

Minerals and Waste Joint Plan

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Publication Draft Responses

February 2017

**Minerals and Waste Joint Plan Publication Draft
November 2016 – December 2016**

Publication draft - Summary of responses

The Publication draft of the Minerals and Waste Joint Plan was available for comment between the 9th November 2016 and 21st December 2016.

A number of responses were received and these are summarised in the attached report. Each response has a number allocated to it such as 1234/5678. The first number i.e. 1234 is the respondents unique reference number which was supplied in the acknowledgement email or letter, the second number is the unique reference for that particular comment.

West Malton Against Fracking

4087/0511

By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4152/0706

By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. The Policies have changed considerably without the required consultation.

Stonegrave Parish Meeting

0878/0318

The Plan fails to provide adequate mitigating safeguards for flooding as an effect of climate change in its provisions for location and density of shale gas well pads, and through transportation of associated products. Consideration should be given to the contaminatory effects of shale development being spread by flooding.

3019/0704

Forward to the Planning Inspector all documents and previous information that I submitted in response to the Consultation Stage of the Preferred Options version of the MWJP.

4108/1140

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4106/0636/LC.S.DTC

Support all of the Plan.

1355/0101/LC.S.DTC

The Plan appears to follow all the requirements necessary for submission to the Planning Inspectorate.

Frack Free Ryedale

3684/0270

The Plan is not legally compliant, and does not meet the test of soundness, in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). The policy is unsound in its assumption that shale gas could have any positive impact on the climate budget and lead to carbon savings are

unsupported.

Suggested Modification:

The plan should be re-worded based on accurate data in relation to the mitigation of climate change.

Frack Free Harrogate District

4082/0363/U

The restrictive character of the consultation (Legal Compliance and Soundness) is unacceptable. Policies M16, M17 and M18, which relate to unconventional oil and gas extraction, and the volume of supporting policy justification, are radically different from the statements in the draft policy (late 2015). This means that the substance of these policies has not been open to due scrutiny. The Council has chosen the narrowest interpretation of its duty to consult (under the Town and County Planning Regulations of 2012).

Stonegrave Parish Meeting

0878/0317

In certain respects the Plan does not enable delivery of sustainable development and is therefore inconsistent with the NPPF and Ryedale Plan.

I agree with the Policies in the Plan.

3386/0117

4081/0218

The content of the Plan has changed considerably since the Preferred Options consultation, with large parts of the Plan now being covered by PEDL Licences. A further round of public consultation should be undertaken on the Plan.

4097/0501

There is no legal requirement to limit the scope of this consultation.

Wenningdale Climate Action Network (WeCan)

4093/1219

The Policies have changed considerably since the previous consultation. I appear amendments have been made in conjunction with the Shale gas industry. New PEDL licences have been issued since the last consultation. There is no requirement to limit this consultation to legality and soundness issues, further consultation on the content and substance of the Plan is needed.

4100/1186

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. Much of the content in the current version of the Plan is new and has not gone through the required consultation. Wider consultation on content and substance should take place.

Harrogate Friends of the Earth

0362/1096

The Policies have changed considerably without the required consultation. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4071/0021/LC.S.DTC

Supports the Plan.

York and North Yorkshire Local Nature Partnership

2317/0430

The opportunities that the Joint Plan brings in strengthening and connecting the natural environment across North Yorkshire and York to underpin sustainable development is welcomed. This is also supported by the Local Nature Partnerships vision, which is 'to see the natural environment of North Yorkshire and York conserved, enhanced and connected across the whole LNP area for the benefit of wildlife, people and the economy'.

West Malton Against Fracking

4087/0512

The Plan is not legally compliant, or meet the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004)

4099/0529

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

3876/0404

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

4102/1191

By focusing on the legality and soundness the focus of the consultation is limited. The Polices have changed considerably without the required consultation.

4084/1451

Amend the response form so that people understand it.

2256/0180

By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4100/1187

The Issue of climate change has not been adequately addressed. The Plan is not legally compliant, or meet the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004)

3966/0153

Parts of the plan have changed considerably without the required consultation

Scarborough Borough Council

0286/0202/LC.S.DTC

The Borough Council supports the Plan and policies therein along with the proposed allocations. It is considered the Plan is sound and legally compliant and the Borough Council confirms that the Duty to Cooperate has been met.

3861/1154

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

3876/0394

By focusing on the legality and soundness the focus of the consultation is limited. Much of the content has changed considerably and it is clear that much of the new policy has been developed in conjunction with the shale gas industry. Additional consultation on content and should take place with the members of the public.

0230/0840

There have been substantial changes since the previous draft for consultation, particularly the hydrocarbon sections. The scope of the current consultation is limited (legal compliance and soundness) and there has not been adequate opportunity to comment on the content of the Plan.

Frack Free Ryedale

3684/0248

The Plan is not considered to be Legally Compliant. The Policies have changed considerably without the required consultation. By focusing on the legality and soundness the focus of the consultation is limited and inefficient consultation on the new content and substance has taken place to warrant legal compliance to be achieved.

A further round of consultation should be undertaken prior to submission.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1201

By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

Appleton-le-Moors Parish Council

0391/0233

The Plan does not comply with the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

4081/0219

Climate change has not been adequately addressed and doesn't appear to comply with all the statutory requirements.

4153/1300

The Policies have changed considerably without the required consultation. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

Stonegrave Parish Meeting

0878/0327

The term 'will be permitted' should be reinforced with 'only' or 'unless' as appropriate.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0983/U

Question the mineral planning authority's approach to the scope of the consultation in terms of its focus on legal compliance, as well as soundness; querying whether this should be widened to allow more general comment. Especially relevant to Policy M16 as it has changed since preferred options consultation.

2253/1230

The content of the Plan has changed from the previous version and should be subject to additional consultation on the content. By focusing on the legality and soundness the focus of the current consultation is limited.

4086/0302

The large increase in PEDL areas since the last consultation means that further consultation should take place

4142/1067

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

Barugh (Great & Little) Parish Council

0412/0853/U

Since the Preferred Options consultation there have been key changes, for which further consultation should be obtained. These include amendments to the Infrastructure Act, ratification of the Paris Agreement on Climate Change, release of new PEDL areas which encompass the entirety of the Vale of Pickering, Wolds and foot of the North York Moors. In addition, some of the policies included in this document have not been through a consultation stage.

2256/0181

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

3821/0133/U

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

3821/0132

Much of this content is also brand new policy which has not gone through the required consultation rounds with other representative bodies or the general public. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

3966/0154

The Plan is not legally compliant, or meet the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004)

001: Background

001: Background

3855/0125/1.005

The plan has not been properly consulted upon, the document presented is substantially different to earlier versions and should go out again for public consultation.

Appleton-le-Moors Parish Council

0391/0230

Parts of the Plan have changed considerably without the required consultation.

Egdon Resources (UK) Limited

0150/0835/1.014/LC.U.DTC

The paragraph fails to take sufficient account of the great importance attached to mineral extraction set out in the NPPF. Para 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. In particular, there is a lack of consistency between the proposed Joint Plan policies covering hydrocarbon development and the NPPF. Oil and gas are important mineral resources and primary sources of energy in the UK. National energy policy takes a broadly positive stance to onshore oil and gas, subject to necessary environmental safeguards. The Joint Plan does not provide a sufficient degree of flexibility for hydrocarbon development to take place within PEDL licence areas which fall within the area covered by the Plan. Whilst the principle of environmental Permitting regime regulated by the Environment Agency, which ensures protection of the environment. Given this, the general tone of the proposed policy framework is excessively weighted towards protection of the environment without factoring in the existing regulatory controls that enable UK oil and gas operators to safely and responsibly explore and develop both conventional and unconventional oil and gas.

Suggested Modification

Amend 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.

Natural England

0119/0650/1.015

Natural England are broadly satisfied with the Sustainability Appraisal and has no further comments to make.

Natural England

0119/0651/1.016

Welcome the Habitats Regulation Assessment and has no further comments to make.

002: Context

002: Context

4081/0220

Tourism and agriculture are now far more important in North Yorkshire than minerals development. The countryside as a whole should be protected, not just the protected area, specifically Ryedale the Vale of Pickering and Yorkshire Wolds. The Plan must take account of the Ryedale Plan.

Redcar & Cleveland Council

0306/1350/2.010/LC.S.DTC

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Plan recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area it is still important to consider the influence which economic growth from outside the Plan area may have. This is important within the Tees Valley as authorities review their development plans and plan positively for ambitious population and economic growth.

Stockton-on-Tees Borough Council

0314/1346/2.010/LC.S.DTC

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

Darlington Borough Council

0076/1348/2.010/LC.S.DTC

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Plan recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area it is still important to consider the influence which economic growth from outside the Plan area may have. This is important within the Tees Valley as authorities review their development plans and plan positively for ambitious population and economic growth.

Middlesbrough Council

0077/0722/2.010/LC.S.DTC

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Plan recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area it is still important to consider the influence which economic growth from outside the Plan area may have. This is important within the Tees Valley as authorities review their development plans and plan positively for ambitious population and economic growth.

Hartlepool Borough Council

3032/1352/2.010/LC.S.DTC

The spatial portrait of the plan area recognises that the economy of the Tees Valley is particularly relevant to North Yorkshire as commuter patterns cross into these areas. It also states that population and household growth in adjacent urban areas is also expected to be relatively high and population and economic growth in these areas may have implications for minerals demand in North Yorkshire.

The Plan recognises that although only a small part of the Plan area falls within the Tees Valley Local Economic Partnership area it is still important to consider the influence which economic growth from outside the Plan area may have. This is important within the Tees Valley as authorities review their development plans and plan positively for ambitious population and economic growth.

Historic England

0120/0028/2.014/S

This makes it clear that the primary purpose of the Green Belt around York is to protect the character and setting of the historic City.

Historic England

0120/0029/2.015/S

This provides a good summary of the heritage assets of the Plan area and underlines why it is so important that mineral and waste developments are delivered in a manner consistent with safeguarding the significance of these assets.

Tarmac

0317/0564/2.026/LC.U

Paragraph 2.26 states ' The NPPF also places emphasis on conserving important landscape and heritage assets by requiring that landbanks for non-energy minerals are provided outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites...'

Paragraph 144 of the NPPF second bullet point states '...as far as is practical, provide for the maintenance of landbanks for non-energy minerals from outside National Parks, the Broads, Areas of outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation areas...'

The current paragraph 2.26 does not properly reflect the NPPF and is therefore considered unsound.

Suggested modification

Suggested paragraph 2.26 is redrafted as follows

' The NPPF also places emphasis upon conserving important landscape and heritage assets by requiring the landbanks for non-energy minerals are AS FAR AS IS PRACTICAL provided FROM outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites...'

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0488/2.026/U.DTC

When considering the importance placed on the conservation of landscape and heritage assets it is important to recognise that these are reflected in the purpose of designating areas of green belt, and therefore harm to these assets within the green belt would equate to harm to the purpose of the designation of the green belt. This clarification ensures that where harms are identified the correct approach to a proposal is 'appropriate' within the green belt is understood and adopted at an early stage. Additionally it should be clearly stated that the test of whether a proposal conflicts or otherwise with the purpose of the green belt is not qualified in the NPPF. There is no ability to identify conflict with the purpose of the green belt, then conclude that the conflict is not so significant as to make the proposal 'inappropriate development'.

Suggested Modification:

Modify the supporting text to ensure that national green belt policy is accurately reflected, in particular the weight to be attached to the harm, and the trigger associated with the application of harm to the definition of 'appropriate' development in green belt.

Minerals Products Association

0115/0671/2.026/LC.U.DTC

It is requested that the first sentence of the paragraph be re-written as follows

" The NPPF also places emphasis upon conserving important landscapes and heritage assets by requiring that landbanks for non-energy minerals are provided, AS FAR AS PRACTICAL, outside...."

0231/1446/2.035

The targets for reuse, recycling and composting set by Waste Strategy, paragraph 2.35, have always been very unambitious and are now in urgent need of updating if they are to represent any level of ambition at all.

4099/0533/2.039

PEDL areas need to be assessed against the new housing proposed in the Draft City of York Plan to make sure that the housing is not affected by unconventional oil and gas development.

Association of Greater Manchester Authorities

3731/0124/2.052

We welcome the recognition in the LAA for the exports of crushed rock to the North West for the Yorkshire Dales National Park.

The Marine Management Organisation (MMO)

0268/0022/2.054

The reference to the East Inshore and Offshore plan areas states that these are published by DEFRA, this is incorrect. It was the Marine Management Organisation (MMO). The East Marine Plan extends from Felixstowe to Flamborough Head. The North East Marine Plan is in development and shall extend from Flamborough Head to Berwick upon Tweed. For marine and coastal areas where a marine plan is not currently in place reference should be given to the Marine Policy Statement.

Suggested Modification:

Change the Publishing author from DEFRA to MMO.

As the Plan area is an overlap of two marine plans, include something about the Marine Policy Statement being relevant currently for the North of Flamborough Head. Section 3.5 of this document highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.

Minerals Products Association

0115/0672/2.068/LC.U.DTC

This paragraph does not accurately reflect the position of silica sand from Blubberhouses. Blubberhouses Quarry is one of a very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture.

Suggested Modification:

Re word part of the paragraph to read "Some of these imports, OTHER THAN CLEAR GLASS GRADE SILICA SAND, are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area..."

Hanson UK**1102/0632/2.068/U**

The 3rd and 4th sentences of this para are incorrect in respect of Silica Sand. Blubberhouses Quarry is one of very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture.

Suggested modification to para 2.68: Reword to read 'SOME OF THESE IMPORTS, OTHER THAN CLEAR GLASS GRADE SILICA SAND, CANNOT BE PROVIDED FROM WITHIN THE PLAN AREA...'

Minerals Products Association**0115/0673/2.088/LC.U.DTC**

The paragraph refers to "minerals of national significance" the terminology used in the NPPF is "Nationally Important". The paragraphs should be reworded to reflect the NPPF.

Durham County Council**0092/1289/2.089/LC.S.DTC**

Throughout the plan making process, in accordance with the duty to cooperate, the joint plan authorities have engaged constructively, actively and on an ongoing basis with Durham County Council, and so consider the in respect of Durham County Council the duty to cooperate has been fulfilled by the joint plan authorities.

Environment Agency**0121/0700/2.089/S.DTC**

The Environment Agency has worked closely with the MWJP authorities during the development of the Plan and we consider there to be no outstanding strategic issues raised by the MWJP which necessitate attention under the duty to co-operate.

Nottinghamshire County Council**2765/0113/2.089**

Nottinghamshire County Council has previously responded on Duty to Cooperate matters and welcomes the ongoing consultation.

Doncaster Metropolitan Borough Council**0095/0108/2.089/DTC**

Doncaster MBC has been consulted regularly throughout the process.

003: Issues and Challenges

003: Issues & Challenges

Historic England**0120/0030/3.004/S**

We would endorse the following as being a key issue and challenges which the Local Plan needs to address Minerals: Continuing to provide a supply of building stone for repair of traditional buildings and for new build; Ensuring there are sufficient safeguards in place to minimise the impacts of minerals extraction on communities, the environment and other important assets. Waste: Ensuring there are sufficient safeguards in place to minimise the local impacts of waste management on communities, the environment and other important assets. General: Establishing policies which are appropriate across the diverse characteristics of the Plan area; Developing an appropriate approach to the protection and enhancement of the Plan areas' important landscapes, and natural and heritage assets including the North York Moors National Park, AONBs and World Heritage Site, the historic city of York, numerous Conservation Areas, Green Belt, and listed buildings; as well as the wide range of non-designated assets which are important for their own intrinsic value.

3386/0118/3.004

It is important that environmental issues are addressed.

004: Vision and Objectives

Durham County Council

0092/0849/4.001/LC.S.DTC

Supports the Plans vision, priorities and objectives which respond effectively to the challenges faced by the area, they are consistent with national guidance and compatible with the Council's own policy approach through its existing Minerals and Waste Local Plans.

004: Vision

NYCC Highways

1153/0486/4.001

The Vision is supported.

Third Energy Limited

2762/1374/4.001/U

The Vision does not include any specific references to the support and development of the onshore hydrocarbon industry. This does not reflect government policy. Instead, the development of onshore oil and gas is presented as a challenge to manage.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0752/4.001/U

The Vision does not include any specific references to the support and development of the onshore hydrocarbon industry. This does not reflect government policy. Instead, the development of onshore oil and gas is presented as a challenge to manage.

Highways England

0112/0271/4.001/S

Generally supports the vision.

Highways England

0112/0272/4.001/S

Supports Part i) of the vision particularly aspects which seek to safeguard infrastructure for waste management, minerals resources and minerals supply. This could be strengthened by making reference to specific infrastructure such as railheads, wharves and pipelines.

Historic England

0120/0032/4.001/S

Part (ii) We support the intention to make provision for local materials to help maintain and improve the quality of the area's built environment. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures and the Joint Plan area has, historically, been a supplier of building stone not just for the local area but also elsewhere across the Country.

Ryedale Liberal Party

3846/0967/4.001/LC.U.DTC

Section ii) refers to achieving efficient use of minerals resources. There are no national policies to require the efficient use of shale gas. The existing gas power plant is not known to be very efficient, and there are no plans for other gas plants in the area. The justification for hydrocarbon development/fracking is as a transition fuel towards a low carbon economy to aid national fuel security. There should be policies in place that can achieve these aims. There should be minimum energy efficiency requirements for the use of the gas, and proof of what other fossil fuels it will be displacing. Without this type of policy the Plan will not be compliant with national climate change commitments or with sustainable development definitions. This is backed up by the Governments Committee for Climate Changes.

Suggested modification

Include a policy that requires 'Green Completions' The policy must require production of shale gas to be in compliance with the 3 conditions laid out by the Committee on Climate Change, and paragraph 94 of the NPPF. Include a requirement that the shale gas produced should be offsetting imported gas, or replacing other fossil fuels and require that this is demonstrated and enforceable. There should not be a time lag over this replacement of more than a year.

Highways England

0112/0273/4.001/S

Supports Part ii) of the vision particularly aspects which seek to safeguard infrastructure for waste management, minerals resources and minerals supply. This could be strengthened by making specific reference to specific infrastructure such as railheads, wharves and pipelines.

Historic England

0120/0033/4.001/S

Part (iii) We support the inclusion of environmental considerations in determining whether or not to allow developments which would deliver a good match between locations of mineral supply and demand. There is a large demand for aggregates from the area lying outside and to the north of the Plan area. However, the northern part of the Joint Plan area contains not only a National Park but also some very important archaeological landscapes. The inclusion of environmental considerations in this Priority will ensure that pressure is not put on some of the most important landscapes of the plan area to meet the needs of areas outside North Yorkshire.

Highways England

0112/0274/4.001/S

Support Part vi) of the vision and its aim for minerals and waste development to be sustainably located along with encouraging a modal shift to more sustainable means of transport. It also seeks to minimise the overall distance minerals and waste are transported.

Highways England

0112/0275/4.001/S

Part v) of the vision seeks to minimise the overall distance waste and minerals are transported with the aim of managing waste as near to where it arises as practical and co-locating new waste facilities with complementary industries and waste producers or users. These principles would help reduce the amount of traffic on the road network particularly the Strategic Road Network.

Historic England

0120/0034/4.001/S

Part (vi) We support the intention that, in identifying appropriate locations for the delivery of both minerals and waste developments, the distinguished natural, historic and cultural environment and unique and special landscapes of the Plan area will have been protected, with particular protection afforded to the North York Moors National Park, the Areas of Outstanding Natural Beauty, the historic City of York and the World Heritage Site at Fountains Abbey/Studley Royal. The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. The particular areas identified in this Priority are recognised as being of especially importance to the character of the plan area and it is wholly appropriate that the plan identifies these area as warranting particular attention in the consideration of minerals and waste developments

Historic England

0120/0031/4.001/S

Part (vi) We support the part of the proposed Vision which relates to maintaining a careful balance between meeting future needs whilst protecting and enhancing the Plan area's environment. Given the high environmental quality of the plan area (and the huge contribution which the environment of North Yorkshire and York makes to the quality of life of its communities and the economic well-being of the area) it is essential that the need for minerals and waste developments takes place in a manner which is consistent with safeguarding these assets.

Historic England

0120/0035/4.001/S

Part (vii) we support the intention that minerals and waste developments will be expected to take place in accordance with the highest practicable standards of design, operation and mitigation in order to ensure that the high-quality environment of the Plan area is given robust protection. The County's environmental assets make an important contribution to the character of this part of Yorkshire, to the area's economic well-being, and to quality of life of its communities. It is wholly appropriate, therefore that mineral and waste developments take place in a manner which safeguards these assets.

RSPB North

1112/0652/4.001/LC.S

Part (viii): We support the new text in this section of the Vision, namely '...including enhancing biodiversity and ecological networks at a landscape scale where practicable..'. This new text reflects the requirements of para 109, 114 and 117 in the NPPF.

