓
3/8 – Secondary and Recycled Aggregates		✓
<b>Chapter 4 – Environmental Protection</b>		
4/1 – Determination of Planning Applications	✓	
4/2 – Best and Most Versatile Agricultural Land		✓
4/3 – Areas of Outstanding Natural Beauty		✓
4/4 – Heritage Coasts	✓	
4/5 – Other Areas of Landscape Quality		✓
4/6 – Nature Conservation and Habitat Protection – National/International		✓
4/6a – Nature Conservation and Habitat Protection – Local	✓	
4/7 – Archaeological Assessments		✓
4/8 – Archaeological Sites		✓
4/9 – Other Heritage Features		✓
4/10 – Water Protection	✓	
4/11 – River Extraction	✓	
4/12 – Transport		✓
4/13 – Traffic Impact	✓	
4/14 – Local Environment and Amenity	✓	
4/15 – Public Rights of Way	✓	
4/16 – Ancillary and Secondary Operation	✓	
4/17 – Importation of Waste	✓	
4/18 – Restoration to Agriculture	✓	
4/19 – Progressive Restoration		✓
4/20 – Aftercare	✓	
<b>Chapter 5 – Aggregate Minerals</b>		
5/1 – Sand and Gravel Landbanks	✓	
5/2 – Sand and Gravel Provision		✓
5/3 – Sand and Gravel (Southwards) Preferred Areas		✓
5/4 – Crushed Rock Provision		✓

<b>Policy</b>	<b>Saved</b>	<b>Not Saved</b>
5/5 – Crushed Rock Preferred Areas and Areas of Search	✓	
5/6 – Borrow Pits	✓	
<b>Chapter 6 – Deep Mined Coal</b>		
6/1 – Environmental Statement		✓
6/2 – Deep Mining of Coal	✓	
6/3 – Evaluative Framework Technique	✓	
6/4 – Colliery Spoil Disposal	✓	
6/5 – Colliery Waste Tips	✓	
6/6 – Transport		✓
6/7 – Subsidence		✓
<b>Chapter 7 – Oil and Gas</b>		
7/1 – Noise		✓
7/2 – Exploration Boreholes	✓	
7/3 – Identifying of Geological Structure	✓	
7/4 – Appraisal Boreholes	✓	
7/5 – Production Wells	✓	
7/6 – Development Scheme	✓	
7/7 – Development of new reserves	✓	
7/8 – Gathering Stations	✓	
7/9 – Transport		✓
7/10 – Restoration	✓	
7/11 – Retention of Features	✓	
7/12 – Pipelines	✓	
<b>Chapter 9 – Other Issues</b>		
9/1 – Monitoring		✓

## Waste Local Plan

<b>Policy</b>	<b>Saved</b>	<b>Not Saved</b>
<b>Chapter 4 – Protecting the Environment</b>		
4/1 – Waste Management Proposals	✓	
4/2 – Waste Hierarchy		✓
4/3 – Landscape Protection	✓	
4/4 – Areas of Outstanding Natural Beauty		✓
4/5 – Heritage Coasts	✓	
4/6 – Green Belts		✓
4/7 – Protection of Agricultural Land	✓	
4/8 – International Sites		✓
4/9 – National Sites	✓	
4/10 – Locally Important Sites	✓	
4/11 – European Protected Species		✓
4/12 – Water Protection		✓
4/13 – Flood Risk		✓
4/14 – Historic Environment	✓	
4/15 – Archaeological Evaluation	✓	
4/16 – Archaeological Sites	✓	
4/17 – Transport		✓
4/18 – Traffic Impact	✓	

<b>Policy</b>	<b>Saved</b>	<b>Not Saved</b>
4/19 – Quality of Life	✓	
4/20 – Open space, Recreation and Public Rights of Way	✓	
4/21 – Progressive Restoration	✓	
4/22 – Site Restoration	✓	
4/23 – Aftercare	✓	
<b>Chapter 5 -Reduction, Re-Use, Recovery</b>		
5/1 – Waste Minimisation	✓	
5/2 – Waste Recovery	✓	
5/3 – Recycling, Sorting and Transfer of Industrial, Commercial and Household Waste	✓	
5/4 – Household Recycling – Bring System	✓	
5/5 – Household Waste and Recycling Centres	✓	
5/6 – Scrapyards and Metal Recycling facilities	✓	
5/7 – Facilities for the Recycling of Construction and Demolition Wastes	✓	
5/8 – Temporary Recycling Facilities for recycling of Construction and Demolition wastes	✓	
5/9 – Green Waste Composting	✓	
5/10 – Incineration of Waste	✓	
<b>Chapter 6 – Waste Disposal</b>		
6/1 – Landfill Proposals	✓	
6/2 – Land Improvement Schemes	✓	
6/3 – Disposal of Waste by Landraising		✓
6/4 – Leachate and Landfill Gas Management	✓	
<b>Chapter 7 – Other Issues</b>		
7/1 – Incineration, Treatment and Transfer of Special or Clinical Waste	✓	
7/2 – Waste Water Treatment Works	✓	
7/3 – Reworking of Deposited Waste	✓	
<b>Chapter 8 – Implementation, Monitoring and Review</b>		
8/1 – Determination of Planning Applications		✓
8/2 – Review of the Waste Local Plan		✓
8/3 – Monitoring of Development Proposals		✓

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## Contact us

Minerals and Waste Development Framework, Planning Services,

North Yorkshire County Council, County Hall, Northallerton,

North Yorkshire, DL7 8AH

If you would like this information in another language or format such as Braille, large print or audio, please ask us.

