

North Yorkshire County Council
Business and Environmental Services
Executive Members

2 September 2019

Minerals and Waste Joint Plan – Response of the Authorities to consultation

Report of the Assistant Director – Growth, Planning and Trading Standards

1.0 Purpose Of Report

- 1.1 On 17 October 2017, the Executive delegated authority to the Corporate Director, Business and Environmental Services (BES), in consultation with the BES Executive Members, to agree any further or revised responses and proposed changes during the Examination period. With this in mind this report seeks;
- (i) approval *'in principle'* of the main areas of substance to go forward into a proposed response to the recent consultation; and,
 - (ii) delegated authority to Officers of the County Council to agree, in partnership with our Joint Authorities, the City of York Council and the North York Moors National Park Authority, the final response to consultation instigated by the appointed Planning Inspector arising as part of the Examination in Public into our Joint Plan.

2.0 Background

- 2.1 The Council has a statutory duty to prepare a new Minerals and Waste Plan to replace the 'saved' policies in its current Local Plans on minerals and waste. The new Plan is being prepared jointly with City of York Council and the North York Moors National Park Authority.
- 2.2 The new Plan will be an important element forming part of the '*development plan*', which provides the starting point for the determination of planning applications. Until such time as new policies are finalised, the existing 'saved' policies continue to apply along with national policy.
- 2.3 The *Examination in Public* hearing sessions before an independent Inspector appointed by the Secretary of State to conduct the examination into the Joint Plan took place between February and April of last year and on 24 and 25 January this year.
- 2.4 Following these sessions, there will be a need for main modifications to make the Plan '*sound*' (i.e. one which is positively prepared, justified, effective and consistent with national policy). Thus, the next statutory stage is for the proposed main modification wording to be subject to a minimum of 6 weeks of public consultation together with a sustainability appraisal (SA) of those modifications.

- 2.5 However, before this can be done, the Inspector requires the opportunity to consider consultation responses following the handing down of a High Court judgment in respect of NPPF Para. 209a which was quashed and so removed from the NPPF. The quashed NPPF *Para 209a* stated that authorities should “a) recognise the benefits of on-shore oil and gas development. Including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy; and put in place policies to facilitate their exploration and extraction”.
- 2.6 The main areas proposed to be covered in the response, subject to both legal review and the outcome of the formal views of our joint partner Authorities, are likely to be:
- a re-emphasis of the point that the policies in the Plan, particularly those relating to unconventional hydrocarbons, represent a precautionary approach, reflecting a number of prevailing uncertainties about the impacts to be expected from such development; an approach which is considered to be appropriate and representing a justifiable and effective response to the need to ensure that any hydrocarbon development takes place in a way which reflects a reasonable balance across all the main elements of sustainability, aligning with the Written Ministerial Statements (WMSs) of 2015 and 2018;
 - while the most recent WMS, dated 23rd May 2019, confirms that WMS2015 and WMS2018 remain extant and should be afforded appropriate weight in preparing development plans, the Authorities consider that the weight to be afforded to certain elements of WMS2015 and WMS2018 should now be reconsidered and where, appropriate, adjusted accordingly:
 - *security of supply*: whilst shale gas continues to have potential to contribute to supply security, it would appear to be reasonable to continue to attach due weight;
 - *economic benefits*: in light of the fact that there continues to remain substantial uncertainty over the scale of economic benefits and the fact that NPPF Para. 204a still subsists, the weight afforded to this is considered to remain unaffected; and,
 - *transitional benefits*: while acknowledging that this specific element of the NPPF has been quashed, both WMS2015 and WMS2018 emphasise the role that shale gas can play in the transition to a low carbon economy and in light of this, adequate justification for a shale gas-resistant policy is considered to be absent; although, notwithstanding, it is considered that the weight to be afford to this particular element of national policy is rendered somewhat limited following the quashing of NPPF Para. 209a.
 - the draft *Main Modifications* to the Plan will likely require further revision in light of the changes to national policy.

3.0 Equalities

- 3.1 There are no equalities considerations arising in this particular instance as this matter concerns a response to consultation rather than consultation itself. Notwithstanding, there are safeguards in place through our adopted Statement of Communication to ensure that they continue to be sufficient to ensure that such matters are addressed adequately.

4.0 Finance

- 4.1 Budgetary provision is in place for the preparation of the Minerals and Waste Plan. The sharing of costs between the three authorities is detailed in a Memorandum of Understanding between the authorities.

5.0 Legal

- 5.1 The preparation of local planning policy documents for minerals and waste is a statutory requirement. The Government continues to emphasise the importance of preparing up to date local plans to help steer and stimulate growth and development.

6.0 Recommendations

- 6.1 That the Corporate Director, Business and Environmental Services, in consultation with the Executive Member,
- (i) agree *'in principle'* the main areas of response to consultation, outlined in para. 2.6 above, subject to the formal views of our partner Authorities; and,
 - (ii) should there be any revisions to the text of that response, Officers be delegated to make those revisions where necessary.

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Background Documents: None