005: Objectives

Middlesbrough Council

0077/0721/4.002/LC.S.DTC

Support the overall aims and objectives of the Plan and agree that it meets the four tests of soundness, is legally compliant and complies with the Duty to Cooperate.

Escrick Parish Council

0537/0583/4.002/LC.U.DTC

Support the objectives set out and in particular objectives 7, 8 and 9 which seek to locate mineral extraction and waste management in locations where the overall need for transportation is minimised and in particular where options other than road transport are available, such as rail, water, pipeline and underground conveyor systems can be utilised where practicable for longer distance and large scale movements; and; where such modes are not practicable, that locations for development are well-connected to suitable highways infrastructure and impacts on the road network minimised. This will minimise the effect on the local environment and communities where roads are already over utilised and help meet wider sustainability and climate change objectives. Recommend that a sequential test should be introduced so that sites with access to alternative infrastructure such as rail and water systems should be preferred sites, followed by those with immediate access or very close proximity to the main motorways (such as some of the existing power stations such as Ferrybridge and Drax), with those accessing already over-used and congested roads, such as the A19, so protecting the environment and the setting of the Green Belt around the historic City of York. Only developed where there is no other suitable location and the size of the site and its transport affect on the local network are closely controlled to minimise its affect on the environment, in line with the stated objectives.

Hartlepool Borough Council

3032/1351/4.002/LC.S.DTC

Support the overall aims and objectives of the Plan and agree that it meets the four tests of soundness, is legally compliant and complies with the Duty to Cooperate.

Darlington Borough Council

0076/1347/4.002/LC.S.DTC

Support the overall aims and objectives of the Plan and agree that it meets the four tests of soundness, is legally compliant and complies with the Duty to Cooperate.

Stockton-on-Tees Borough Council**0314/1345/4.002/LC.S.DTC**

Support the overall aims and objectives of the Plan and agree that it meets the four tests of soundness, is legally compliant and complies with the Duty to Cooperate.

3386/0116/4.002

I agree with the Objectives.

Redcar & Cleveland Council**0306/1349/4.002/LC.S.DTC**

Support the overall aims and objectives of the Plan and agree that it meets the four tests of soundness, is legally compliant and complies with the Duty to Cooperate.

Highways England**0112/0276/4.002/S**

Generally support the objectives.

Highways England**0112/0277/4.002/S**

Support objective 3 as it intends to safeguard minerals infrastructure, including transport infrastructure such as railheads and wharfs, which support more sustainable means of transport.

NYCC Highways**1153/1275/4.002**

Objective 3 is supported.

Historic England**0120/0036/4.002/S**

Objective 3. We support the objectives of safeguarding important minerals resources for the future. As one of the important mineral resources in the Joint Plan area, there is a need to ensure that potential sources of building and roofing stone (which are essential to the repair and maintenance of the heritage assets of the County and beyond) are not sterilized by other uses.

Historic England**0120/0037/4.002/S**

Objective 5. We support that part of the Objective which relates to the ensuring an adequate supply of minerals to contribute to local distinctiveness. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in buildings and other structures and the Joint Plan area has, historically, been a supplier of building stone not just for the local area but also elsewhere across the Country.

NYCC Highways**1153/1276/4.002**

Objective 5 is supported.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)**1461/0489/4.002/U.DTC**

In identifying suitable locations for mineral development, the objective fails to include the 'need' for the proposed development/allocation. To identify and allocate sites where no need has been identified risks development of facilities in locations which would not have been acceptable until opportunities to develop in more appropriate locations have been exhausted. The current wording does not reflect the principles of planning for sustainable development.

Suggested Modification:

Amend the wording to ensure that the development of unneeded facilities is expressly resisted within the plan area.

Highways England

0112/0278/4.002/S

Support Objective 6 which focuses on optimising the spatial distribution of minerals and waste development. It states that appropriate sites or areas for future mineral works, waste management and transport infrastructure should be identified and allocated, this is supported as it ensures that traffic impacts of development and requirements for supporting transport infrastructure can be assessed up front as part of the plan making process.

NYCC Highways

1153/1277/4.002

Objective 8 is supported.

Highways England

0112/0279/4.002/S

Support Objective 8 which focuses on optimising the spatial distribution of minerals and waste development. Support the intention to promote the use of alternatives to road transport, locating new development where sustainable transport modes such as rail and water and pipelines can be used.

Historic England

0120/0038/4.002/S

Objective 9. We support the Objective of protecting and, where appropriate, enhancing the natural and historic environment, the landscapes and the tranquil areas of this part of North Yorkshire. This Objective will help deliver that part of the Vision which seeks to ensure that the demand for minerals takes place in a manner which protects the environmental assets of the County.

Highways England

0112/0281/4.002/S

Support Objective 10 with the intention to protect local communities, businesses and visitors from the impacts of minerals and waste development including impacts from minerals and waste transport.

006: Policies map & Key Diagram

Highways England

0112/0280/4.002/S

Support Objective 7 as aims to minimise transport distances so should help to reduce the amount of traffic associated with minerals and waste developments utilising the Strategic Road Network.

Sirius Minerals

4067/0573/4.004/U

The policies map has changed in terms of how the deep minerals resources are represented from the Preferred Options stage. At Preferred Options Stage it was difficult to identify the safeguarded potash and polyhalite resource area but this has been clarified at the Publication stage.

The current Policies Map shows an area of land around the Doves Nest Farm site which is identified as 'Safeguarded Deep Mineral source (Potash Safeguarding Area)' along with a 2km buffer. The supporting text in paragraph 8.17 states that 'it is not considered necessary or proportionate' to safeguard the entire resource area and that the 'indicated and inferred resource area' has been safeguarded.

The planning permission for the Doves Nest Farm potash/polyhalite project covers a much more extensive area than the one safeguarded, and the area which is licenced to be mined is not entirely safeguarded from potentially incompatible development.

Paragraph 143 of the NPPF states that planning authorities should define Mineral Safeguarding Areas so that 'known locations of specific minerals resources of local or national importance are not needlessly sterilised by non-mineral development', Paragraph 145 states that mineral Planning Authorities should 'encourage safeguarding...so that important minerals remain available for use'.

We support the safeguarding of potash/polyhalite and the specific reference to the Doves Nest Farm project but it is not considered that the current extent of the safeguarding around Doves Nest Farm site is sufficient to fulfil the requirements of the NPPF. Without the safeguarding area encompassing a more extensive area in line with the planning permission, this element of the Plan cannot be considered effective, justified or positively prepared.

If these discrepancies are not addressed then this element of the Plan will be considered unsound.

Suggested modifications

The Policies Map should be altered so that the safeguarding area which relates to the Doves Nest Farm protects the red line boundary of the planning permission.

Sirius Minerals

4067/0574/4.004/U

The Key and Policy Reference on the Policies Map refers only to potash, it should also include polyhalite.

Suggested modification

The Key and Policy Reference should be clarified so it refers to both potash and polyhalite.

4076/0126/4.009

The consultation is ill-conceived and doesn't consider long term effects and monitoring. Object to the direction the consultation directs the council to move in, without proper consideration of damage to the environment.

005: Minerals

0231/1445

Arguably, since all the minerals in the Plan area are finite and an unsustainable resource, the NPPF does not support developing any of them. This is not a helpful comment but would like to point out that the continual reference to 'sustainable development' is misplaced.

007: Aggregate Supply

0204/0025

Would like sources of supply to be located close to where minerals and minerals products are to be used.

Highways England

0112/0863/M01/S

No specific concerns on the broad geographical approach. Support the locating of sites as close to intended markets as possible as reduces transportation distances for minerals and minimises the use of the Strategic Road Network.

Ryedale District Council

0116/1009/M01/S

It is considered that this policy is appropriate and meets each of the soundness tests.

Historic England

0120/0039/M01/S

We support this Policy. Given the landscape sensitivity of the National Park and the AONBs their generally poor connectivity to the primary road network, and the breadth of their environmental assets, we support the intention to meet the demand for aggregates from outside these areas. We also endorse: The requirement that any crushed rock aggregate which occurs as an incidental part of building stone extraction does not compromise the supply of the building stone from that quarry (Criterion 2), and; The requirement that any applications for small-scale extraction of sand and gravel around York need to be consistent with safeguarding the special historic character and setting of the City.

008: Sand & Gravel

Minerals Products Association

0115/0683/M02/LC.U.DTC

The inclusion of a mid-term review, assumed to be 7/8 years from adoption, would not be consistent with National Policy which states that "most local plans are likely to require updating in whole or part at least every 5 years". The NPPF requires maintenance of a landbank of "at least 7 years" whether or not a review is undertaken. Bearing in mind the statutory duty to produce an annual LAA for approval by the appropriate Aggregate Working Party the review of aggregate provision should be straightforward.

The wording of the last part of the second paragraph could be interpreted that the planning authority will determine provision outwith the policy.

Suggested Modification:

Amend the policy to include a review "at least every 5 Years" and amend the reference to landbanks to be in line with National Policy by referencing 'at least a 7 year land bank'.

Tarmac

0317/0558/M02/LC.U

The second paragraph of the policy refers to maintaining a landbank of 'at least' 7 years for sand and gravel at 31 December 2030. We support the inclusion of the words 'at least' which has sought to address our previous comments with regards to this policy.

Durham County Council

0092/0851/M02/LC.S.DTC

Support the scale of provision of sand and gravel proposed. This will enable the joint plan authorities to maintain a steady and adequate supply of sand and gravel to meet the joint plan area's own needs whilst also making a contribution to the needs of adjoining areas including both West Yorkshire and the Tees Valley which cannot meet its own needs.

Minerals Products Association

0115/0674/5.015/LC.U.DTC

The text in this paragraph refers to a "mid-term review" which is not consistent with national Policy. National Policy identifies that Local Plans will require reviewing in whole or part at least every five years.

Suggested Modification:

Re word the Paragraph as follows: new text IN CAPITALS deletions in [brackets]

" To ensure that A STEADY AND adequate supply.....This is a matter which can be addressed in monitoring of the Joint Plan and A PLAN REVIEW AT LEAST EVERY FIVE YEARS [via a mid-term review], at which time...."

Tarmac

0317/0551/5.015/LC.U

Paragraph 5.15 refers to a 'mid-term review' of the Plan which is not consistent with national policy as set out in paragraph 008 of the PPG. This states that Local Plans will require reviewing in whole or part every 5 years, on this basis it is considered paragraph 5.15 is unsound.

Suggested modification

Part of the text for paragraph 5.15 should be reworded to

' ...This is a matter which can be addressed in the monitoring of the Joint Plan and A PLAN REVIEW AT LEAST EVERY 5 YEARS [via a mid-term review], at which time the level of additional provision can be the subject of updated assessment....'

Historic England

0120/0040/M03/S

Whilst the approach of Policy M03 would reduce the distances which aggregates would have to travel, this strategy (which seeks to establish new sources of supply as close as practicable to the main external markets) could put pressure for the development of new quarries in some of the most environmentally-sensitive parts of the Joint Plan area. This approach could, potentially, pose a greater threat to the environment of the County than a strategy which enables the assessed needs for sand and gravel to be met from across the whole of the Plan area (excluding the National Parks and AONBs). Therefore we welcome the intention that, should it not be possible to meet the overall provision through the grant of planning permission on allocated sites, that the requirements will be met across both areas in combination. This should assist in ensuring that there is not pressure for increased sand and gravel extraction in the more environmentally sensitive areas purely to meet the demands from outside the county.

Durham County Council

0092/0850/M03/S.DTC

Supports the establishment of both southern and northern facing distribution areas for sand and gravel. These distribution areas reflect the reality of the principal markets that North Yorkshire's quarries have traditionally served. In this regard there is a similar situation in the North East of England whereby Durham County Council also supplies significant quantities of aggregate both into the Tyne and Wear conurbation to the north and the Tees Valley conurbation to the south.

Durham County Council

0092/1288/M04/LC.S.DTC

Supports the preferred policy approach. In particular, the Council supports the continuation of a northern facing sand and gravel landbank. This comment is based on the fact that both Durham County Council and North Yorkshire County Council, as adjoining mineral planning authorities, have a role and responsibility in helping to assist the Tees Valley area which whilst being a major consumer of sand and gravel has produced no sand and gravel since 2012 and only limited quantities prior to then.

Tarmac

0317/0559/M04/LC.U

The wording of the Policy is not consistent with the wording of the NPPF with regards to the provision of landbanks as set out in paragraph 145 of the NPPF. The NPPF

requires 'the maintenance of landbanks of at least 7 years' and does not refer to a 'minimum 7 year landbank' as stated in the policy.

The Plan uses correct wording in both Policy M02 and its supporting text at paragraph 5.15 and 5.21. It is important that the wording of Policy M04 is consistent with this.

Suggested modification

Policy M04 should be reworded as below to make it consistent with the NPPF and the supporting text of the Plan.

'A [minimum 7 year] landbank OF AT LEAST 7 YEARS FOR CONCRETING SAND AND GRAVEL WILL BE MAINTAINED THROUGH THE Plan period for each of the northwards and southwards distribution areas identified on the key diagram.'

'A separate [minimum 7 year] landbank OF AT LEAST 7 YEARS will be maintained through the Plan period for building sand.'

Minerals Products Association

0115/0667/M04/LC.U.DTC

The Policy is not consistent with the wording of the NPPF (para 145). National policy requires the maintenance of at least 7 years and does not refer to a minimum of 7 years. The correct wording is used in the supporting text in Paragraphs 5.15 and 5.21.

The wording of the policy should be amended for consistency and to reflect national policy.

009: Crushed Rock

W Clifford Watts & Co Ltd

1157/1019/M05/LC.U.DTC

The policy is unsound because it fails to include Jurassic limestone in its objectively assessed requirements for crushed rock aggregates; it is not the most appropriate strategy for the supply of Jurassic limestone because of the sustainability disbenefits; it is not deliverable because it will draw imports into the area to supply the local need, and it fails to make provision for mineral of local and national need contrary to NPPF paragraph 142, and it fails to provide for a steady and adequate supply of Jurassic limestone contrary to NPPF paragraph 145. Policy M05 should be changed as following to provide for the local market for Jurassic Limestone in the east of North Yorkshire, which if not served by local quarries would have to be replaced by imports or alternative materials. The amendments are: "Total provision for ... per annum for Magnesian Limestone, and 6.00 MILLION TONNES AT AN EQUIVALENT ANNUAL RATE OF 0.40 MILLION TONNES PER ANNUM SHALL BE FOR JURASSIC LIMESTONE. Additional provision ... include a separate minimum 10 year landbanks for Magnesian Limestone AND JURASSIC LIMESTONE, at 31 December 2030 based on ...".

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0490/M05/U.DTC

In identifying the need for Magnesian limestone crushed rock in the Plan area, the LAA appears not to have taken into account potential sources of supply from outside the plan area. Alternative sources may be able to meet the need without the risk to heritage assets. The supporting text to the Policy neglects to state that the Southern Magnesian limestone ridge that passes through the area is an important and characteristic landscape feature, and supports vulnerable habitats.

Suggested Modification:

The requirement for crushed Magnesian Limestone is not supported by available evidence, and consequently the identification of a separate landbank is unsupported. This should be removed from the Plan.

Tarmac

0317/0561/M05/LC.U

The wording of the policy is not consistent with paragraph 145 of the NPPF 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 M05.

Suggested modification

The second paragraph of Policy M05 should be reworded as below to make it consistent with national policy

'...in order to maintain AT LEAST a [minimum] 10 year landbank for crushed rock, including a separate landbank OF AT LEAST a separate [minimum 10 year landbank] 10 YEARS for Magnesian Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.'

Paragraph 5.30 will need rewording to reflect this point.

Tarmac

0317/0560/M05/LC.U

The second paragraph of Policy M05 is not consistent with NPPF on sand is therefore considered unsound.

The policy refers to a 'mid-term review' of provision. As the plan is for 15 years, the review is assumed to be in 7/8 years. Paragraph 008 of the PPG states ' most Local Plans are likely to require updating in whole or in part at least every five years'. As such the proposal to undertake a review half way through the plan period of 15 years is not consistent with national policy, and therefore considered unsound.

Paragraph 5.30 will need amending to reflect this point.

Suggested modification

The second paragraph of Policy M05 should be reworded as below to make it consistent with national policy

' Additional provision shall be made through AT LEAST A FIVE YEAR [a mid-term] review of provision in the Plan, if necessary....'

Historic England

0120/0041/M05/U

In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape). Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to maintain a 10-year supply, could increase pressure for mineral extraction in an area of known archaeological importance and which has a significance number of other designated heritage assets.

Suggested Modification:

Delete reference to a specific figure for the amount of Magnesian Limestone to be provided in the Plan of for a 10 Year landbank of this type of crushed rock.

The policy is unsound as it is not positively prepared as it does not seek to meet requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development and is not justified by proportionate evidence or effective in terms of deliverability over the plan period or based on effective joint working on cross-boundary strategic priorities and is not consistent with national policy. The policy seeks to develop the strategy of Policy M05 for minimum landbanks for crushed rock and there is no recognition of the special qualities or role of Jurassic Limestone in the Joint Plan or that it should be treated on a similar level to Magnesian Limestone. Jurassic Limestone performs a similar role to Magnesian Limestone is a different part of the Plan area, it serves somewhat different end uses to the rather more prolific Carboniferous Limestone and is currently more constrained in supply. There is a case for maintaining the continuity of supply from established sites, and a strategic need for the mineral based on proximity to market which cannot be easily substituted by either alternative materials or imports, and a range of end uses. After the next 5 years the evidence suggests there will be a substantial shortfall in capacity to supply the material. Some of the Jurassic Limestone landbank is bound up in sites located in the Howardian Hills AONB which for sustainability reasons would, under the Joint Plan strategy and national policy, be considered a less desirable location for future supply. Both sites are currently mothballed and may not be re-opened. If this is the case, more mineral needs to be secured in other locations, preferably in currently producing sites like Whitewall. Policy M06 should be changed as following: "A minimum overall landbank of ... throughout the Plan period. [A s]Separate minimum 10 year landbank[s] will be identified ... for Magnesian Limestone crushed rock AND JURASSIC LIMESTONE CRUSHED ROCK. Where ..."

It is considered that the evidence in the objection is sufficient to indicate that provision needs to be made for further working to help secure continuity of supply for Jurassic Limestone in addition to Magnesian Limestone. It is argued that the MPA accepts this in part through the allocation of the MJPO8 site and should be extended to Jurassic Limestone in general.

In the past, the Minerals Plan for the County has not sought to identify a separate provision for Magnesian Limestone. Indeed, it recognised that some of the demand for this type of crushed rock may be able to be met from other sources. We are concerned about the potential impact which the approach set out in this Policy (of identifying a separate provision for Magnesian Limestone and in seeking to ensure that there is a separate 10 year landbank of this resource) might have upon the County's heritage assets. There is a considerable concentration of designated and undesignated heritage assets along the Southern Magnesian Limestone Ridge. These include the Neolithic ritual landscape at Thornborough (which is considered to be internationally significant and ranks alongside the monuments of Wessex and Orkney in its potential contribution to our understanding of late Neolithic cosmology and the inter-relationship between architecture and the surrounding landscape). Whilst the scale of provision is relatively small in the context of the geographical extent of the ridge and the site-specific allocations within that area have taken account of the impact upon the historic environment and historic landscapes, nevertheless, the inclusion of a separate provision for Magnesian Limestone and the identification of a separate landbank for this type of crushed rock and an intention to maintain a 10-year supply, could increase pressure for mineral extraction in an area of known archaeological importance.

Suggested Modification: In the first paragraph delete reference to a specified figure for the amount of Magnesian Limestone to be provided in the Plan of for a 10-year landbank of this type of crushed rock.

In view of sensitivity of the landscape of the AONB and the National Park, the advice given in national policy guidance, and the estimated reserves of crushed rock across the remainder of the Joint Plan, we support the intention that there should be a zero requirement for the reserves for the reserves for crushed rock to be met from sites from within these areas.

The inclusion of a mid-term review, assumed to be 7/8 years from adoption, would not be consistent with National Policy which states that "most local plans are likely to require updating in whole or part at least every 5 years". The NPPF requires maintenance of a landbank of "at least 10 years" and does not refer to a minimum of a 10 year land bank as included in the policy.

Suggested Modification:

Amend the policy to include a review "at least every 5 Years" and amend the reference to landbanks to be in line with National Policy by referencing 'at least a 10 year land bank'.

The inclusion of a separate landbank for Magnesian Limestone is supported. However, the policy is unsound with regards to Jurassic Limestone as there is no separate landbank included for this resource and it has not been identified within the Plan as having a strategic role in aggregate supply. Evidence from the Minerals industry suggests that the market from the operating Jurassic limestone Quarries in North Yorkshire is about 400,000 tonnes per year from an area that is indicated on the minerals Key diagram to see significant growth in the coastal area and east of York. It is also understood that this resource is exported to the East Riding which lacks sufficient resources of its own. It is considered that the limited allocation of only one extension to an existing site potentially will adversely affect the long term security of supply, and the capacity of existing quarries to supply the market. It is considered that there is insufficient recycled and secondary material in the area available to substitute for primary aggregates. This would lead to higher imports into the area and impact upon sustainability and carbon use.