Tel: 01609 532917

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

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。

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

Aby otrzymać te informacje w innym języku lub formacie, np. w alfabecie brajla, w wersji dużym drukiem lub audio, prosimy się z nami skontaktować.

Email: [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk)



## Appendix B

### Initial equality impact assessment screening form

(As of October 2015 this form replaces 'Record of decision not to carry out an EIA')

**This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.**

<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Planning Services
<b>Proposal being screened</b>	Minerals and Waste Joint Plan
<b>Officer(s) carrying out screening</b>	<b>Michelle Saunders/Rob Smith</b>
<b>What are you proposing to do?</b>	Prepare a statutory Minerals and Waste Local Plan under the Planning and Compulsory Purchase Act 2004 and relevant regulations, national policy and guidance.
<b>Why are you proposing this? What are the desired outcomes?</b>	Preparation of a new set of land use planning policies for minerals and waste development is a statutory requirement under the Planning and Compulsory Purchase Act 2004. The Minerals and Waste Joint Plan has been prepared in partnership with North York Moors National Park Authority and City of York Council. The Plan will replace policies in the existing Minerals and Waste Local Plans in the NYCC area. It will guide decisions on where, when and how future Minerals and Waste related development within the area will take place up to 31 December 2030. The Plan sets out the framework for monitoring of the effectiveness of the policies, with built in trigger points for review. The desired outcome of the process is a new policy framework for minerals and waste which balances the benefits of minerals and waste development with other environmental, social and economic factors to help deliver sustainable development.
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	No  Whilst preparation of the Plan itself requires resources, implementation of the Plan is not expected to lead to any significant commitment or removal of resources. North Yorkshire County Council, the City of York

	Council and the North York Moors National Park Authority have a statutory duty to provide a planning service for applications relating to Minerals and Waste. Whilst implementation of the Plan may lead to new investment this will be developer, rather than local authority, led, with the authorities implementing it in a regulatory role.
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**Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC’s additional agreed characteristics?**

As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

**If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked ‘Don’t know/no info available’, then a full EIA should be carried out where this is proportionate. You are advised to speak to your [Equality rep](#) for advice if you are in any doubt.**

Protected characteristic	Yes	No	Don’t know/No info available
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristic</b>			
People in rural areas		X	<b>See note at end of screening assessment</b>
People on a low income		X	
Carer (unpaid family or friend)		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people’s access to public transport)? Please give details.</b>	The Geographical scope of the Plan is such that it comprises the whole of North Yorkshire (excluding the Yorkshire Dales) and the City of York. However, taking into account the matters addressed by the Plan and bearing in mind that the policies in the Plan give specific protection to local communities from adverse impacts of		

	<p>minerals and waste development, wherever it may be proposed across the Plan area, it is not considered that its implementation would give rise to any differential impact on areas of known inequalities or other foreseeable impacts..</p>			
<p><b>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.</p>	<p>No. The focus of the Plan is on the use and development of the land for minerals and waste purposes. The key purpose of the Plan is to help the Authorities take decisions on relevant planning applications. As such its prime purpose is to support a regulatory process undertaken by the three Authorities in their capacity as minerals and waste planning authorities. Whilst this process is undertaken in consultation with other relevant bodies, for example the Environment Agency and the relevant District/Borough Council, it is not intended, or likely, to have any significant influence on how those organisations operate or are funded. Development brought forward as a result of implementation of the Plan is expected to be led by the private sector.</p>			
<p><b>Decision (Please tick one option)</b></p>	<p>EIA not relevant or proportionate:</p>	<p>X</p>	<p>Continue to full EIA:</p>	
<p><b>Reason for decision</b></p>	<p>The Plan will put in place a new high level land use policy to set a framework for future decision-making covering all residents and areas of the county. The Plan will impact all residents living in the county or in communities. Whilst some residents may consider that future decisions made under the policy may impact them negatively from an environmental or economic point of view, there is no reason to think that there would be any specific disproportionate negative equality impact on any people or groups of people who make up the protected characteristic groups. Implementation of the Plan is likely to lead to reduced adverse impacts on local communities compared with a 'no Plan scenario. Consultation undertaken on the Plan has not resulted in specific concerns on equalities matters being raised. The screening process has</p>			

	led to the conclusion that the Minerals and Waste Plan will not have likely significant impacts upon the identified characteristics.
<b>Signed (Assistant Director or equivalent)</b>	Matt O'Neill
<b>Date</b>	12.07.2017