Suggested Modification

Include the following within the first paragraph of the policy ..."and 6.00 Million tonnes at an annual rate of 0.4 million tonnes per annum shall be for Jurassic Limestone.

Insert a new paragraph within the supporting text that states:

"Jurassic limestone deposits form a ring around the Vale of Pickering on high ground much of which is in protected landscapes. Mineral working has taken place from sites within the deposits for many years and although the mineral is soft and therefore has a restricted range of uses, it nevertheless performs a significant role locally in aggregates supply. It is considered that specific policy support in the Joint Plan is necessary because of this role and also because alternative supplies could only be made available at greater haulage distances from the centre of the county which would be less sustainable outcome than maintaining adequate supplies locally. The Local market it recognised as having an economic growth area, and assured local supply of mineral would assist in the development needs of this part of the plan area. Locations for further working are addressed through specific site allocations in the Joint Plan, which have been subject to assessment, including in relation to their potential for impacts on landscapes and amenity interests. Policy support for continued availability of Jurassic Limestone, which is a well-established element of the supply of crushed rock in the locality, is important in that it could help to maintain an appropriate distribution of crushed rock and reduce the need to import stone from other sources in the plan area unnecessarily."

The policy wording is not consistent with the wording of NPPF (para 145). The NPPF requires the maintenance of at least 10 years and not a minimum land bank of 10 years as included in the Policy. In addition the requirement in the policy to source new resources from outside the National Park and AONBs is also not consistent with National Policy.

Suggested Modification:

reword to state:

A [minimum overall] land bank of AT LEAST 10 years will be maintained for crushed rock throughout the Plan period. A separate [minimum 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 a LANDBANK OF AT LEAST 10 YEARS [the overall landbank above the 10 year minimum period these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty AS FAR AS PRACTICAL.

Tarmac

0317/0563/M06/LC.U

The policy's requirement to source new reserves from outside the National Park and AONBs is not consistent with National Policy. Paragraph 144 of the NPPF requires that '...as far as practical, provide for maintenance of landbanks of non-energy minerals from outside National Parks, Areas of Outstanding Natural Beauty, World Heritage sites, Schedules Monuments and Conservation Areas.'

The current M06 policy seems to imply no future development in the National Park regardless of circumstances.

Suggested modification

The policy should be reworded to make it consistent with National Policy.

'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 from outside the National Park and Areas of Outstanding Natural Beauty AS FAR AS IS PRACTICAL.'

Tarmac

0317/0562/M06/LC.U

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

Suggested modification

The policy should be reworded to make it consistent with national policy.

' 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.'

Minerals Products Association

0115/0665/5.035/LC.U.DTC

Amend text to include reference to Jurassic Limestone.

4115/1043/MJP12/LC.U

Discounted Site.

The site contributes to the local economy and does not affect the local area in the way it is described in the Plan.

Suggested Modification

Include MJP12 within the Plan as an Allocated site

010: Maintenance of Primary Aggregate Supply

Historic England

0120/0045/M07/S

The Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.

Highways England

0112/0864/M07/S

Welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies key sensitivities, requirements and mitigation that need to be considered to deliver development at the identified sites.

Historic England

0120/0044/M07/U

We have concerns about the impact which mineral development from the following sites might have upon the historic environment: Land at Killerby (MJP21); Land at Home Farm, Kirkby Fleetham (MJP33); Land South of Catterick (MJP17). In all these cases, the Sustainability Heritage Impact Assessment considers that minerals extraction would be likely to have a “moderately negative effect” on the significance of nearby Listed Buildings. This is the second-highest degree of harm in the scoring system used in that Assessment. In all these cases, 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, Paragraph 132 makes it clear that “great weight” should be given to the conservation of those assets. The more important the asset, the greater the weight should be. 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 an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.

Suggested Modification:

In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either: (a) These allocations should be deleted, or (b) The extent of the allocations should be reduced to a size which would safeguard the setting of the nearby Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).

Highways England

0112/1250/M07/S

Have only assessed sand and gravel sites with an estimated annual output of over 150,000 tonnes as these have the greatest number of vehicle movements, the 4 sites below this level have not been assessed at this stage.

3824/0127/M07

There are many PROW routes crossing this area that could be lost. Restrict the area identified for extraction.

Historic England

0120/0096/AOSA/S

The Plan identifies there are a considerable number of designated heritage assets and Scheduled Monuments to the east of the River Swale. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to

mitigate the impact of the development upon them.

Highways England

0112/1255/AOSA/S

This Area of Search crosses the A168 near Dishforth. Any sites brought forward in this area would need to consider the impact on the Strategic Road Network including the potential for subsidence to ensure the stability of the Strategic Road Network.

Historic England

0120/0097/AOSC/S

The Plan identifies there are a considerable number of designated heritage assets and Scheduled Monuments to the east of the River Swale. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England

0112/1256/AOSC/S

The Area of Search is further from the Strategic Road Network to the north of Harrogate so is less of a concern to Highways England. However any site brought forward in this area must consider the impact on the Strategic Road Network as it is brought forward.

Ministry of Defence / Defence Infrastructure Organisation

0114/0018/MJP04

(Discounted Site) The site falls within the statutory 45.7m height consultation zone surrounding RAF Topcliffe and Dishforth. Any development exceeding this height should be referred to the MOD for review. The site also falls within the statutory birdstrike safeguarding zone, any restoration schemes which include wetland creation or open water bodies should be referred to the MOD.

Savills ***Do Not Consult***

2777/0656/MJP05/LC.U.DTC

It is considered that site MJP05 has been discounted prematurely and without sound basis and that it should be allocated as a preferred site. The site is perfectly located to serve the southern region of the Plan area and is the southernmost resource within the county, so closest to major markets for the aggregate. The anticipated life based on annual output allows for long-term supply of minerals and concerns about the Farnham Mires SSSI can be addressed through development requirements and the site is not within a flood risk area. The allocation of the site would help fulfil the requirement for additional provision of concreting sand and gravel.

Historic England

0120/0071/MJP06/U

Appendix 1:

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.

We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. We also support the requirement for restoration schemes using opportunities to reconnect the Henges to their landscape setting. However, given the potential for nationally-important archaeological remains on at least part 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 was a recommendation of the Sustainability Appraisal Heritage Impact Assessment and should be included as a Development Requirement.

Suggested Modification:

(in Appendix 1) Insert an extra bullet point before the third bullet point as follows "Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change Project)."

Highways England

0112/1251/MJP06/S

The site is not a concern to Highways England.

Ministry of Defence / Defence Infrastructure Organisation

0114/0009/MJP06

The site falls within a statutory safeguarding consultation zone for RAF Topcliffe. Development above 91.4m above ground level should be referred to the MOD for review. The site also falls in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Tarmac

0317/0550/MJP07/LC.S

Support the reinstatement of the full site allocation. The site would continue to contribute to meeting the requirements for the supply of sand and gravel in the southwards distribution area over the Plan period in accordance with Policy M07.

Ministry of Defence / Defence Infrastructure Organisation

0114/0010/MJP07

The site falls within a statutory safeguarding consultation zone for RAF Topcliffe. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Hambleton District Council

0053/0205/MJP07/S.LC.DTC

Although the Plan is considered sound, at a planning application stage NYCC should seek contributions to improve vehicular access onto the B2627. Restoration conditions should seek to maximise the area of land restored rather than water. Care should be taken to minimise any contamination of Ings Goit Beck, although it is acknowledged that this will be relocated.

Highways England

0112/1252/MJP07/S

The site is not a concern to Highways England.

Historic England

0120/0072/MJP07/U

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. We fully support the statement in the penultimate Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.

We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. However:- (a) Given the potential for nationally-important archaeological remains on at least part 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 was a recommendation of the Sustainability Appraisal Heritage Impact Assessment and should be included as a Development Requirement. (b) 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, a similar requirement should be included within the development Requirements section.

Suggested Modification: (New text in capitals)

(Appendix 1) (a) Insert an extra bullet-point as follows "Applications should be informed by a comprehensive archaeological assessment (including an evaluation against the framework set out in Managing Landscape Change Project)"

(b) Amend the final bullet-point "An appropriate restoration scheme using opportunities for habitat creation AND RECONNECTING THE HENGES TO THEIR LANDSCAPE SETTING...etc."

Highways England

0112/1254/MJP14/S

The site is not a concern to Highways England.

Natural England

0119/0645/MJP14

Natural England have an outstanding objection against a planning application for this site and do not consider that sufficient information has been provided at this stage to determine that the mineral extraction at this site will not destroy or damage the interest features for which Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI are designated. Also have concerns regarding the impact of the proposal on hydrology and geomorphology. We consider that there is insufficient evidence on which to base the assessment of this site in the Sustainability Appraisal and so we consider that it is not legally compliant.

We advise that unless sufficient evidence can be provided to rule out damage to Ripon Parks SSSI and River Ure Bank Ripon Parks SSSI this allocation should be removed from the Plan. Should the further evidence determine that the proposal cannot go ahead without damage to the SSSIs it will be for the County Council to determine whether there are other sustainability considerations which outweigh the damage to the SSSI. However we advise that as nationally designated sites the SSSIs should be given great weight in decision making.

Historic England

0120/0077/MJP14/S

We have been involved in discussions regarding the application for mineral extraction from this site which is currently awaiting determination. In our response, we commented that we concurred with the conclusions of Environmental Statement regarding the potential impact which mineral extraction might have on the setting of Norton Conyers house and its park and garden and that there is likely to be limited archaeological potential across the extraction area. Whilst there were likely to be significant deposits in the area proposed for top soil storage, under that scheme, these were excluded from any direct impacts. The application included proposals for tree planting along the edge of the quarry site and within the Registered Park. Subject to this landscaping being undertaken we considered that there would be no long-term impact upon heritage assets in its vicinity. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them. If the current Application is not approved, these will make those preparing alternative schemes for the development of this site (and those considering the appropriateness of any proposals which do come forward) aware of the need to take account of the Plan's Policies for the historic environment and the duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990. These should help to ensure that the development of this area takes place in a manner which will minimize harm upon these heritage assets.

Hambleton District Council

0053/0206/MJP14/S.LC.DTC.

Although the Plan is considered sound, at the planning application stage NYCC should seek an independent assessment of the impacts of working on local groundwater supplies and ensure that work is monitored regularly and robustly in order to minimise impacts on residential amenity.

Ministry of Defence / Defence Infrastructure Organisation

0114/0011/MJP14

The site falls within a statutory safeguarding consultation zone for RAF Topcliffe. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Yorkshire Wildlife Trust

0128/0929/MJP17/LC.U

The development of a large quarry located within the Yorkshire Wildlife Trust's Living Landscape for the Swale Washlands, close to a number of SINCS and the Reserve at Swale Lakes SSSI provides many opportunities to connect habitat and enhance biodiversity. To be consistent with the NPPF this should be flagged up in the site assessment.

Suggested modification to MJP17 proforma in Appendix 1: Amend the last bullet point under 'Development Requirements...' to read 'An appropriate restoration scheme using opportunities for habitat creation AND CONNECTIVITY AND PROVIDING GAINS FOR BIODIVERSITY, but which is also appropriate...!'

Historic England

0120/0076/MJP17/U

We have significant concerns about the impact which mineral development of this site might have upon the significance of the Grade II Listed Buildings at Gyll Hall and Rudd Hall. The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers that this site “forms an important part of the agricultural landscape context” of Rudd Hall and part of “the wider agricultural landscape (which) is also important to the setting” of Gyll Hall. As a result, the Heritage Impact Assessment considers 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. 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, Paragraph 132 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 an element which contributes to the significance of a number of Listed Buildings in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.

Suggested Modification:

In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either: (a) The allocation should be deleted, or (b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).

Ministry of Defence / Defence Infrastructure Organisation

0114/0014/MJP17

The site falls within a statutory safeguarding consultation zone for RAF Leeming. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Highways England

0112/1273/MJP17/S

This site is likely to be a replacement for MJP21 once reserves are exhausted. The site is not a concern to Highways England.

Highways England

0112/0889/MJP21/S

The majority of sites do not present any particular concerns. The exception is MJP21, Land at Killerby, which has the potential to generate concerning peak period traffic levels, it is expected that this can be mitigated through the planning process, with HGV movements during peak hours controlled by a condition. Traffic levels during off peak periods are not of concern.

Yorkshire Wildlife Trust

0128/0928/MJP21/LC.U.DTC

The development of a large quarry located within the Yorkshire Wildlife Trust's Living Landscape for the Swale Washlands, close to a number of SINCs and the Reserve at Swale Lakes SSSI provides many opportunities to connect habitat. To be consistent with the NPPF this should be flagged up in the site assessment.

Historic England

0120/0075/MJP21/U

We have concerns about the impact which mineral development in this location might have upon the Grade II Listed stable block to Killerby Hall and disagree with the conclusions in the Heritage Impact Assessment which accompanies the Sustainability Appraisal about the degree of harm that the development of this area would be likely to cause to this designated heritage asset. The Heritage Impact Assessment which accompanies the Sustainability Appraisal considers 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”. If that is the case, then the loss of this area must, according to the scoring system for assessing the magnitude of the impact in the Heritage Impact Assessment, have a “Moderate Negative Effect” upon that designated heritage asset. 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. When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 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 an element which contributes to the significance of a number of a Listed Building in its vicinity is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.

Suggested Modification:

In view of the fact that the harm to this Listed Building is incapable of effective mitigation, either: (a) The allocation should be deleted, or (b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site

which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).

Ministry of Defence / Defence Infrastructure Organisation

0114/0013/MJP21

The site falls within a statutory safeguarding consultation zone for RAF Leeming. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Historic England

0120/0073/MJP33/U

We have significant concerns about the impact which mineral development on this site might have upon the heritage assets in its vicinity. The Heritage Impact Assessment which accompanies the Sustainability Appraisal identifies that the loss of this site and its subsequent development for minerals development would be likely to have a “moderately negative effect” on the significance of the Grade II* Listed Buildings at Kirkby Fleetham. Under the appraisal system set out in the Heritage Impact Assessment, this is the second-highest level of harm to an asset which is considered to be of the second-highest Value (i.e. this harm is at the upper end of the spectrum of harm). The Heritage Impact Assessment also considers that it would have a “moderately negative effect” on the significance of the Grade II Listed Building 100 metres west of the site at Hook Carr Farmhouse. 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. The NPPF makes it clear that the Government considers Grade II* Listed Buildings to be in the category of designated heritage assets of the highest significance. When considering the impact of proposals upon the significance of a designated heritage asset, Paragraph 132 makes it clear that “great weight” should be given to the conservation of those assets. The more important the asset, the greater the weight should be.

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 an element which contributes to the significance of a number of Listed Buildings in its vicinity including to two to which the Government considers to be of the highest significance and to which the greatest weight should be given to their conservation is contrary to both the provisions of the NPPF and to the statutory requirements set out in the 1990 Act.

Suggested Modification:

In view of the fact that the harm to these Listed Buildings seems incapable of effective mitigation, either:- (a) The allocation should be deleted, or (b) The extent of the allocation should be reduced to a size which would safeguard the setting of these Listed Buildings, or (c) The Plan needs to explain what public benefits justify the Allocation of a site which is likely to result in harm to the significance of a designated heritage asset (as is required by NPPF, Paragraph 133 or 134).

Environment Agency

0121/0699/MJP33/S

MJP33 lies immediately adjacent to the River Swale and this is not currently listed as a key sensitivity in the proforma on p.25 of Appendix 1. Any work on the site must not result in any pollution, including sediments, entering the river from the site. The operations must also not impact upon the geomorphological processes of the river i.e. increase erosion or deposition elsewhere.

Suggested modification to MJP33 Proforma: Add 'IMMEDIATELY ADJACENT TO THE RIVER SWALE' to the key sensitivities and development requirements section.

Highways England

0112/1253/MJP33/S

The site is not a concern to Highways England.

Ministry of Defence / Defence Infrastructure Organisation**0114/0012/MJP33**

The site falls within a statutory safeguarding consultation zone for RAF Leeming. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

Aggregate Industries**1100/0435/MJP33/LC.S.DTC**

Support the inclusion of this site. The site benefits from advanced tree planting to screen the extraction areas and a draft Environmental Statement has previously been prepared to support this allocation.

Natural England**0119/0646/MJP35**

(Discounted Site) We note the discounting of this site. We previously raised concerns regarding the assessment of the site in the Habitat Regulations Assessment.

Ministry of Defence / Defence Infrastructure Organisation**0114/0020/MJP35**

(Discounted Site) The site falls within the statutory 91.4m height consultation zone surrounding RAF Linton on Ouse. Any development exceeding this height should be referred to the MOD for review. The site also falls within the statutory birdstrike safeguarding zone, any restoration schemes which include wetland creation or open water bodies should be referred to the MOD.

Hambleton District Council**0053/0207/MJP43**

(Discounted Site)
The exclusion of this site is supported.

Ministry of Defence / Defence Infrastructure Organisation**0114/0019/MJP51**

(Discounted Site) The site falls within the statutory 45.7m height consultation zone surrounding RAF Topcliffe and Dishforth. Any development exceeding this height should be referred to the MOD for review. The site also falls within the statutory birdstrike safeguarding zone, any restoration schemes which include wetland creation or open water bodies should be referred to the MOD.

Historic England**0120/0046/5.038/S**

The Preferred Area at Oaklands (MJP07) 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. We fully support the statement in this Paragraph that the potential for mineral development may be for a significantly reduced area than that shown.

Highways England**0112/0865/M08/S**

Welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies key sensitivities, requirements and mitigation that need to be considered to deliver development at the identified sites. We do not consider any of the sites to present any particular concern in terms of impact on the Strategic Road Network.

Historic England

0120/0047/M08/S

The final Paragraph of this Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.

Plasmor Ltd

0057/0643/M08/S.DTC

The approach in Policy M08 is supported.

Ryedale District Council

0116/1010/M08/S

It is considered that the policy is appropriate and meets each of the soundness tests.

Historic England

0120/0088/MJP22/S

There are a number of designated heritage assets which could be affected by the proposed development of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Historic England

0120/0082/MJP30/S

There is a high likelihood of important archaeological remains in this area some of which may, potentially, be of national importance. The Vale of Pickering area exhibits evidence of continuing human habitation and activity from the early prehistoric periods through the Roman period, and up to the present day. The buried prehistoric landscapes and the unique, continuous “ladder” settlements are an extraordinary survival of human activity on a landscape scale, preserved beneath thick sand-blown deposits across the Vale.

We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this building and the other heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Plasmor Ltd

0057/0640/MJP44/S.DTC

Support the allocation of MJP44. The site will provide a source of sand for use in the manufacturing operations at the Plasmor block making plant.

Plasmor Ltd

0057/0641/MJP54/S.DTC

Support allocation of MJP54, it will provide a source of building sand during the Plan period. It is noted that a key sensitivity for this site is the potential impact on best and most versatile agricultural land. The site comprises land previously disturbed by mineral extraction operations and woodland and no longer comprises best and most versatile agricultural land.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)**1461/0491/M09/U.DTC**

The evidence base supporting the policies does not support the identification of a separate landbank for Magnesian Limestone or allocation of sites and it should be removed from the Plan.

Highways England**0112/0866/M09/S**

Welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies key sensitivities, requirements and mitigation that need to be considered to deliver development at the identified sites. We do not consider any of the sites to present any particular concern in terms of impact on the Strategic Road Network.

Ryedale District Council**0116/1011/M09/S**

It is considered that the site specific policy is appropriate and meets each of the soundness tests. Ryedale Council supports the fact that the allocation of Whitewall Quarry has not been taken forward into the Plan, following recognition in the completed assessment process of the high potential adverse impact associated with traffic generation on Malton and Norton.

Historic England**0120/0048/M09/S**

The final Paragraph of this Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.

Settrington Estate**3754/0201/MJP08/LC.U.DTC**

Strongly object to the inclusion of this site within the Plan. There is no justified need set out in the Plan.

The proposed site is close proximity to residential properties which already experience disruption from quarrying activities at the site. Although there is reference to mitigation measures, there is no information on how this mitigation will occur. The current operations do not effectively address these issues so the extension, as proposed in this allocation, would potentially only make things worse. For example the prevention of dust and on the road is inadequate. Noise is a significant issue as a result of blasting, as is the impact blasting has on the structures of nearby properties. The site assessment doesn't take account of health and wellbeing. Additional concerns include: impact upon protected species and loss of agricultural (Grade 3) land. Restoration of the site should commence. A site visit is recommended.

Suggested Modification:

Discount MJP08 due to lack of need, adverse impact on neighbouring residents in respect of noise, dust, health, safety and wellbeing.

Historic England**0120/0081/MJP08/S**

There are a number of designated heritage assets in the vicinity of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England**0112/1260/MJP10/S**

The site is not a concern to Highways England.

Historic England

0120/0078/MJP10/S

There are a number of designated heritage assets in the vicinity of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of the heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England

0112/1259/MJP11/S

The site is not a concern to Highways England.

Historic England

0120/0074/MJP11/S

The following designated heritage assets could be affected by the proposed extension of the existing quarry onto this site: There is a Grade II Listed dovecote 640 metres from the eastern edge of this site. Northern edge of Masham Conservation Area is 1.6 km to the south of this site; Grade II Listed Low Mains Farmhouse lies just over 1 km from the western edge of this site; Grade II Listed Low Burton Hall lies 1.2 km from southern boundary. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets and, in the Development Requirements Section, for proposals to mitigate the impact of the development upon them.

Ministry of Defence / Defence Infrastructure Organisation

0114/0017/MJP11

The site falls within a statutory safeguarding consultation zone for RAF Leeming. Development above 15.2m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

4141/1024/MJP12/LC.U

(Discounted site)

MJP12 has been discounted, this is unsound. The Quarry provides local employment and these jobs should be safeguarded.

The quarry activities area no known to affect neighbouring properties. If the quarry were to shut then those who depend on the site would suffer.

Suggested Modification

Allocate MJP12 in the Plan.

4125/1032/MJP12/LC.U

(Discounted Site)

MJP12 is crucial to the Local Farming community, supplying lime products and building material for new agricultural buildings. The continuation of the site would have no adverse impacts on Local businesses.

Suggested Modification

To make the Plan sound include MJP12 as an allocation and remove references to impact on the economy and adverse impact on traffic from the quarry on the local

community.

4124/1031/MJP12

(Discounted Site)

MJP12 is a viable asset to the local farming and construction industries.

Suggested Modification

To make the Plan Sound include MJP12 as an Allocation within the Plan.

4139/1048/MJP12/LC.U

Discounted site.

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described in the Plan.

Suggested Modification

Include MJP12 Whitewall Quarry within the Plan

B C Wilson

4127/1041/MJP12/LC.U

Discounted Site.

The Plan is unsound due to the exclusion (discounting) of Whitewall Quarry. Ensuring a local supply of calcium lime is important. There are limited resources of this material in the North and availability of supply is important to the local farming community and the economy. If this resource from whitewall was lost material would have to be imported from further afield, resulting in increased costs and a higher carbon foot print. A loss of supply would result in low yields and poor productivity in the region leaving the farming community at a financial disadvantage.

Suggested Modification.

Allocated MJP12 Whitewall within the Plan

Scothern Construction Ltd

4122/1030/MJP12/LC.U

(Discounted Site)

Whitewall quarry (MJP12) is crucial to the construction industry in the area. The site provides aggregate and ready mix concrete which would have to be sourced from elsewhere adding additional cost and affecting the ability to be competitive. As it stand the policy is unsound.

Suggested Modification

To make the Plan Sound include MJP12 as an allocated site for crushed rock.

Tim Fitzgerald Racing

4140/1049/MJP12/LC.U

Discounted site.

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described in the Plan.

Suggested Modification

Include MJP12 Whitewall Quarry within the Plan

R Yates and SWS Ltd

4121/0631/MJP12/LC.U

(Discounted site)

The policy, as currently drafted, is unsound as it does not allocate MJP12 Whitewall Quarry. The quarry is a long standing local business contributing to the local economy and providing local jobs. The site has no adverse impact on the area. Many local companies rely on products from the Quarry for their own business. The closure would result in increased traffic from bringing in materials.

Suggested Modification

To make the MWJP Sound MJP12 (Whitewall Quarry) should be allocated for future extraction of crushed rock.

Norton Aquaria

4123/1050/MJP12/LC.U

(Discounted Site)

MJP12 Whitewall Quarry is a long standing local business, providing local job. The traffic from the site is not known to impact on local businesses.

Suggested Modification

Include MJP12 within the Plan as an Allocated the site.

Malcolm Hadfield Saddlery

4138/1044/MJP12/LC/U

Discounted Site.

The reasons given for discounting this site 'volumes of heavy traffic... and significant adverse impact on local communities' are untrue and the Plan is unsound.

Suggested modification

Support the inclusion of MJP12 though its allocation within the Plan.

Granery House Stables

4132/1038/MJP12/LC.U

Discounted Site,

The quarry has been in operation many years. I have been training horses in the area for 30 years and have not been impacted by the quarry by any of the reasons listed in the Plan.

Suggested Modification

The view that the site impacts on the horse racing industry are unfounded and should be removed from the reasons given. Include though allocation MJP12 Whitewall

quarry within the Plan.

Worlds Way Caravan and Camping

4126/1033/MJP12/U

Discounted Site.

The site is important to the local economy both in terms of provider of local jobs and bringing money into the area. It reduces transport distances on stone and concrete products.

Suggested Modification

Include MJP12 as an Allocation in the Plan.

Acorn Community Care

4133/1039/MJP12/LC.U

The Operator has supported this Charity and the loss the company would be a sad loss. Traffic congestion has been used as reason for discounting the Site. Quarry traffic has not noticeably increased over the years the site has been operating. Recent improvements to the road network (additional roundabout at Brambling fields) has resulted in a reduction in HGV traffic in the area. The quarry provides local jobs and supports the local economy.

Suggested Modification

Include Whitewall Quarry within the Plan.

Ellison Racing

4137/1040/MJP12/LC.U

Discounted Site

The reasons given for Discounting the site (Impact on the economy, including horse racing, amenity issue, noise, dust, vibration and quality of life) are unfounded and untrue. Running a local stables in close proximity to the sites I have first hand knowledge that would suggest these statements are untrue.

Suggested Modification

Allocate Whitewall in the Plan.

Derek Fox Butchers

4136/1045/MJP12/LC.U

Discounted site.

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described in the Plan.

Suggested Modification

To make the Plan sound Include MJP12 Whitewall Quarry within the Plan and remove references regarding negative impacts on the local economy and the references to adverse traffic impacts associated with the site.

4104/0724/MJP12/U

(Discounted Site)

Whitewall quarry provides Calcium limestone, a resource that is scarce in supply. The Product is used on farms, Magnesium Limestone on farms would result in 'Fertiliser Lock Up' which would result in lower yields.

Suggested Modification

To make the Plan sound, Include Whitewall Quarry as an Allocated site based on the lack of calcium limestone quarries in North Yorkshire.

4128/1034/MJP12/U.DTC

The Plan is not legally compliant on the basis of the assessment of MJP12 which states that the site would adversely impact on the economy of the local area, including the horse racing industry, traffic impacts and amenity issues, including noise, dust, air quality. These assessments are untrue and the site is not causing an impact on the area or the horse racing industry, in fact many of the stables use products from the quarry. The quarry is a local employer which contributes to the local economy. Since the construction of Bramley field's roundabout traffic (including cars and vans not just HGVs) has reduced. The loss of the site would result in a loss of local employment.

Suggested Modification

To make the Plan Legally Compliant Include MJP12 within the Plan.

Barneys

4129/1035/MJP12/LC.U

Discounted Site.

The Quarry is a local business and contributes to the local economy. Businesses aren't affected by traffic generated by the site.

Suggested Modification

Include MJP12 Whitewall quarry within the Plan

Massers Photo Shop

4130/1036/MJP12/LC.U

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described in the Plan.

Suggested Modification

Include MJP12 Whitewall quarry within the Plan

JB Motors

4135/1047/MJP12/LC.U

Discounted site.

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described in the Plan. The loss of this site would impact on the continued success of the town.

Suggested Modification

Include MJP12 Whitewall Quarry within the Plan

Brian Rothwell Racing

4134/1046/MJP12/LC.U

Discounted site.

The quarry and its workforce have been a part of the local community and its economy for many years. The area is not affected by the site in the way it has been described by the 'key sensitivities' in the Plans supporting documents.

Suggested Modification

Include MJP12 Whitewall Quarry within the Plan

Norton Action Group

2854/0104/MJP12

(Discounted Site) We support the discounting of this site and would like the following reasons to be given to the justification for discounting it.

The land either side of the Welham road have been allocated for future housing.

The site (extraction and ancillary development) do not meet the requirements of Policy SP6 of the Ryedale Local Plan which prescribes the criteria which must be met for industrial development in the open countryside. Traffic Impacts and inadequate roads, the recent introduction of 13 tonne weigh limit at Kirkham Priory now restricts vehicles joining southbound on the A64, this will increase quarry vehicles travelling in to Malton/Norton which would be contrary to Policy SP6 of the Ryedale Local Plan. A recent Planning Inspectorate report into the Asphalt development at the site found that the traffic movements would increase the traffic which "would not contribute to the vitality, viability and attractiveness of Norton... as such the routing arrangements proposed would undermine the aims of Policy SP7" (of the Ryedale Local Plan).

Norton Action Group carried out a traffic survey of quarry vehicles travelling along Welham road found that 118 vehicle movements took places where as the Operator proposals states 77 vehicle movements. The site is located on the crest of a hill and would have an adverse visual impact on the area when viewed from the south.

(A copy of the Traffic Survey was submitted along with this representation).

4118/1027/MJP12/LC.U

(Discounted Site)

The quarry provides essential products to the local farming community, including concreting products and agricultural lime.

Suggested Modification

In order to make that the Plan sound and ensure that no adverse impacts on the environment and local amenity the proposed site should be allocated within the Plan.

R & G Thompson

4109/0736/MJP12/LC.U

(Discounted Site)

The Plan is not Legally Compliant is unsound on the basis that insufficient consideration has been given to the importance of Calcium based Limestone quarries within the Plan. A lack of this product would result in lower stock yields due to fertiliser lock up by overuse of magnesium Lime. There is a lack of calcium lime available.

Suggested Modification

Allocate Whitewall Quarry.

W Clifford Watts & Co Ltd

1157/1022/MJP12/LC.U.DTC

The reinsertion of the allocation at Whitewall Quarry (MJP12) is sought, which prior to the Publication Draft the company was expecting, in order to provide Jurassic Limestone. The site is important for mineral supply and minerals can only be worked where they are found and whilst there will inevitably be conflicts between mineral working and the environment and local amenity, these should be managed to acceptable levels. Policy M06 should be changed as following: "Requirements for Magnesians

AND JURASSIC Limestone over the Plan Period ... Land at Potgate Quarry (MJP10) JURASSIC LIMESTONE ALLOCATIONS: ALLOCATIONS REQUIRED IN ORDER TO MEET REQUIREMENTS DURING THE PLAN PERIOD: LAND AT SETTRINGTON QUARRY (MJP08) LAND AT WHITEWALL QUARRY (MJP12) Maintenance of supply of crushed rock ... allocated sites at: [Land at Settrington Quarry (MJP08)] Land at Darrington Quarry (MJP24) (retention of ...) Proposals for the ... Set out in Appendix 1.

4113/1025/MJP12/LC.U

(Discounted Sites)

The policy is unsound as it does not include MJP12. The loss of this site would adversely affect local businesses. The Site provides calcium lime products to the agricultural industry, sources of calcium lime are scarce in the region. Without a local supply of this material farmers would have to import material increasing their costs but also impacting on transport increases creating an adverse environmental impact.

Suggested Modification

Allocate MJP12 within the Plan.

Stuarts Fish and Chips

4114/1042/MJP12/LC.U

Discounted Sites.

Some of the reasons for discounting the site (impact on the economy, traffic impacts... significant adverse impact upon local communities) are unfounded and cannot be reasonably justified.

Suggested Modification

Support the site though its inclusion and allocation within the Plan.

4116/0723/MJP12/LC.U

(Discounted Site)

Whitewall quarry provides Calcium limestone, a resource that is scarce in supply. The Product is used on farms, Magnesium Limestone on farms would result in 'Fertiliser Lock Up' which would result in lower yields.

Suggested Modification

To make the Plan sound, Include Whitewall Quarry as an Allocated site based on the lack of calcium limestone quarries in North Yorkshire.

Dring Stone Ltd

4101/0576/MJP12/LC.U

Discounted Site

The discounting of this site would adversely affect some local businesses in the area. The Quarry provides a vital resource of vernacular Limestone for the region. The stone produced at the quarry has a particular quality, colour, block size that cannot be matched from other sources. If the stone is left unprocessed in a stockpile, natural weathering processes can adversely affect the colour and quality of the stone. It is essential that access to newly excavated rock faces can be made as it is required. The quarry contributes to the local economy and reduces the carbon footprint of Limestone products.

Suggested Modification

Allocate MJP12 within the Plan.

Support the discounting of Site MJP12 for the extraction of Jurassic Limestone at Whitewall Quarry. Find the Local Plan to be sound and legally compliant.

T Elsey Tyres Ltd

4112/1292/MJP12/LC.U

(Discounted Sites)

Whitewall quarry employs a large amount of local people. The Town needs commercial activity to keep it vibrant and prosperous. Traffic impacts are minimal. The closure of the site would result in a loss of employment, both directly and indirectly. There need for the quarry products would still remain. Sourcing these for outside the area would lead to increased costs, haulage distances and result in increased environmental impact.

Suggested Modification

To safeguard local employment, allocate MJP12 within the Plan.

Declan Carroll Racing

4131/1037/MJP12/LC.U

Discounted site.

The Plan is not legally compliant on the basis the MJP12 will impact on the economy including the local horse racing industry. Running a local horse training company in close proximity to the site at no point last year have operations from the quarry caused a detrimental effect to the horses. It is a concern that a local company which supports the local economy would close.

Suggested Modification

Include MJP12 and as an Allocation within the Plan.

D & E Farm Services

4119/1028/MJP12/LC.U

(Discounted Sites)

The policy is unsound as it does not include MJP12. The loss of this site would adversely affect local businesses. The Site provides calcium lime products to the agricultural industry, sources of calcium lime are scares in the region. Without a local supply of this material farmers would have to import material increasing their costs but also impacting on transport increases creating an adverse environmental impact.

Suggested Modification

Allocate MJP12 within the Plan.

Get Stuffed Sandwich Shop

4120/1029/MJP12/LC.U

(Discounted Site)

Whitewall quarry is a local business whose vehicles are not known to disrupt detrimentally other local businesses, and in fact the quarry and its customers often provide trade to other local businesses.

Suggested Modification

To make the Plan sound MJP12 should be allocated.

YTC

4117/1026/MJP12/LC.U

(Discounted Site)

The quarry is a long established business and local employer in the area. Traffic from the quarry is not known to have any adverse impacts on local business. The Site provides material to the local area, which also brings new customers to the town.

Suggested Modification

it would be short-sighted to close this site, the quarry is essential to the town and as such should be included in the Joint Plan.

Highways England

0112/1262/MJP23/S

This is an existing quarry with an extension proposed to extend operations at the site. A planning application for the area is currently awaiting determination and traffic on the A64 has been highlighted as a consideration. Highways England would seek to limit any increase in operations above current levels as while there is unlikely to be significant impact off peak there could potentially be a peak hour issue at the junction which should be addressed through the planning process.

Historic England

0120/0087/MJP23/S

There are a number of designated heritage assets which could be affected by the proposed development of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England

0112/1266/MJP24/S

The site is not a concern to Highways England.

Doncaster Metropolitan Borough Council

0095/0109/MJP28

We support the inclusion of Barnsdale Bar MJP28.

Historic England

0120/0086/MJP29/S

There are a number of designated heritage assets which could be affected by the proposed development of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England

0112/1261/MJP29/S

The site is not a concern to Highways England.

Doncaster Metropolitan Borough Council

0095/0110/MJP29

We support the allocation of Went Edge (MJP29) quarry in the Plan.

Minerals Products Association

0115/0666/5.046/LC.U.DTC

Amend the paragraph as follows: New Text In CAPITAL Deletions in brackets [e.g.].

During preparation of the Joint Plan, sites for working other crushed rock resources (Carboniferous Limestone [and Jurassic Limestone]) were put forward for consideration. No specific requirement has been identified for the release of further reserves of THIS TYPE of crushed rock in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations [for these] is a priority for the Joint Plan. HOWEVER, IT IS CONSIDERED THAT POLICY SUPPORT IS NEEDED FOR THE EXTRACTION OF JURASSIC LIMESTONE IN VIEW OF ITS IMPORTNACE TO THE LOCAL AGGREGATES MARKET AND LACK OF ALTERNATIVES. FURTHER RESERVES OF XX MT WILL be needed to maintain a 10 year landbank at 31 December 2030. [of the four sites put forward, only one is considered suitable for allocation. The reserves in this site (1.7mt) could] ALLOCATIONS AT XXX AND XXX will help to sustain.....

Highways England

0112/0867/M10/S

No significant concerns about this policy. Welcomes the inclusion of Criteria iii) which ensures development is consistent with the Plans develop management policies, which should ensure appropriate consideration is given to any consequential changes in trip generation and the potential implications for supporting transport infrastructure.

011: Secondary and Recycled Aggregates

The Marine Management Organisation (MMO)

0268/0023/5.055

The individual reference to the East plan policies in welcomed. However, the reference to the East Inshore and Offshore plan areas states that these are published by DEFRA, this is incorrect, it was the Marine Management Organisation (MMO).

Suggested Modification:

Amend the publisher form DEFRA to the Marine Management Organisation.

Historic England

0120/0049/M11/S

The landscape character of a number of areas within North Yorkshire (including large areas within the North York Moors National Park) and the significance of some of its heritage assets is the result of previous extractive and industrial activities. In these areas, the waste from these processes now contributes to the distinctive character of the local area, it may be of archaeological importance, and can also, potentially, contribute to understanding of past industrial activity. It is important, therefore, that any proposals for reworking such areas are carefully examined against the potential harm they might have upon those elements which contribute to the landscape character and the contribution they make to the significance of heritage assets in the area.

012: Silica Sand

Norfolk County Council

2768/0200/M12/LC.S.DTC

The Policy is Sound, Legally Compliant and the requirements of the Duty to Cooperate have been met. The Policy as worded is welcomed.

4152/0713/M12

The proximity of the existing Burythorpe Silica sand Quarry is another health risk to residents. Silica sand is well known to be a factor in the development of Silicosis, COPD and Lung Cancer. The MWJP should provide mandatory Baseline Health Impact assessment to be undertaken prior to any further excavation being carried out.

Minerals Products Association

0115/0676/MJP15

(Discounted Site)

Allocate Blubberhouses Quarry to provide clarify the importance of the site rather than relying on a criteria based policy which then need to pass tests contained in Policy D04.

Natural England

0119/0647/MJP15

Note that MJP15 - Blubberhouses has been discounted.

Hanson UK

1102/0634/MJP15/U

Allocate Blubberhouses Quarry (MJP15) to provide clarity as to the importance of the Site rather than rely on a criteria based policy which needs to then pass tests contained within Policy D04.

Minerals Products Association

0115/0675/5.066/U.DTC

This Paragraph is not consistent with national Policy for silica sand. This needs to be reviewed against the requirements of Policy D04 and the fact the Blubberhouses site is not proposed to be allocated by the Mineral Planning Authority. The justification for non allocation given is that the Blubberhouses site lies within the Nidderdale AONB. A location in the AONB is not in itself a reason for not allocating a site especially for a mineral of national importance. There is a permitted silica sand site in the AONB in Surrey. The Blubberhouses quarry was established in the late 1980s whereas the AONB was established in 1994 and therefore in full knowledge and account of the presence of the Quarry.

Hanson UK

1102/0633/5.066/U

Para 5.66 is inconsistent with national policy for silica sand. This needs to be viewed against the requirements of Policy D04 and the fact that the Blubberhouses site (MJP15) is not proposed to be allocated by the MPA. The justification of non-allocation given is that the Blubberhouses site lies within the Nidderdale AONB (see DTC Statement (Nov 2016) and para 7.99). A location within the AONB is not in itself a reason for not allocating a site especially for a mineral of national importance. A permitted silica sand site is located within an AONB in Surrey. The Nidderdale AONB was established in 1994 and therefore with full knowledge and account of the presence of Blubberhouses Quarry which was established in the mid/late 1980's.

Minerals Products Association

0115/0677/5.068/LC.U.DTC

This paragraph is incorrect. Silica sand is not based on a mineral planning authority having a 10 year landbank, it is about individual sites having at least a 10 year stock of permitted reserves.

Suggested Modification:

Redraft the paragraph to properly reflect the NPPF (para 146).

NYCC Highways

1153/0487/5.072

The strategic importance of the east-west connectivity to support growth is identified in the Strategic Transport Prospectus for North Yorkshire and further emphasised in

North Yorkshire County Council's LTP4. The A59 between the A1(M), Skipton and onwards to East Lancashire is a key strategic transport priority. Highways improvements, including the potential re-routing of this route, are required to maintain east-west connectivity and to build resilience into the network, these investigations are on-going.

Suggested Modification

Re-word paragraph 5.072 to strengthen the strategic transport priority of A59 Kex Gill, the ongoing investigations and the need for a solution.

"A further relevant consideration in respect of Blubber houses Quarry is that NORTH YORKSHIRE 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 DIFFINITIVE PROPOSED REALIGNMENT IS NOT YET AVAILABLE AND THERE IS NO SAFEGAURDED ROUTE. WORK IS CURRENTLY ONGOING IDENTIFYING POTENTIAL OPTIONS, HOWEVER THERE IS PROTENTIAL 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 CUULATIVE IMPACT TAKEN INTO ACCOUNT WHERE NECESSARY.

013: Clay

Plasmor Ltd

0057/0642/M13/S.DTC

The approach in Policy M13 is supported.

Highways England

0112/0868/M13/S

Welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies key sensitivities, requirements and mitigation that need to be considered to deliver development at the identified sites. We do not consider any of the sites to present any particular concern in terms of impact on the Strategic Road Network.

Historic England

0120/0050/M13/S

The Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.

Plasmor Ltd

0057/0637/MJP45/S.DTC

Support the allocation of MJP45. The allocation of the site provides for the remaining mineral reserves at Hemingbrough to be extracted (subject to access) and will provide a source of clay which is essential for the ongoing manufacturing operations at the Plasmor block making plant.

The boundary of the site MJP45 has been revised since preferred options to remove the areas which are now the part of the planning permission granted in March 2016, this change in boundary is supported.

Highways England

0112/1257/MJP45/S

The site is not a concern to Highways England.

Historic England

0120/0092/MJP52/S

The site is in close proximity to the Upper Poppleton Conservation Area and lies within the York Green Belt. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Long Marston Parish Council

0752/0289/MJP52

Concerns over increased traffic with 80 plus vehicles accessing the site per day via the A59.

Nether Poppleton Parish Council

1096/0102/MJP52/U

Extraction at this site was compulsorily halted by City of York Council's Environment Department because of the impact upon the environment, neighbouring businesses and increasing flooding in the area. The access track is unsuitable. There is no consideration to the Historic Character setting of the villages of Nether with Upper Poppleton. The site does not comply with policies I02 and D12 of the Draft Joint Minerals and Waste Plan.

Modification Required:

A proper traffic impact assessment should be carried out. A flood risk assessment on the Foss Beck (not the Foss river).

Upper Poppleton Parish Council

0918/1452/MJP52

The Parish Council object to the site. The site is on grade 2 agricultural land and within the York Green Belt. The access is a single track road, if it is widened it could increase the likelihood of accidents at the junction, so no vehicles should turn left out of the junction. The increased traffic as a result of the site could have an impact on the local community and amenities. The site could affect the water tables in the area. Restoration should return the land to agriculture.

3697/0175/MJP52

Support for the inclusion of the Site and the Plan as drafted.

4078/0122/MJP55

Concerned about the traffic impact and the inadequacy of the road network to accommodate additional HGVs.

Historic England

0120/0085/MJP55/S

We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Yorkshire Wildlife Trust

0128/0922/MJP55/LC.U

The information on this site in Appendix 1 does not include the information that the York to Selby Cycle Path is a Site of Importance for Nature Conservation (SINC) and runs

through the centre of the site. This provides further evidence of the value of the site for biodiversity. Given the sensitivities of the site there should be at least a partial restoration to nature conservation with a long term management plan and endowment. The restoration should focus on habitat connectivity in the area, with potential to connect habitat from north to south along the cycle path and east west along dykes and drains which run between the Ouse and Derwent. The restoration could potentially include ponds and wetland areas as brick ponds can be particularly valuable for aquatic invertebrates. This would be consistent with para 109 and 114 of the NPPF.

Suggested modification to MJP55 proforma in Appendix 1: Replace text against 'Possible site restoration and aftercare' with 'DETAILED DESIGNS SHOULD INCLUDE PARTIAL RESTORATION TO NATURE CONSERVATION, POTENTIALLY INCLUDING PONDS AND WETLAND AREAS, SO THAT HABITAT IS CONNECTED UP IN THE AREA'. Amend the 1st bullet point under 'Key sensitivities identified by Site Assessment' to read 'Heron Wood SINC, THE YORK TO SELBY CYCLE PATH SINC and ancient woodland...'

4083/0285/MJP55

Object to the allocation of land to the west of Escrick Business Park (MJP55) for quarrying due to the intrusion on an otherwise rural landscape. The site is currently good quality agricultural land and the loss of this would be inappropriate. This allocation would generate substantial traffic adding to an overloaded A19 corridor.

Highways England

0112/1258/MJP55/S

The site is not a concern to Highways England.

Escrick Parish Council

0537/0584/MJP55/LC.U.DTC

The text in para 5.77 confirms that there is no certainty as to whether any of site MJP55 will be required and, if it is, that only a small part will be required. Appendix 1 pp. 77-80 shows that the site could extend to as much as 112ha, with a huge detrimental affect on the local environment as set out in the analysis. The current allocation contains no controls on how much of the site could potentially be needed but it is obvious that only a much smaller part of the site could potentially be required. Leaving the area as currently proposed leaves the developer with little constraint to minimise the areas to that realistically required for the Plan period. The area must be reviewed and reduced to the appropriate size in the optimum location before the Plan can be found sound. The Plan is prepared to provide certainty and this is not provided currently. The Site area being proposed far exceeds what could potentially be required and the Preferred Area needs to be drastically reduced to that genuinely required, avoiding the most sensitive locations to meet its other planning obligations contained in the Plan. Please provide to the Planning Inspector previous representations made on this matter to consider full concerns.

Suggested modification to MJP55: In Appendix 1 replace the site description and map following a full analysis of the Site.

Plasmor Ltd

0057/0638/MJP55/S.DTC

The allocation of MJP55 is supported. It will provided a long term source of clay during the Plan period which is essential for the ongoing manufacturing operations at the Plasmor block making plant

014: Building Stone

Minerals Products Association

0115/0678/5.084/LC.U.DTC

The NPPF refers to "demand for small scale extraction of building stone" in terms of determining applications, rather than setting policy. In doing so it requires that the 'Small scale nature and impact' of such quarries is taken into account. 'Small scale' is not defined, and so should reflect local circumstances, including the market for the material which may be wider than 'local' and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning

considerations.

The concern is that paragraph 5.084 when read in conjunction with M15 could lead to incorrect interpretation of National Policy.

Suggested Modification:

Rewrite to accurately reflect national policy.

Historic England

0120/0051/M15/S

We support the approach to the supply of building stone that is set out in this Policy. North Yorkshire's rich architectural heritage owes much to the great variety of stones used in its buildings and other structures. It is essential, therefore, that the plan sets out a framework which will support the delivery of the necessary supplies of new matching stone which are needed for repair and restoration of the area's heritage assets and for new construction within sensitive areas. Given the importance of this resource and the contribution which locally-sourced building and roofing stone plays in delivering the Objectives for conserving and enhancing the historic environment which are set out in the numerous Local Plans within this part of Yorkshire, it is essential that the Joint Minerals and Waste Plan clearly expresses its support for the principle of the continued production of such stone. For the repair and restoration of some heritage assets, it will be essential that the material used comes from the original source of the building stone or, where they exist, from a compatible quarry source. Therefore, in some cases, the only option will be to reopen a face on a currently-disused or dormant quarry. Therefore, we welcome Criterion (1)(iii).

Ryedale District Council

0116/1008/M15/S

It is considered that the proposed site specific policy is appropriate and meets each of the soundness tests.

Historic England

0120/0083/MJP63/S

We support the allocation of this site as a Preferred Area for the Supply of Building Stone. Stone from the adjacent site has been used for the construction of a number of important buildings in the local area and the material from this site would help the maintenance and repair of the heritage assets in the local plan.

Historic England

0120/0052/MJP63/S

We support the Allocation of MJP63 (Brows Quarry) as a preferred area for the supply of building stone. Stone from the adjacent site has been used for the construction of a number of important buildings in the local area and the stone from this extension would help the maintenance and repair of the heritage assets in the County.

015: Hydrocarbons

2256/0183

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0744/U

The current approach is flawed. There is a tension running throughout the Policies and Justification on the desire to limit the number of well sites (and wells), and at the same time, limit the amount of development on any one site. The Plan has not formed an opinion as to which would be the preferred development model.

3865/0947

Please ensure that all fracking proposals take into account the effect they may have on the Ryedale landscape, traffic, noise and light and the wider consequences of climate change.

4153/1302

The hydrocarbon policies address some concerns but fail to provide robust protection overall. Unconventional oil and gas exploration will introduce a range of impacts on local people including landscape and visual; health and wellbeing; water; biodiversity and highways impacts. There is sufficient scientific and case study evidence available to increase the effectiveness of the policies for local resident impacts.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0657/U

The policies in this section specifically concerned with hydrocarbon development have expanded beyond those in the Preferred Options Plan and contain a level of detail not attempted in the policies specific to other minerals and waste industries.

4153/1304

The Plan does not help meet the Council's legally binding commitments to reduce greenhouse gas emissions, with regard to fracking.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0746/U

The Plan sets out restrictions on the industry outside NPPG and other regulations/laws. The suggested controls go beyond that for other minerals and waste in several areas.

Third Energy Limited

2762/1360/U

The document overlaps into other regulatory areas. Planning guidance makes the regulatory position very clear for each process and regulator. Each in turn informs the other but the publication draft report seeks to override this, when it talks about regulatory gaps that are not reflected in government guidance or appeal decisions. The draft report delves into sub-surface issues which are not part of its remit, with the NPPF/NPPG clearly limiting the role of mineral authorities to surface issues.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0745/U

The current approach is flawed. The policies as written have a major impact on the on going development of conventional hydrocarbons that are hard to justify, considering the acknowledged (in the Plan) low level of impact of the existing industry.

Frack Free Harrogate District

4082/0377/U

The Plan, while identifying many of the safeguards needed, fails to ensure enough binding conditions upon applicants and to assert the precautionary principle. The weakness of this policy stance will encourage the fracking industry to take risks. It will prevent achieving legally binding climate change obligations. It will expose communities to the devastation that fracking has brought elsewhere, and that will inflict severe reputational damage on the Council.

3006/1060

By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan.

3844/0225/

It is unacceptable to allow fracking. More and more evidence is available showing the dangers to people and the Environment. The proposed safeguards in the Plan are inadequate.

Baseline monitoring should be undertaken.

The Plan should be flexible to respond to changing circumstances and new information as it becomes available.

Green Party

2966/0540

Include within the Plan a policy which requires any planning application to extract hydrocarbons to be accompanied by a climate change condition.

3821/0135

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

4153/1301

The Plan is not legally compliant, or meet the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004)

3821/0134

Policies M16-18 of the MWJP do not conform with Paragraph 94 of the National Planning Policy Framework relating to climate change.

3971/0419

Climate change has not been significantly looked at in line with the council's targets.

Frack Free Harrogate District

4082/0367/U

There is no plan to ensure that the Council's legally binding commitments to reduce GHG emissions can be fulfilled during the extraction, transmission, and use of fossil fuels produced by fracking.

Frack Free Harrogate District

4082/0366/U

The Policies in this section fail to meet the NPPF precautionary principle criteria. The Council has a duty to avoid undue risks to its communities and environments. It is required, in particular, to take a precautionary approach to the cumulative effects of its policies. Fracking can only prosper as an industry on a large scale. The Council's policies here appear, generally, to take a singular and short-term approach to the industry. At what point, for instance will water extraction for fracking grow to affect domestic and service supplies? At what point, on current evidence does a major and irretrievable event affecting water quality, agriculture, or tourism seem inevitable? At what point will multiple well heads generate intolerable levels of traffic, local pollution and environmental degradation? Without the guarantee that every application will be subject to a rigorous EIA and a firm commitment to act on the basis of scientific certainties about such protections, the Council's Plans remain unsound.

Frack Free Harrogate District

4082/0365/U

The Policies in this section fail to meet the NPPF local environment and health criteria. The impacts of unconventional gas exploration (which were well rehearsed in the 2015 draft consultation) are not addressed effectively here. There is no justification for this shortcoming. Sufficient reputable, peer-reviewed scientific and case study evidence exists across the world now to demonstrate the risks of fracking. These include water supply, quality and disposal; drilling accidents and damage to aquifers; public and personal health/wellbeing; visual and landscape degradation; HGV traffic volumes and air quality; light and noise pollution; wildlife; seismic events. Reference is made to these but no overall statement about robust protection - and no framework for action - on behalf of communities exists. The Council has legal duties to stand its ground on such protections and will be found wanting when the inevitable consequences of fracking start to emerge.

4153/0705

Hydraulic fracturing is an unnecessary environmental intrusion as there are a number of renewable energy alternatives.

Frack Free Harrogate District

4082/0364/U

The Policies in this section fail to meet the NPPF Climate change criteria. Legally the council is bound to ensure that policies must as a whole mitigate, and adapt to, climate change (Section 19 1a of the 2004 Planning Act). The Plan overall fails to meet this requirement. Specifically, in Policy M16, the impacts of extracting and burning fossil fuels, and the consequences of inevitable methane leakage, have been overlooked.

3971/0420

Water management is a serious concern, where is the water going to come from? Our water courses must be adequately protected.

3821/0131

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0741/U

The publication document deals with conventional and unconventional as techniques rather than geological constraints. The techniques are the same; it is the geology that dictates the process.

Stillington Parish Council

0874/0388

Auditing of the reliability and safety of the fracking process should be required.

4149/0936

Opposed to industrialisation by fracking, and all of the ramifications related it, in an area of natural beauty. Many PEDLs have been granted and this could lead to wells going up at a great rate. Mitigation should be considered before harm occurs.

2808/0378

In allowing fracking the policies are not compatible with climate change obligations, which would be impacted by emissions from wells and associated traffic movements.

Stillington Parish Council

0874/0387

There is a need for robust monitoring during operations including monitoring on behalf of, and reporting to, local communities.

4146/0941

The Joint Plan has not taken account of the Ryedale Local Plan, particularly in terms of policies relating to Landscape and visual impact.

NC Tech Insight Ltd

4151/0954

The proposed onshore natural gas industry in North Yorkshire is based on the process of hydraulic fracturing. This process injects water and chemicals into the rock strata of interest and subsequently allowed to return to the surface along with natural gas and additional contaminants such as heavy metals and naturally occurring radioactive material. This raises several issues beyond the remit of the Environment Agency and other UK regulators which should be dealt with more clearly in the Plan in order to give proper meaning in respect of compliance and tests of soundness.

3966/0151

It appears that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

2808/0379

Fracking would impact on Ryedale's unique landscape as well as impacting on wildlife, farming and people which would be at risk from pollution.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0742/U

The current approach is flawed. The industry is only at the very start of the exploration phase and it is unknown if and how the shale gas industry will develop. It would be more appropriate to focus the Plan on appropriate controls for the exploration phase - there is provision to revisit the Plan when necessary.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0743/U

The current approach is flawed. The Authorities have not engaged directly with the PEDL holders in the Plan area as to the potential options for commercial development. The result is some assumptions without insight.

NC Tech Insight Ltd

4151/0952

The Committee on Climate Change state that the establishment of unconventional hydrocarbon extraction would be inconsistent with the Governments climate change commitments unless three key criteria are met. The emissions of greenhouse gases must be kept within defined overall limits that strongly restrict the scope for industrial emissions and may increasingly restrict the growth potential of the industry in the future. The Plan should contain a statement to the effect that: NO DEVELOPMENT SHOULD TAKE PLACE IN NORTH YORKSHIRE, WHICH WOULD DISPROPOTIONATELY CONTRIBUTE TOWARDS AN OVERRUN ON THE UK'S CARBON TARGETS AS SET OUT BY THE COMMITTEE ON CLIMATE CHANGE.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0740/U

The publication document fails to recognise the temporary and limited visual impact of the process on the surrounding landscape and that the longer period of production is very unobtrusive.

3966/0152

New PEDL licences have been announced since the last consultation on the Plan.

Stillington Parish Council

0874/0385

There is a need for more baseline monitoring before fracking takes place.

Third Energy Limited

2762/1361/U

The publication document fails to recognise the temporary and limited visual impact of the process on the surrounding landscape and that the longer period of production is very unobtrusive.

4146/0940

How does the approval of fracking conform with the obligation on local planning authorities set out in the NPPF to adopt proactive strategies to mitigate and adapt to climate change and a realistic assessment taking into account all probable factors would suggest that it will have negative impacts on climate change.

Third Energy Limited

2762/1364/U

The current approach is flawed. The Authorities have not engaged directly with the PEDL holders in the Plan area as to the potential options for commercial development. The result is some assumptions without insight.

Stillington Parish Council

0874/0384

The potential consequences of irresponsible management of fracking, including pollution of water supplies, would be disastrous for local communities.

4079/0128

Concerned about the impact of the PEDLs announced in December 2016. The currently plan appears to express the interests of the Shale Gas industry. The policies in their current form have not been through the required consultation process and a further round is required.

4152/0709

Burythorpe is located within an area important for the historic environment, landscape, tranquillity, biodiversity and recreation and tourism. It has a successful existing rural economy. A Village Design Statement for Burythorpe has been produced and Adopted by Ryedale District Council as an SPD. This should be taken into account in the Plan.

4152/0707

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included

CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.

Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.

Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

4079/0129/U

The policies are unsound as they do not take into account the Paris Agreement which seeks to ensure that any Plan is compatible with the UK's legally binding responsibility to reduce emissions by at least 80% by 2050.

4079/0130

The policies do not apply the precautionary principle to proposals.

Third Energy Limited

2762/1362/U

The publication document deals with conventional and unconventional as techniques rather than geological constraints. The techniques are the same; it is the geology that dictates the process.

Thirsk and Malton MP

1363/0169

Support the comprehensive approach to key aspects of the legal and regulatory requirements of hydraulic fracturing.

Nawton Parish Council

0787/1210

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004).

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

4146/0945

Concerns about the effects of water pollution, for example the Costa Beck, which is used for growing watercress and fish hatcheries. Any pollution risk would dwarf the notional benefits.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0739/U

The document overlaps into other regulatory areas. Planning guidance makes the regulatory position very clear for each process and regulator. Each in turn informs the other but the publication draft report seeks to override this, when it talks about regulatory gaps that are not reflected in government guidance or appeal decisions. The draft report delves into sub-surface issues which are not part of its remit, with the NPPF/NPPG clearly limiting the role of mineral authorities to surface issues.

Frack Free Kirby Misperton

3685/1461

It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. The Policies have changed considerably without the required consultation. By focussing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4096/0450/U

The policies in this section do not provide a sufficiently robust approach to protecting the area from devastating industrialisation.

3861/1159

Noise, light and air pollution near to but outside the protected areas could have devastating impacts on wildlife.

3861/1156

The scale of fracking envisaged will have a detrimental effect on landscape and the tourist industry.

3857/0728/U

This section has changed considerably since the last consultation. A further opportunity to comment should be provided.

3857/0730/U

The Plan currently conflicts with the Ryedale Plan as it does not recognise the protected areas of the Vale of Pickering and the Wolds.

4156/1437

Strongly support the restriction of fracking, it should be abolished altogether. In the meantime it should not threaten areas around homes, Areas of Outstanding Natural Beauty, ancient monuments and/or the setting of York.

2786/1244

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. Applications for shale gas must be required to prove that it will lead to pro-active reduction in climate change.

4094/0478/U

The Plan does not comply with para 17 of the NPPF, namely to 'support the transition to a low carbon future', and para 94 of the NPPF which calls for 'proactive strategies to mitigate and adapt to climate change'.

Suggested modification: Include the text 'HYDROCARBON DEVELOPMENTS WILL NOT BE SUPPORTED IF THEY THREATEN THE UK'S ABILITY TO MEET ITS CLIMATE CHANGE TARGETS'.

2808/0383

A recent report concludes that fracking fails every one of 6 stress tests and this should be recognised in the Plan.

Wenningdale Climate Action Network (WeCan)

4093/1220

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

2253/1231

The Plan is unsound claiming its compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050. The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included

CO2 emissions resulting from both production and combustion must be included
How it can be accommodated within UK carbon budgets
How it will lead to a reduction in climate change with clear definition.

Harrogate Friends of the Earth

0362/1103

The policies lack a mechanism to obtain a systematic long term assessment by Yorkshire Water of the implications of abstraction for domestic water supply.

2786/1243

The Policies have changed considerably since the Preferred Options Consultation, incorporating new policy in light of new PEDL licences that seem to be favourably accommodating to shale gas industry.

Harrogate Friends of the Earth

0362/1100

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce greenhouse emissions are not clearly defined.

Stonegrave Parish Meeting

0878/0314

The Plan should provide greater clarity on when national need might be invoked. There should be an absolute prohibition on hydrocarbon surface development involving fracking within National Parks, AONBs, Protected Groundwater Source Areas, WHS or within 5km buffer zone of any. Remaining sites should be subject of a 3.5km buffer zone.

Frack Free Kirby Misperton

3685/1460

Concerned about the impact the Plan may have on the Ryedale area which is largely rural and the economy is dependent on agriculture and tourism. Ryedale is unsuitable for extensive industrialisation that will be caused by fracking.

4092/1169

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1205

The policies are unsupported on the grounds of the failure to take account of the need to tackle the causes of climate change caused by burning extracted fossil fuel, in line with national policy.

4090/0424

It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. The Policies have changed considerably without the required consultation. By focussing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

Wenningdale Climate Action Network (WeCan)

4093/1296

The Royal Society and the Royal Academy of Engineering identify a wide range of concerns about fracking and have made a number of recommendations on regulation of the Shale gas industry, only one of which has been taken forward by Government. There is therefore a major risk to the Environment.

4099/0528

The effects of the whole process of oil and gas development on climate change need to be taken into account and addressed in this section. This includes not just the extraction but methane leakage, transport emissions to and from the site, waste water and burning of the gas. Policies M16, M17, M18 and D11 need to be amended to take account of this.

Third Energy Limited

2762/1365/U

The current approach is flawed. There is a tension running throughout the Policies and Justification on the desire to limit the number of well sites (and wells), and at the same time, limit the amount of development on any one site. The Plan has not formed an opinion as to which would be the preferred development model.

3862/0291

New PEDL licences have been announced since the last consultation on the Plan. The Policies have changed considerably without the required consultation

4102/1195

Sections M16-18 of the MWJP fail to take account of the need to tackle climate change and reduce greenhouse gas emissions.

Third Energy Limited

2762/1366/U

The current approach is flawed. The policies as written have a major impact on the on going development of conventional hydrocarbons that are hard to justify, considering the acknowledged (in the Plan) low level of impact of the existing industry.

Third Energy Limited

2762/1367/U

The Plan sets out restrictions on the industry outside NPPG and other regulations/laws. The suggested controls go beyond that for other minerals and waste in several areas.

2256/0182

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

3862/0292

The Plan is not legally compliant, or meet the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004)

3886/1119

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

Edstone Parish Council

0526/1166

The Plan does not appropriately deal with climate change. Specifically in relation to the NPPF Paragraph 94. There is a statutory obligation under the Infrastructure Act for the extraction of shale gas to be considered against the UK's climate change budgets and policies and with specific reference to the Committee of Climate Change (CCC). The Plan needs to explicitly reference climate change, set out how local decisions will relate to national carbon budgets, policies and requirements.

4110/0538

There is evidence of contamination of water supplies by fracking. Claims that UK regulation will obviate this are baseless and self regulation gives no adequate reassurance. The Policy should include guarantees on the protection of water supplies and should reject hazardous operations.

Third Energy Limited

2762/0979

Concerned about the Plans overlap with the functions of other key regulatory regimes, which raises doubts that the duty to co-operate has been fully complied with. The functions of other key regulators are not as clearly defined as they are understood to be demonstrating a lack of co-operation and understanding.

3861/1155

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94. The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included
Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

4098/0499

Objects to fracking due to health and safety concerns, including pollution of water supply, air quality. Fracking should be banned.

2256/0177

The Policies have changed considerably without the required consultation

4097/0502

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

4097/0500

The Policies have changed considerably without the required consultation. There is a great deal of new content which needs wider consultation with other representative bodies and general public to be undertaken.

4111/1106

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

2256/0179

It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

Third Energy Limited

2762/1370/U

The policies in this section specifically concerned with hydrocarbon development have expanded beyond those in the Preferred Options Plan and contain a level of detail not attempted in the policies specific to other minerals and waste industries.

4090/0423

Concerned about the impact the Plan may have on the Ryedale area which is largely rural and the economy is dependent on agriculture and tourism. Ryedale is unsuitable for extensive industrialisation that will be caused by fracking.

4110/0539

Government stated commitments, the NPPF and NPPG support a move to a low carbon future. The NPPG also supports the integration of mitigation measures into hydrocarbon applications. The Plan should follow this approach by addressing the full implications of fracking on carbon emissions, which exceeds the mining and burning of coal, when including production factors, and is therefore contrary to government policy.

Hull Road Planning Panel

2392/1447

Main concern is the adverse impact on climate change by new hydrocarbon development. There is little or no investment in carbon capture and storage methodology to mitigate the CO2 releases from the industrial uses of gas, and the CO2 levels will continue to increase with server implications for the population.

3854/0287

The policies in the Plan appear to benefit the gas industries whereas climate change does not appear to have been taken into account. More independent evaluation and consultation needs to take place.

4089/0393

Objects to the inclusion of fracking, the priority should be investment in renewable energy.

4142/1069

In a recent High Court Case made against the planning process for the KM8 Site it was made clear that it was the responsibility of the Council Planning Committee (and so in other fracking areas) to reach an independent view on whether 'energy requirements ought to be met by other, less environmentally damaging means than gas production and a gas-fuelled electricity generation station. The Plan does not make this clear.

The Coal Authority

1111/0208/LC.S.DTC.

Whilst being supportive of the overall policy aims towards hydrocarbon development, the current policy approach is confusing and does not properly reflect the requirements of the NPPF in terms of addressing the policy principles to be applied to each of the three stages of development. The approach set out in the Preferred Options consultation (Nov 2015) was arranged more in line with the NPPF.

The approach to splitting the issues across 3 separate policies is ineffective and lacks the clarity necessary for users of the plan to fully understand how matters will be dealt with.

There appears to be inconsistency between element of terminology used in the policy and the policy justification. For example, reference is made to hydraulic fracturing in relation to designated areas, but the justification refers to 'high volume hydraulic fracturing'.

There is duplication of other policies in the Plan, care should be taken to include only mineral specific criteria in order to provide a clear policy approach.

4086/0303

More consideration should be given to the climate change implications of fracking. Renewable energy should be used instead.

3916/0485/U

The considerable changes to Policies M16, M17 and M18, including the large number of PEDLs announced in Ryedale, have not been consulted upon. The restriction of the scope of the consultation is incompatible with the Town and Country Planning (Local Planning) England Regulations (2012). Sections of the Plan are the product of an unethically close collusion with fracking companies.

West Malton Against Fracking

4087/0527

The Policies have changed considerably without the required consultation.

New PEDL licences have been announced since the last consultation on the Plan.

It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

2256/0185

The hydrocarbon policies have not taken account the City of York Council's Policy MW3 (April 2014) or the Council's resolution to resist planning applications for drilling for shale gas (Oct 2014).

4086/0312

The precautionary principle should be applied to fracking, with new development not permitted unless it can be proved there is no cumulative effect.

4143/0852/U

The Plan does not comply with the delivery of sustainable development. Fracking involves the contamination of groundwater and methane pollution from leakage; which will affect global warming, leading to extreme climate conditions.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0984/

While climate change is mentioned in some of the objectives and policies of the plan, the plan making authorities should put more emphasis on including climate change mitigation with regards to hydraulic fracturing. The purpose of fracking shale rocks ultimately for methane gas extraction, for use in commercial, industrial and domestic energy production. Policies M16-18 and their associated policy wording should aim to curb greenhouse gas emissions within the exploratory, appraisal and production phases of the fracking process. As they stand, the policies currently fail the section 19 duty. These policies have not fully incorporated measures by which unconventional mineral extraction can contribute to climate change mitigation and are therefore not legally compliant.

Barugh (Great & Little) Parish Council

0412/0860/U

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies from fracking.

Ryedale District Council

0116/1018/S

The District Council recognises that the Plan does need to include a policy framework for hydrocarbon development in order for proposals to be considered on their merits that is consistent with national policy and advice available. However, the Council does not support the development of unconventional hydrocarbon development in Ryedale until the full implications of the effects of the processes involved are more readily understood and that there would be no unacceptable impacts, cumulative or otherwise.

Recognise that the Policies M16, M17 and M18 are consistent with national policy, justified and have been positively prepared and that in relation to onshore hydrocarbon development, the policies may need to be reviewed and updated in the future.

We particularly welcome the recognition that there are still substantial uncertainties remaining regarding the scale of distribution of future proposals that could come forward, as well as there still being a high degree of uncertainty about the commercial viability of any resources in the area, or indeed the UK in general.

Welcome the use of transport assessments and the recognition of other landscape designations for protection assessed through a Landscape Assessment as well as air quality monitoring and a Health Impact Assessment and the use of the precautionary principle with respect to reinjection of flow back fluid. The Council supports the Plan being clear that cumulative impacts would outweigh any density considerations and the use of criteria to assess proposals leading to cumulative impacts together with the requirement of developers to present how their proposals fit into an overall production plan for the whole of the PEDL area.

4107/1141

The Policies have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

3954/1082

The Polices have changed considerably without the required consultation. New PEDL licences have been announced since the last consultation on the Plan. It is clear that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP. By focusing on the legality and soundness the focus of the consultation is limited. Wider consultation on content and substance should take place.

4144/1055

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included.

Stonegrave Parish Meeting

0878/0326

The term 'unacceptable' should be replaced with 'adverse' where it is used within policies in this section.

Appleton-le-Moors Parish Council

0391/0231

New PEDL licences have been announced since the last consultation on the Plan.

4088/0392

Ineos, who have many of the PEDL licenced areas in North Yorkshire have indicated that they will use most of the hydrocarbons recovered from fracked gas in their own plastic business, rather than providing it for public use via the National Grid. This is not in the National Interest. North Yorkshire could be sacrificed for the success of an unnecessary industry.

West Malton Against Fracking

4087/0513

Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94.

3699/0440/U

There is a high risk of pollution as a result of the use of toxic chemicals and the risk of failure of borehole protections. This would threaten water supplies including for agriculture and indemnification through insurance against this risk cannot be obtained.

4142/1068

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and

Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94. The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities. Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future. Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

West Malton Against Fracking

4087/0514

The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

Scarborough Borough Council

0286/0203

The policies relating to hydraulic fracturing are considered to be in accordance with National Guidance.

West Malton Against Fracking

4087/0508

Development in areas on the edge of the AONBs would be visible from within the AONB and block views from the AONB towards the Wolds and the Moors, and impact upon the tranquillity and recreational enjoyment of the area. Development would result in traffic issues and an impact upon the tourism within the area, for example Castle Howard and Flamingo Land.

A buffer of a 10km buffer is needed to prevent unacceptable impacts to historic buildings, animal health, through contamination of ground water.

Visually important undeveloped areas and Green Spaces should be excluded from Fracking development should also be subject in the 3.5km buffer applicable to the AONBs, National Park and SSSIs.

3916/0480/U

The Plan does not conform to statutory requirements related to climate change and is unfit for purpose. Section 19(1A) of the Planning and Compulsory Purchase Act (2004) requires policies as a whole must contribute to the mitigation of, and adaptation to, climate change. Para 94 of the NPPF stipulates 'LPAs should adopt proactive strategies to mitigate and adapt to climate change'. Policies M16, M17 and M18 assume this is achievable but this is in direct contradiction to the Committee on Climate Change Report (March 2016) which concluded that without the rollout of Carbon Capture and Storage (CCS) technologies, it will be impossible for shale gas exploitation to be compatible with UK carbon budgets and the Climate Change Act. Due to the removal of government investment it is unlikely that CCS will be available to offset the environmental damage caused by fracking.

3699/0437/U

The Plan should take into account Policy SP13 and other material policies of the Adopted Ryedale Plan in the context of the Duty to Cooperate, as referenced in para 178-

181 of the NPPF. In particular, it should acknowledge the geographical context of the Vale of Pickering and the Yorkshire Wolds identified in the Ryedale Plan as Landscape of Local Value and Areas of High Landscape Value, and the River Derwent SSSI which flows through the Vale of Pickering. Ryedale DC has resolved not to support development of unconventional hydrocarbons in Ryedale until the full implications of the effects are understood and there would be no unacceptable impacts, cumulative or otherwise. This is a material consideration which needs to be taken into account in preparing the MWJP, yet it has been ignored. Large scale exploitation of shale gas would be incompatible with Policy SP13 and other relevant policies. A wide range of impacts would occur, including on the landscape, visual impact, noise and traffic and impact on established businesses including agriculture. This incompatibility between the MWJP and the Ryedale Plan means that it is unsound, unless the MWJP excludes the Vale of Pickering and Yorkshire Wolds from the potential for fracking. Evidence supporting the Ryedale Plan is relevant even though it is acknowledged the Ryedale Plan does not deal with mineral matters. Impact would also be caused to the historic environment significance of the Vale of Pickering which is dependant on factors such as topography, the completeness of the historic landscape and as a distinct cultural landscape.

4108/1132

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94. The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities. Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future. Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

Appleton-le-Moors Parish Council

0391/0232

It appears that much of the new policy has been developed in conjunction with the shale gas industry by the wording and parameters included in the MWJP.

Third Energy Limited

2762/1363/U

The current approach is flawed. The industry is only at the very start of the exploration phase and it is unknown if and how the shale gas industry will develop. It would be more appropriate to focus the Plan on appropriate controls for the exploration phase - there is provision to revisit the Plan when necessary.

3699/0443/U

Rock formations in North Yorkshire are heavily fractured leading to high risk of earthquakes or small tremors, which could affect boreholes and lead to contamination of aquifers.

2256/0178

New PEDL licences have been announced since the last consultation on the Plan.

3699/0436/U

The Policies relied upon have not been taken through due process, particularly in regard to public consultation, and should be given very little weight. Reliance should not be placed on Government announcements and ministerial statements to support local policies as they have not been translated, via due process, into formal Government policy. National Planning Guidance is not equivalent to national policy and there are no national policies on fracking which should be given more than very little weight. In particular, the policies do not address large scale production. The Plan places too much reliance on national Government statements and is therefore unsound and legally flawed.

Oil and Gas Authority

4148/0959/5.094

The Plan states that PEDLs are awarded by Government and the Department for Business, Energy and Industrial Strategy (BEIS) is responsible for granting consents, including well consents. On the 1st April 2015 the responsibility for their licensing regime was assumed by the Oil and Gas Authority (OGA). This includes the granting of licences, the granting of well consents and administration of the traffic light system. Since 1st October 2016 the OGA has been an independent Government company and no longer considered to form part of the Government. Hydraulic fracturing consents do remain within the remit of BEIS.

4096/0451/5.094/U

The appropriateness of a location can only be determined in the context of the proposal process, for example a location appropriate for conventional drilling may not be appropriate for fracking because of the nature of the development and consequential infrastructure.

Oil and Gas Authority

4148/0960/5.094

The Plan makes reference to the licencing process's objective of 'maximising exploitation'. Through the holding of open, competitive licensing rounds the OGA ensures that acreage is awarded to companies most qualified to maximise the recovery of hydrocarbons insofar as economically viable. During such a round, the OGA also scrutinises operators' competency, financial viability, environmental awareness and geotechnical analysis.

Zetland Group

2145/0591/5.095/U

The text should reflect hydrocarbon resources, as opposed to singling out 'onshore shale gas resources'.

Third Energy Limited

2762/1388/5.095/U

The text should reflect hydrocarbon resources, as opposed to singling out 'onshore shale gas resources'.

Zetland Group

2145/0592/5.095/U

Use of the term 'presents a significant challenge' is not positively presented and could be considered to pre-judge sensitivities without understanding the specifics of the development. Any development type could present a significant challenge, there is no justification to single out hydrocarbon development. The purpose of the Plan is to provide a clear, justified and positive policy framework against which proposals can be formulated and tested. The negative sentiments are in conflict with para 14 of the NPPF presumption in favour of sustainable development.

Third Energy Limited

2762/1389/5.095/U

Use of the term 'presents a significant challenge' is not positively presented and could be considered to pre-judge sensitivities without understanding the specifics of the

development. Any development type could present a significant challenge, there is no justification to single out hydrocarbon development. The purpose of the Plan is to provide a clear, justified and positive policy framework against which proposals can be formulated and tested. The negative sentiments are in conflict with para 14 of the NPPF presumption in favour of sustainable development.

Frack Free Ryedale

3684/0249/5.096/LC.U

Given the stage that unconventional gas extraction in the UK is at, it is essential that the Plan is updated at the earliest possible opportunity and any update takes account of any results of any exploration in the area throughout the life of the Plan. This section should be reviewed to and updated accordingly to appropriately control developments.

Suggested Modification:

The word 'may' should be replaced with 'will'.

4085/0341/5.096

Review of policy after the event is not appropriate.

Zetland Group

2145/0593/5.098/U

The term 'conventional drilling techniques' is incorrect. Drilling techniques are the same whether conventional or unconventional. It is the properties of the rock which determine whether the formation is unconventional or unconventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale (fluid volumes and pressures). These techniques fall under the more general heading of 'well stimulation' which refers to any intervention techniques on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage areas around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundred metres away, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

4085/0342/5.098

This incident highlights the potential risks with fracking.

Third Energy Limited

2762/1390/5.098/U

The term 'conventional drilling techniques' is incorrect. Drilling techniques are the same whether conventional or unconventional. It is the properties of the rock which determine whether the formation is unconventional or unconventional. The techniques to improve permeability in the formation where hydrocarbons are to be extracted are the same for both conventional and unconventional, but may differ in scale (fluid volumes and pressures). These techniques fall under the more general heading of 'well stimulation' which refers to any intervention techniques on all types of wells (oil, gas and/or water) where an intervention activity (using a rig, mast or coiled tubing unit) is planned to improve either production or injection, from the drainage areas around the well bore. The drainage area can be further sub defined by either being a few inches away from the well bore to many hundred metres away, where a plethora of different stimulation techniques can and have been used by the industry all over the world for the last 50 years. It is far too constraining to lump all these recognised and regularly practised techniques under the same constraints as presented in the document.

Zetland Group

2145/0594/5.100/U

The term 'cannot be extracted by conventional techniques' is not effective. It is the properties of the rock which determine whether the formation is unconventional or conventional. It is far too constraining to lump all recognised and regularly practised techniques under the same constraints as presented in the document.

Third Energy Limited

2762/1391/5.100/U

The term 'cannot be extracted by conventional techniques' is not effective. It is the properties of the rock which determine whether the formation is unconventional or conventional. It is far too constraining to lump all recognised and regularly practised techniques under the same constraints as presented in the document.

4096/0452/5.101/U

The need for multiple wells and pads is a characteristic of all fracking and not just associated with coalbed methane.

Zetland Group

2145/0595/5.105/U

Use of the word 'uncertainty' is not positively presented and does not comply with the National Policy support for shale development. The reference to the existing gas well near Kirby Misperton is unnecessary and serves to confuse, the commercial viability of any resource can only be determined by further exploration.

4085/0343/5.105

Fracking will lead to commercialisation of the countryside.

Third Energy Limited

2762/1392/5.105/U

Use of the word 'uncertainty' is not positively presented and does not comply with the National Policy support for shale development. The reference to the existing gas well near Kirby Misperton is unnecessary and serves to confuse, the commercial viability of any resource can only be determined by further exploration.

4096/0453/5.105/U

It is irresponsible to plan for the future of Ryedale on the basis of such a high degree of uncertainty. North Yorkshire County Council should learn from the mistake of KM8 and not repeat it.

4085/0344/5.106

The climate change impacts of fracking are not adequately addressed.

3857/0729/5.016/U

The Plan is at odds with NYCC policy on Climate Change and there is no mention of the governments' committee on climate change requirements in order to comply with the binding targets signed up to.

Yorkshire Wildlife Trust

0128/0924/5.106/LC.U.DTC

With regard to how shale gas extraction can play a part in a 'transition towards use of lower carbon energy sources', this statement is not a well supported conclusion. Recent research has shown that increases in fugitive methane emission due to shale gas extraction could negate any carbon emission reductions from using shale gas. The investment in shale gas extraction technology and infrastructure could also delay transition to a lower carbon economy by delaying investment in renewable energy

infrastructure and carbon reduction technologies. Using less carbon energy sources is part of a wider objective of combating global climate change. Natural gas is a fossil fuel and during exploration, production, transportation, post production (all possible phases and beyond) there is potential for methane leakage, a much more potent gas than CO2 which can have far greater effects on climate change. It is essential to look at life cycle comparison of source not just at the point of combustion. The Plan cannot imply that by permitting shale gas extraction there will be a reduction in UK carbon emissions and see this as part of a progression towards a lower carbon economy.

Suggested modification to para 5.106: Delete 'and as part of a transition towards use of lower carbon energy sources' and related footnote 11.

Frack Free Ryedale

3684/0250/5.106/LC.U

This paragraph should make it clear that national planning policy in the NPPF has not yet been updated to reflect the 2015 Written Ministerial Statement. Policies in the NPPF and Local Plan should not be outweighed by the reported 'need' in the WMS.

Suggested Modification:

Add new sentence "However, Section 38(6) of the Town and Country Planning Act indicated that all development proposals should be assessed against the provisions of the Development Plan unless material considerations indicate otherwise. The WMS is a material consideration but does not automatically constitute a departure from Development Plan policies. All Proposals will therefore be assessed primarily against the provisions set out in the Development Plan initially and weighted in the planning balance accordingly."

4096/0454/5.106/U

The Plan should take into account all environmental issues, which the authorities have a responsibility to protect.

Stonegrave Parish Meeting

0878/0321/5.106

The climate change impacts of fossil fuel use must not be overruled by government policy. This paragraph should be revised to provide a more balanced approach.

INEOS Upstream Ltd

3703/0770/5.106

The Plan is negatively worded and does not recognise that onshore hydrocarbons and unconventional gas is an element of the Government's energy policy that the planning system must accommodate and positively address. The Plan is overly complicated and does not clearly set out a clear and simple policy structure to be followed. We recognise that the location of the National Park within the Plan area raises a specific issue. We do not consider that questions facing this Planning Authority are such that it justifies a radically different and negative approach being taken compared to other Mineral Planning Authorities elsewhere.

Oil and Gas Authority

4148/0961/5.106

Within the context of the 14th round PEDLs being offered for award in December 2015 the Plan notes the Government's interest in promoting the commercial exploitation of unconventional hydrocarbon resources. In addition to shale gas the plan also identifies other forms of unconventional hydrocarbons, such as underground coal gasification (UCG) and coal bed methane (CBM). Whilst the OGA's PEDLs provide exclusivity rights in relation to Shale Gas and CBM developments it should be noted that UCG developments cannot be undertaken under a PEDL and instead require a separate licence from the Coal Authority.

Ryedale Liberal Party

3846/0972/5.107/LC.U.DTC

The paragraph describes the phases of hydraulic fracturing. It recognises that hydraulic fracturing will take longer than the 12-25 weeks for conventional extraction of oil and gas. The process is a 24hr a day activity and could be on a well pad with 40 wells and this could cause many years of high impact on the community in terms of noise, light pollution and lorry movements. The noise levels need to be limited, especially at night.

Suggested modification

Periods of excessive noise due to drilling, hydraulic fracturing and other activities must be limited to 8 weeks in a 12 month period.

Third Energy Limited

2762/1393/5.107/U

Reference to 'unconventional hydrocarbons, exploratory drilling may take considerably longer' is incorrect. Hydraulic fracturing is a separate process to drilling. It is unnecessary to single out unconventional hydrocarbons and shows a lack of understanding of the industry.

4142/1072/5.107

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Frack Free Kirby Misperton

3685/1462/5.107

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

3886/1123/5.107

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

4108/1135/5.107

Exploratory drilling would lead to night time noise levels for higher that allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Frack Free Ryedale

3684/0251/5.107/LC/U

The time needed to drill a well, combined with the number of potential wells on a well pad, means there could be 6.5 years of continuous activity and that cannot be considered short term.

Additional time beyond this may be required where lateral drilling is involved.

Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the MPA understands the requirements of the PPG Noise and the NPPF paragraph 123.

There is no reference to the potential need to refracking of existing wells. Industry has indicated that wells could be refracked every 3-5 years.

Suggested Modification:

Include an additional sentence stating that existing wells may be refracked several times by operators as part of the production phase.

Barugh (Great & Little) Parish Council

0412/0858/5.107/U

Exploratory drilling would lead to night time noise levels for long time periods. Background noise levels in the area are very low, particularly at night. Shale gas extraction should be considered a medium term activity at best and conflicts with Para 144 of the NPPF.

4107/1144/5.107

Exploratory drilling would lead to night time noise levels higher that allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

4096/0455/5.107/U

The potential for failure of well integrity means that they should be inspected in perpetuity. Without this there is an unacceptable risk of pollution of aquifers. Lack of resources in environmental regulators means that it seems impossible that the public's interest will be secured in the way to which it should feel entitled.

Zetland Group**2145/0229/5.107/U**

Reference to 'unconventional hydrocarbons, exploratory drilling may take considerably longer' is incorrect. Hydraulic fracturing is a separate process to drilling. It is unnecessary to single out unconventional hydrocarbons and shows a lack of understanding of the industry.

4152/0711/5.107

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Yorkshire Wildlife Trust**0128/0932/5.107/LC.U**

The 1st sentence of this para, regarding the 'three main phases of onshore hydrocarbon development', appears not to include post development issues. It is vital that well abandonment and site restoration is part of the Plan. The Authority must be certain that methane leaks and any impacts on surface and groundwater from deteriorating infrastructure are covered in the Plan. Recent research indicates that there are potential problems with impacts on water quality at all stages of the shale gas extraction process.

Suggested modification to para 5.107: Amend to read '...exploration, appraisal [and] production, POST PRODUCTION AND WELL ABANDONMENT.'

Environment Agency**0121/0691/5.108/S**

Suggested modification: In figure 13, the text box that currently states 'Environment Agency issues environmental permit' should be amended to say 'Environment Agency DETERMINES environmental permit'.

4096/0456/5.109/U

The Plan leaves too much uncertainty about how, when and where waste fluids will be managed.

Ryedale Liberal Party**3846/0969/5.109/ LC.U.DTC**

More clarity is needed. The words 'help prevent' suggest that possibility of failure denied elsewhere in base assumptions. 'small quantities' is misleading both in terms of actual quantities and toxicity. 'Used in process' is not clear which process. Chemicals that occur in the flow back water may not be added by the operator but be naturally occurring, such as the NORMs. The chemicals such as biocides and cleaning fluids can be toxic.

Suggested modification:

After clarification add 'EVERYTHING THAT PASSES DOWN THE WELL, PARTICULARLY UNDER PRESSURE, SHOULD BE COMPLIANT WITH THE ENVIRONMENT AGENCY'S DEFINITION OF NON-HAZARDOUS TO GROUNDWATER. ALL DOWNPIPE FLUIDS MUST BE LABELLED TO IDENTIFY THE OPERATOR AND THE WELL.

3699/0447/5.109/U

With regard to the reference to all chemicals being used as 'non-hazardous'. This is a technical term used for certain chemicals. There are many toxic chemicals which are not included in this list and 'non-hazardous' does not mean 'non-toxic'.

Stonegrave Parish Meeting

0878/0329/5.109

The Plan should reinforce existing regulations, bearing in mind the potential for future litigation between corporations and the state following the potential introduction of new transatlantic trade agreements.

Yorkshire Wildlife Trust

0128/0925/5.109/LC.U.DTC

The final sentence of the para does not include the information that flow-back fluid can also contain hazardous chemicals which have been dissolved from the shale and brought back to the surface, as evidenced by an EU Report. Due to the potentially hazardous nature of flow-back fluids the authority will need to be particularly aware of the importance of avoiding spills and ensuring safe disposal. Impacts on wildlife and biodiversity can be severe. The reference to '98-99% of the liquid is water, small quantities of chemicals are often added' needs to be defined clearly as it is meaningless without context. 1-2% appears small but if the total volume of fracking fluid is large the amounts of chemicals will also be large. In addition, chemicals are always added rather than 'often'. It is also important to know the likely quantities to be recycled or disposed of, as this can impact upon sites, road traffic infrastructure required to collect, treat and dispose of fracking fluid, having implications for local population and wildlife.

Suggested modification to para 5.109: Add text: 'Once the rock has been fractured some fluid, ALSO POTENTIALLY CONTAMINATED WITH HYDROCARBONS AND RADIOACTIVE COMPOUNDS, returns to the surface...!'

Frack Free Ryedale

3684/0252/5.110/U

The UKGOOG charter for community engagement is not legally binding and the MPA cannot insist applicants deliver this nor would be able to require the same from non-members. Therefore this is not justified or consistent with national policy.

It is suggested that the MPA develop a robust SCI setting out the requirements for all stages of development which will be used by applicants.

Suggested Modification:

Remove this paragraph as it cannot be enforced and replace it with the MPAs expectations for community engagement for all stages of hydrocarbon development.

4096/0457/5.110/U

What happens with contractors who are not members of UKOOG?

Yorkshire Wildlife Trust

0128/0933/5.111/LC.U.DTC

This para. does not give sufficient detail as to the standards required for noise and vibration. What are the tolerance levels for noise, vibration and where are these standards set? Will the standards be UK levels or EU levels? Are these standards the same for the countryside and for a City (i.e. are existing background/baseline levels of noise accounted for)? How is an acceptable level set? What is the process for deciding on an appropriate location and what are the criteria for this? Without answers to

these questions there is potential for very troubling impacts in the area and loss of biodiversity due to disturbance. Road traffic increases will have significant impacts on noise and emissions and at present there is very little knowledge of what these impacts may be.

INEOS Upstream Ltd

3703/0773/5.112/U.DTC

This paragraph considers the role of the planning system and its links to other regulatory regimes, it does not recognise that the other regulatory regimes work with the planning system and together they apply controls over development. The Plan overlaps into other regulatory areas which are not part of the planning systems remit. Planning guidance makes the regulatory position very clear for each process and regulator, and each informs the other but the publication draft of the Plan seeks to override this when it talks about legislation gaps, which is not reflected in government guidance and appeal decisions. The Plan looks at sub-service issues which are not part of the remit of the NPPF or NPPG which clearly limits the role of the planning authority to surface issues.

4096/0458/5.112/U

Experience shows that UK regulation of fracking is as bad or worse than any other regulation in the world and has resulted in a failure to prevent problems, after the event examinations are held in secret. It is not clear what will happen in the eventuality that other regulatory regimes do not operate effectively.

Zetland Group

2145/0254/5.112/U

This paragraph is not justified and should be deleted.

Third Energy Limited

2762/1394/5.112/U

This paragraph is not justified and should be deleted.

Yorkshire Wildlife Trust

0128/0934/5.112/LC.U

The para implies that there are no health concerns as Public Health England considers there will not be significant risks to health. It is important that the authority thoroughly considers the potential impacts of shale gas extraction and does not expose residents to risk.

Suggested modification to para 5.112: Delete the first half of the 3rd sentence '[Public Health England has indicated that it does not consider that a properly regulated industry would be likely to give rise to significant risks to health]'.

INEOS Upstream Ltd

3703/0774/5.113/U.DTC

This paragraph considers PEDLs overlapping Mineral Planning Authority's boundaries but fails to recognise that this may mean that the policy controls in the adjoining authorities are not consistent. The Minerals and Waste Joint Plan is generally more detailed than elsewhere and more negatively worded. The presence of a National Park in the Plan area should not require such a different approach. National guidance provides a basis for the protection of the National Park so the Plan does not need to be as detailed or as negative.

Third Energy Limited

2762/1395/5.114/U

Para. 5.114 is not effective and for consistency should be expanded to include reference to arrangements for the management and disposal of any returned water and naturally occurring radioactive material. Avoid overlap with the role of other regulators.

Zetland Group**2145/0596/5.114/U**

Para. 5.114 is not effective and for consistency should be expanded to include reference to arrangements for the management and disposal of any returned water and naturally occurring radioactive material. Avoid overlap with the role of other regulators.

3699/0448/5.115/U

Reference to the requirement for an 'independent well examiner' is a misleading description. The Well examiner is appointed by the fracking company and paid by them. They are not independent, and examiners appointed in the past have not exercised their power in a timely way when they ought to have.

Environment Agency**0121/0692/5.116/S**

The responsibility for giving final consent for drilling lies with the Oil and Gas Authority (OGA) rather than DBEIS.

Zetland Group**2145/0597/5.117/U**

Para. 5.117 is not consistent with national policy and needs to be amended to reflect the Oil and Gas Authority and its role within government.

Third Energy Limited**2762/1396/5.117/U**

Para. 5.117 is not consistent with national policy and needs to be amended to reflect the Oil and Gas Authority and its role within government.

Third Energy Limited**2762/1397/5.118/U**

Para. 5.118 is not effective, as other sections of the Plan do not accord with this para, namely para 5.112 and Policy M18. Avoid unnecessary regulatory overlap.

Zetland Group**2145/0598/5.118/U**

Para. 5.118 is not effective, as other sections of the Plan do not accord with this para, namely para 5.112 and Policy M18. Avoid unnecessary regulatory overlap.

United Kingdom Onshore Oil and Gas (UKOOG)**3997/0747/5.118/U**

This para. seems to contradict 5.112.

Third Energy Limited**2762/1368/5.118/U**

This para. seems to contradict 5.112.

Zetland Group**2145/0599/5.119/U**

Part d), e), f) and g) are not effective: In parts d) and e) the definition of conventional and unconventional hydrocarbons needs to be reworked. In part f) there is a need for consistency with the Infrastructure Act definition of Hydraulic Fracturing. Hydraulic fracturing technique can be used in both conventional and unconventional reservoirs. All references to conventional and unconventional stimulation techniques should be removed as there is no differentiation other than scale. In part g) ii) the use of the term

'less complex' is incorrect. Drilling is the same for conventional and unconventional resources and should hydraulic fracturing be required this is no less complex than some conventional stimulation techniques. Complexity differs irrespective of conventional or unconventional.

INEOS Upstream Ltd

3703/0775/5.119/U.DTC

This paragraph provides definitions of hydrocarbon development for use when implementing the Plan. We object to the definitions contained in 5.119 f) as it is contrary to Section 50 of the 2015 Infrastructure Act. The Plan states 'hydraulic fracturing includes the fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used.' This is incorrect and contrary to current legislation.

The paragraph also uses 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. We also support UKOOG on this matter and the changes required to the text.

INEOS Upstream Ltd

3703/0771/5.119/U.DTC

The Plan seeks to redefine hydraulic fracturing. The recognised definition is provided in legislation in the 2015 Infrastructure Act. The Plan seeks to define this by volume of liquid used at the stage of the fracturing process, it is not the place of the Minerals and Waste Joint Plan to redefine this process and this element would render the Plan unsound. The new definition would by default cover all onshore oil and gas production even if the volumes are small but involve a similar process, no matter what the scale. We do not feel that this was the intention but the effect would be to severely limit many unrelated and existing processes within the Plan area.

4096/0459/5.119/U

The definitions in this paragraph should distinguish more clearly between conventional and unconventional drilling.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0753/5.119/U

Part d) and e): defines the terms 'Conventional' and 'Unconventional' as extraction techniques, which is inaccurate. The terms 'Conventional' and 'Unconventional' are definitions that relate to the Geology in which hydrocarbons are present. Unconventional resources are hydrocarbon bearing rocks that have low permeability and porosity and often require enhanced recovery techniques to enable extraction. Techniques may also be used in higher porosity 'conventional' formations to increase hydrocarbon flow. The terms relate to the geology, not the techniques.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0737/5.119/U

Part f): The report seeks to redefine hydraulic fracturing. The recognised definition is provided in the 2015 Infrastructure Act. The report seeks to define this by volume of liquid used and the stage of the fracturing process. It is not for the final report to redefine this process and this element would render the document unsound. The new definition would, by default, cover all onshore oil and gas production even if the volumes are tiny but involves a similar process - no matter what the scale. We do not consider that this was the intent of the authors but the effect would be to severely limit many unrelated and existing processes within the plan area.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0749/5.119/U

The use of incorrect and irrelevant terminology such as 'conventional drilling', 'unconventional techniques' and 'more conventional, less complex drilling' is a concern.

Third Energy Limited

2762/1398/5.119/U

The definitions in part d), e), f) and g) are not effective: In parts d) and e) the definition of conventional and unconventional hydrocarbons needs to be reworked. In part f) there is a need for consistency with the Infrastructure Act definition of Hydraulic Fracturing. Hydraulic fracturing technique can be used in both conventional and unconventional reservoirs. All references to conventional and unconventional stimulation techniques should be removed as there is no differentiation other than scale. In part g) ii) the use of the term 'less complex' is incorrect. Drilling is the same for conventional and unconventional resources and should hydraulic fracturing be required this is no less complex than some conventional stimulation techniques. Complexity differs irrespective of conventional or unconventional.

Third Energy Limited

2762/1375/5.119/U

The definitions in part d) and e): defines the terms 'Conventional' and 'Unconventional' as extraction techniques which is inaccurate. The terms 'Conventional' and 'Unconventional' are definitions that relate to the Geology in which hydrocarbons are present. Unconventional resources are hydrocarbon bearing rocks that have low permeability and porosity and often require enhanced recovery techniques to enable extraction. Techniques may also be used in higher porosity 'conventional' formations to increase hydrocarbon flow. The terms relate to the geology, not the techniques.

Third Energy Limited

2762/1371/5.119/U

The use of incorrect and irrelevant terminology such as 'conventional drilling', 'unconventional techniques' and 'more conventional, less complex drilling' is a concern.

Third Energy Limited

2762/1358/5.119/U

Part f): The report seeks to redefine hydraulic fracturing. The recognised definition is provided in the 2015 Infrastructure Act. The report seeks to define this by volume of liquid used and the stage of the fracturing process. It is not for the final report to redefine this process and this element would render the document unsound. The new definition would, by default, cover all onshore oil and gas production even if the volumes are tiny but involves a similar process - no matter what the scale. We do not consider that this was the intent of the authors but the effect would be to severely limit many unrelated and existing processes within the plan area.

Egdon Resources (UK) Limited

150/0834/5.119

The definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict limited activities which would not be deemed to be defined as hydraulic fracturing anywhere else.

Suggested Modification

The definition should be changed to reflect definition in law.

Egdon Resources (UK) Limited

0150/0833/5.119

There is no justification in Planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the adopted and emerging minerals plans of two East Midlands' authorities. The Lincolnshire Minerals and Waste Local Plan was adopted in June 2016. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing for the exploration, appraisal and production provided that proposals are in accordance with Development Management policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottingham Mineral Local Plan is a single Policy which applies to all forms of hydrocarbons. Para 4.115 states "It is considered that there is no justifiable reason in Planning Policy terms to separate out shale gas from other forms of hydrocarbon development. All hydrocarbon development has the potential to deliver national energy requirements, but should be subject to environmental safeguards." The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. Egdon considers that this is an appropriate approach which is in consistent with National Policy.

Suggested Modification

Change the text to state "It is considered that there is no justifiable 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."

3699/0444/M16/U

Part b) i): The draft joint waste and minerals plan is unsound because in terms of the duty to cooperate, the section on Hydrocarbons (para 5.93-5.161) is inconsistent with National Policy in that it fails to take into account policies such as Policy SP13 and other policies of the Ryedale Plan which is an adopted Statutory Plan made in accordance with the NPPF in the following respects: 1. The failure to include the Vale of Pickering and the Yorkshire Wolds under Policy M16 (b)(i) as one of the areas where hydraulic fracturing would not be permitted; 2. The scale and density of well pads proposed, in regard to the SP13 policy objective of protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.

Suggested modification: Add text to Part b) i) after '.. Areas which Protect the Historic Character and Setting of York..': '..LAND SHOWN ON THE KEY DIAGRAM OF THE RYEDALE PLAN AS LANDSCAPE OF LOCAL VALUE AND AREAS OF HIGH LANDSCAPE VALUE, AND THE RIVER DERWENT SSSI AND THE NEIGHBOURING LAND (INCLUDING THE TOWNS OF MALTON AND NORTON) TO ACT AS A BUFFER..'

West Malton Against Fracking

4087/0517/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely

West Malton Against Fracking

4087/0522/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

West Malton Against Fracking

4087/0520/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

3386/0119/M16

I agree with this policy. Fracking should be refused in the region due to the impact upon the countryside, environment and wildlife as well as the potential for contamination of water resources.

West Malton Against Fracking

4087/0516/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Amend the text as follows: New text in Capitals deletions in [brackets]

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT [only] be permitted UNLESS [where] it can be demonstrated that [significant] NO harm to the designated asset will not occur.

Policy M16 part c)

i) Surface proposals for these forms of hydrocarbon development will NOT [only] be permitted [where] UNLESS they would be outside AND RESPECT THE SETTING OF the following designated areas.....and Setting of York, THE VALE OF PICKERING AND THE YORKSHIRE WOLDS,.....

West Malton Against Fracking

4087/0515/M16

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

2253/1232/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Husthwaite Parish Council

0631/1332/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon

visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm.

As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)

Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

4088/0390/M16

Concerned that Fracking could take place around the edge of the National Park in order to allow horizontal drilling beneath the park.

4090/0427/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed. The Plan should be amended so that an Environmental Assessment should always be required to ensure these areas are protected.

4092/1170/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.

Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.

Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

Stonegrave Parish Meeting**0878/0315/M16**

Part b): In view of the potential for future designation of the Yorkshire Wolds as an AONB, consideration should be given to giving this area similar protected status as existing AONBs in the Plan area.

4092/0413/M16

Conservation areas outside York do not appear to have been protected from hydraulic fracturing.

Frack Free Kirby Misperton**3685/1467/M16**

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed. The Plan should be amended so that an Environmental Assessment should always be required to ensure these areas are protected.

4092/1177/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

4092/1171/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Barugh (Great & Little) Parish Council**0412/0855/M16/U**

Part d) i): The 3.5km buffer is supported. The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

INEOS Upstream Ltd**3703/0778/M16/U.DTC**

Section e) of the policy seeks to apply this policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant(ed) the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations.'

United Kingdom Onshore Oil and Gas (UKOOG)**3997/0755/M16/U**

Part b) ii): The Policy seeks to apply additional restrictions with respect to lateral drilling, over which it has no jurisdiction, as the sub-surface is not regulated by the Mineral Planning Authority.

Third Energy Limited**2762/1378/M16/U**

Part d) i): introduces a '3.5km buffer zone', for which there is no national policy mechanism. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. The buffer zone also takes no regard of the temporary nature of any drilling and/or hydraulic fracturing activity.

Third Energy Limited**2762/1377/M16/U**

Part b) ii): The Policy seeks to apply additional restrictions with respect to lateral drilling, over which it has no jurisdiction, as the sub-surface is not regulated by the Mineral Planning Authority.

4111/1113/M16

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

INEOS Upstream Ltd**3703/0779/M16/U.DTC**

Policies M16, M17 and M18 should be replaced by one simple policy with supplementary planning guidance to provide further detail in the future about how planning applications at each stage of the process are to be tested. A suggested draft is below.

HYDROCARBON POLICY**EXPLORATION**

PROPOSALS FOR HYDROCARBON EXPLORATION WILL BE SUPPORTED PROVIDED THEY DO NOT GIVE RISE TO ANY UNACCEPTABLE IMPACTS ON THE ENVIRONMENT AND RESIDENTIAL AMENITY.

APPRAISAL

WHERE HYDROCARBONS ARE DISCOVERED, PROPOSALS TO APPRAISE, DRILL AND TEST THE RESOURCE WILL BE PERMITTED PROVIDED THAT THEY ARE CONSISTENT WITH AN OVERALL SCHEME FOR THE APPRAISAL AND DELINEATION OF THE RESOURCE AND DO NOT GIVE RISE TO ANY UNACCEPTABLE IMPACTS ON THE ENVIRONMENT AND RESIDENTIAL AMENITY.

EXTRACTION

PROPOSALS FOR THE EXTRACTION OF HYDROCARBONS WILL BE SUPPORTED PROVIDED THEY ARE CONSISTENT WITH AN OVERALL SCHEME FOR ENABLING THE FULL DEVELOPMENT OF THE RESOURCE AND DO NOT GIVE RISE TO UNACCEPTABLE IMPACTS ON THE ENVIRONMENT AND RESIDENTIAL AMENITY.

WHERE PROPOSALS FOR HYDROCARBON DEVELOPMENT COINCIDE WITH AREAS CONTAINING OTHER UNDERGROUND MINERAL RESOURCES EVIDENCE MUST BE PROVIDED TO DEMONSTRATE THAT THEIR POTENTIAL FOR FUTURE EXTRACTION WILL NOT BE UNREASONABLY AFFECTED.

RESTORATION

ALL APPLICATIONS FOR HYDROCARBON DEVELOPMENT WILL BE ACCOMPANIED WITH DETAILS OF HOW THE SITE WILL BE RESTORED ONCE THE DEVELOPMENT IS NO LONGER REQUIRED.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0754/M16/U

Part b) i): The Policy is inappropriate because it is not compliant with the controls established by the Infrastructure Act 2015 and associated secondary legislation, where nationally significant sites of landscape or high environmental value are already afforded protection. This Policy seeks to introduce new designations which are already addressed through the EIA process, where a proposal would be tested in consultation with bodies such as Natural England and Historic England, where any avoidance or mitigation position would be locally identified.

2253/1238/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0738/M16/U

Part b): The Infrastructure Act 2015 and the associated secondary legislation clearly defines the protected areas. The publication draft report seeks to extend and alter the existing definition as enshrined in legislation. It is our contention that for the final adopted plan to be valid and to be a workable document the definition of the protected areas should reflect that which is already valid and legally binding.

Kingdom Gateway Foundation

4072/0005/M16/U

There is no justification for the small size of the buffer zone. The risks to the environment for unconventional hydrocarbon development extends to areas much greater than 3.5km.

Suggested Modification:
include a buffer of at least 100km.

4086/0304/M16

Fracking would contravene the Ryedale Plan. There would be major impacts on landscape and the rural economy and on rural roads.

Frack Free Harrogate District

4082/0368/M16/U

Part b): The areas singled out for landscape protection seriously undervalue the many precious environments that exist across the County. These may be small scale woodlands, access land with paths, tranquil open land adjacent to towns and villages. Many residents lack private transport. For them modest landscapes may be more important than the majestic AONBs, National Parks and SSSIs. The Council needs to extend protection to all such environments.

4086/0308/M16

b) More protection should be given to protected nature conservation sites and wildlife, including from noise.

Frack Free Harrogate District

4082/0373/M16/U

The emphasis of the Policy should be strengthened so that applications will not be considered unless they demonstrate that they can be implemented safely and sustainably without adverse impacts.

Suggested modifications: Add the following text to Part b): 'THE APPLICANT MUST PROVIDE CONVINCING EVIDENCE THAT METHANE EMISSIONS AND TRANSMISSION OF GAS WILL NOT COMPROMISE THE COUNCIL'S CLIMATE CHANGE OBJECTIVES' and 'EVERY APPLICATION SHOULD BE APPRIASED BY THE PRECAUTIONARY PRINCIPLE AND BE SUBJECT TO A RIGOROUS EIA' and 'APPLICANTS MUST EXPLAIN THE MOST LIKELY SCALE AND EXTENT OF THE LONGER TERM OPERATIONS BEFORE THEY ARE ALLOWED TO START DRILLING A SINGLE WELL SITE' and 'CUMULATIVE IMPACT ASSESSMENTS, COVERING THE FULL RANGE OF ISSUES ABOVE, SHOULD BE COMMISSIONED BY THE APPLICANT AND THE COUNCIL, INCLUDING THE EXTENT OF LONG TERM OPERATIONS'.

Third Energy Limited

2762/1376/M16/U

Part b) i): The Policy is inappropriate because it is not compliant with the controls established by the Infrastructure Act 2015 and associated secondary legislation, where nationally significant sites of landscape or high environmental value are already afforded protection. This Policy seeks to introduce new designations which are already addressed through the EIA process, where a proposal would be tested in consultation with bodies such as Natural England and Historic England, where any avoidance or mitigation position would be locally identified.

INEOS Upstream Ltd

3703/0772/M16/U.DTC

The Infrastructure Act 2015 and associated secondary legislation clearly define the protected areas. The Plan seeks to extend and alter the existing definition as enshrined in legislation. For the final adopted Plan to be valid and to be a workable document the definition of the protected areas should reflect what is already valid and legally binding.

Helmsley Town Council

0603/0546/M16

The policy is not consistent with National Policy as it fails to take account of the other Plans, specifically Policy SP13 of the Ryedale Plan which identifies the Vale of Pickering and the Yorkshire Wolds protected Landscapes.

Suggested Modification:

Insert the following words into Part b) i) ' land shown on the Key Diagram of the Ryedale Plan as landscape of local value and Areas of high landscape value'.

4152/0708/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Suggested text:

Part b) (ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT be permitted UNLESS it can be demonstrated that NO harm to the designated asset will not occur.

Part c)i) Surface proposals for these forms of hydrocarbon development will NOT be permitted UNLESS they would be outside AND RESPECT THE SETTING OF the following

designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, THE VALE OF PICKERING AND THE YORKSHIRE WOLDS, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Helmsley Town Council

0603/1339/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm.

As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)

Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

Ryedale District Council

0116/1012/M16/U

The two areas of local landscape value, the Yorkshire Wolds and the Vale of Pickering, should be included in the policy at the end of the section b) i). It is considered that unless these areas are provided with the protection that the policy affords other landscapes, historic and biodiversity assets, the Plan will not be effective in providing appropriate protection to these landscapes, particularly given the potential density of development activity. The landscape qualities and character of the Wolds and the Vale of Pickering will be eroded. This will undermine the objectives and policies in the Ryedale Plan and undermines the alignment of policies for this area of North Yorkshire.

Suggested modification

Addition of 'the Yorkshire Wolds and the Vale of Pickering' to the end of sub section b) i).

Barugh (Great & Little) Parish Council

0412/0854/M16/U

Part b) i): The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Ryedale District Council

0116/1013/M16/U

The District Council is not aware of the evidence that has supported the proposed 3.5km buffer zone around the National Park and Howardian Hills AONB. The policy will not be effective and cannot be justified if this is an arbitrary figure. Much of the Vale of Pickering is low lying and affords distance views to these nationally protected landscapes, (in a similar way in which the topography of the Vale of York affords views to the Minster from some locations). At a landscape scale the Vale of Pickering and the Yorkshire Wolds form part of the setting of the nationally protected landscapes and on that basis it is considered that any proposal for surface hydrocarbon development in these locations needs to undertake a detailed assessment of the impact, (including cumulative impact) on the nationally designated areas.

As written, it is considered that the policy is inconsistent. It is entirely appropriate that the views/character of the historic city are protected. However, in policy terms development in the setting of the historic City of York, (and affecting views of the historic city,) should be treated no differently to that proposed in the setting of the nationally protected landscapes and the implications of development within their setting. The areas around the City to be protected by the policy do not appear to be identified in the Plan and a buffer zone is not identified for that particular sensitivity. The District Council has no objection to the need to provide policy protection for the historic City, but as it is currently written it would appear that the policy affords more weight to the protection of the City from development within its setting than it does for the development within the setting of the nationally protected landscapes.

Suggested modification

The 3.5km buffer should be deleted and all surface development in the Vale of Pickering and Yorkshire Wolds should be supported by a detailed assessment on the impact on the nationally protected landscapes.

There needs to be a consistency of approach in terms of the way in which the Plan aims to protect the historic city of York and the nationally protected landscapes. The areas which protect the historic views of the historic city should be defined in the Plan to be provided with the protection in sub section b) i) and a similar approach adopted for the setting of the nationally protected landscapes or, alternatively reference to the historic city should be included within a revised section d) i) where all surface development in the setting of the city and protected landscapes will be required to be supported by a detailed assessment of impact.

4111/1108/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

INEOS Upstream Ltd

3703/0776/M16/U.DTC

INEOS does not support the wording of this policy which fails to take into account the submissions made by industry in January 2016. The Policy fails to recognise the provisions of the Infrastructure Act 2015 and the protection afforded by the definitions of protected areas within the Act. One concern is the publication draft attempts to extend its remit to the control of sub surface drilling, this is not within the remit of the minerals planning authority and is not regulated by them,

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0492/M16/U.DTC

The Policy fails to recognise the importance of Green Belt policy in the determination of Hydrocarbon proposals. Hydrocarbon proposals fall outside the definition of appropriate development contained within the NPPF. Proposals would need to be justified with reference to Very Special Circumstances that outweigh the harm by inappropriateness and other harm resulting from the proposal.

Suggested Modification:

The policy should, in part d) i) provide clear guidance with regard the approach to the consideration of all surface hydrocarbon proposals located within the Green Belt.

Wenningdale Climate Action Network (WeCan)

4093/1222/M16

Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4152/0710/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

2786/1246/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. The Policy should set out what criteria fracking developers would have to meet including, not just landscape and views but also, health, tranquillity, night skies, biodiversity, agriculture, tourism etc. The Joint Plan should be more robust in setting out when fracking within the 3,5km buffer would be supported. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

Appleton-le-Moors Parish Council

0391/0234/M16

The policy is unsound as it would not have any positive impact on the climate budget.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities. Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future. Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

4108/1133/M16

Part b)

The Policy is supported.

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Appleton-le-Moors Parish Council

0391/0236/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

Third Energy Limited

2762/1402/M16/U

Part d) ii): With reference to 'Heritage Coast', such areas are not formal landscape designations and in terms of the Plan area, generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to Heritage Coasts is unjustified.

Appleton-le-Moors Parish Council

0391/0240/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

4107/1142/M16

Part b)

The Policy is supported.

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

4108/1134/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

2256/0186/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes

including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Amend the text of the Policy to state: NEW TEXT IN BOLD. Deletions marked in brackets (e.g.)

- i) Surface proposals for these forms of hydrocarbon development will NOT (only) be permitted (where) UNLESS they would be outside AND RESPECT THE SETTING OF the following designated areas:.....THE VALE OF PICKERING AND THE YORKSHIRE WOLDS,.....
- ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT (only) be permitted (where) UNLESS it can be demonstrated that (significant) NO harm to the designated asset (not) occur.

Churches Together In Settle Justice and Peace Group

4105/1167/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004) . Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined. There is no evidence that shale gas could lead to carbon savings.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included
Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

2256/0187/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

Third Energy Limited

2762/1401/M16/U

Part d) i): Concerned about the use of the '3.5km buffer zone'. Para 5.128 states that 'This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes' with a further reference to 35m high structures but lacking a reference to the temporary nature. It is contended that this is not sufficient to justify a buffer zone of this magnitude. Within protected landscapes there are permanent structures of comparable or greater height that have been assimilated within and adjacent to protected landscapes.

Stillington Parish Council

0874/0386/M16

We concur that a buffer zone of 3.5km is required, and a separation distance of 500m should be the minimum.

2256/0190/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

4107/1147/M16

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

2256/0192/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

Appleton-le-Moors Parish Council

0391/0235/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Third Energy Limited

2762/1400/M16/U

Part b) i): With regard to the text 'Areas which protect the Historic Character and Setting of York', there does not appear to be any clarification within the Plan as to whether this policy applies to specific identifiable areas (i.e. that could be mapped and backed up with evidence of the significance/vulnerability of such areas in terms of heritage interest), or whether this is a general undefined approach. The lack of certainty and direction that this element of policy provides is unhelpful. The Policy goes beyond the provisions of the Infrastructure Act, in that new designations are introduced. Consideration of these additional designations is unnecessary as effective operation of the planning system provides for consideration of potential impacts where relevant.

Third Energy Limited

2762/1403/M16/U

Part e): Elements of this part are unnecessary.

Suggested modification: Delete 'Conversion of well pads and wells for further or alternative forms of hydrocarbon development' and 'or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons'.

2256/0184/M16

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

4102/1199/M16

The Plan fails to address adequately the setting of designated sites.

Wenningdale Climate Action Network (WeCan)

4093/1225/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

4095/0433/M16/U.DTC

The plan fails to consider the sensitivities of the landscape designations of adopted plans within the overall minerals and waste plan area, for example the landscape value placed on the Vale of Pickering and Yorkshire Wolds areas should be included within 'protected areas' stipulated in Policy M16

Third Energy Limited

2762/1369/M16/U

Part b): There is an attempt to extend the Plan's control over areas where others regulate i.e. extending planning control to include the subsurface, which is not the remit of the Town and Country Planning Act.

Third Energy Limited

2762/1359/M16/U

Part b): The Infrastructure Act 2015 and the associated secondary legislation clearly defines the protected areas. The publication draft report seeks to extend and alter the existing definition as enshrined in legislation. It is our contention that for the final adopted plan to be valid and to be a workable document the definition of the protected areas should reflect that which is already valid and legally binding.

4097/0503/M16

Part d) I

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4099/0530/M16

The buffer zone should be extended to 1000m and include protection for housing, schools and other buildings. This will help ensure that the impacts of noise, light and traffic are addressed.

4100/1189/M16

The Policy is supported.

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

4100/1188/M16

Further consideration of the local impacts is required. The protected areas are strongly supported but the remaining areas of North Yorkshire are unprotected and extensive development could result in the formation of a 'sacrifice zone'.

Frack Free Ryedale

3684/0253/M16/U

The 3.5km Buffer is supported. The Policy should define what it means by 'unacceptable harm'.

It is essential that nationally and locally designated areas and areas of high landscape value which the districts and borough have designated in their local plans are included in the 'protected areas' list, identified in part b)i). The policy has not taken account of the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important designated landscapes including the Vale or Pickering and the Yorkshire Wolds. It is essential that the plan identifies these areas outside those already receiving protection where development would be appropriate.

Suggested modification:

Clearly define what is meant by 'Unacceptable harm'.

Amend Part b)i) to read: **NEW TEXT IN BOLD**, deletions in brackets (e.g.)

Surface proposals for these forms of hydrocarbon development will **NOT** (only) be permitted (where) **UNLESS** they would be outside **AND RESPECT** the setting of the following designated areas: National Park,the historic character of York **THE VALE OF PICKERING AND THE YORKSHIRE WOLDS**, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

4152/0715/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

4102/1196/M16

The Policy does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

4092/1172/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4152/1297/M16

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

Harrogate Friends of the Earth

362/1101/M16

The areas identified for protection undervalue the wide range of other landscapes that exist across the County. All environments should be protected.

Thirsk and Malton MP

1363/0170/M16

Fully support the inclusion of the 3.5km buffer around the 'protected areas'.

2786/1245/M16

Part b)

The inclusion of a 3.5km buffer zone is supported.

However, The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Part b) i)

All phases of conventional hydrocarbon exploration, appraisal and production; that is, activities referred to in the first bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigate, in accordance with the NPPF. Conventional hydrocarbons extraction does not require permitting the activities referred to in the first bullet point which the exception of surface proposals in the National Park and AONBs. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

Suggested Modification

Amend 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.

1542/0725/M16/U

The buffer zone around residences, SSSIs, archaeological sites, National Parks etc. should be increased to 750m. There should be no exceptions. This will be consistent with paragraphs 17 and 124 of the NPPF

Stonegrave Parish Meeting

0878/0316/M16

Part b): Protected status should be accorded to the Vale of Pickering in view of its aesthetic qualities and history.

2786/0986/M16

Amend the Policy as follows:

Policy M16 part (b)

PROPOSALS WILL ONLY BE CONSIDERED WHERE THEY CAN DEMONSTRATE BY APPROPRIATE EVIDENCE AND ASSESSMENT THAT THEY CAN BE DELIVERED IN A SAFE AND SUSTAINABLE WAY AND THAT ADVERSE IMPACTS CAN BE AVOIDED – EITHER ALONE OR IN COMBINATION WITH OTHER DEVELOPMENTS. CONSIDERATION SHOULD INCLUDE: -

IT BEING DEMONSTRATED THAT GREENHOUSE GASES ASSOCIATED WITH FUGITIVE AND END-USER EMISSIONS WILL NOT LEAD TO UNACCEPTABLE ADVERSE ENVIRONMENTAL IMPACTS OR COMPROMISE THE PLANNING AUTHORITY'S DUTIES IN RELATION TO REDUCING GREENHOUSE GAS EMISSIONS.

A PRECAUTIONARY APPROACH TO UNCONVENTIONAL OIL AND GAS DEVELOPMENT IN REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT;

CUMULATIVE IMPACTS FOR SUCH DEVELOPMENT INCLUDING ISSUES SUCH AS (AND NOT LIMITED TO):

WATER, AIR AND SOIL QUALITY; HABITATS AND ECOLOGY; HIGHWAY MOVEMENTS AND HIGHWAY SAFETY; LANDSCAPE IMPACT; NOISE; AND GHG EMISSIONS;

ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT be permitted UNLESS it can be demonstrated that NO harm to the designated asset will [not] occur.

i) Surface proposals for these forms of hydrocarbon development will NOT be permitted UNLESS they would be outside AND RESPECT THE SETTING OF the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, THE VALE OF PICKERING AND THE YORKSHIRE WOLDS, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

Harrogate Friends of the Earth

0362/1097/M16

The Policy is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Specifically the impacts of extracting and burning fossil fuels, and the consequences of inevitable methane leakage.

Suggested Modification

The emphasis of the Policy should be strengthened so that applications will not be considered unless they demonstrate that they can be implemented safely and sustainably without adverse impacts. The applicant must provide convincing evidence that methane emissions and transmissions of gas will not compromise the council's climate change objectives. Every application should be appraised by the precautionary principle and be subject to rigorous Environmental Assessments. Applicants must explain the most likely scale and extent of the longer term operations before they are allowed to start drilling a single well site. Cumulative impact assessments, covering the full range of issues above, should be commissioned by the applicant and the council, including the extent of long term operations.

4102/1192/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Climate change mitigation needs addressing in the minerals extraction policies.

Third Energy Limited

2762/1399/M16/U

This Policy is not effective and could be simplified to provide clarity as to the applicable principles to each hydrocarbon development type.

The Coal Authority

1111/0209/M16/LC.DTC

The current policy does not allow the principle of exploration, appraisal and production of unconventional hydrocarbons across the whole plan area without encumbrance from the National Park and AONB designations. As some PEDL licences line completely within the North York Moors National Park, the policy prejudices the implementation of activity in these areas.

There is some flexibility in the siting of surface plant for hydrocarbon extraction, this has to be done within the realms of operational requirements and commercial implications. Some forms of hydrocarbon extraction, can and do take place on a small-scale with minimal surface plant. Such activity would not be incompatible with the National Park or AONB status. Paragraph 116 of the NPPF sets out the general approach to be taken to designated area and any policy approach pursued should take due cognisance of that that policy and that set out in paragraph 147 of the NPPF. Therefore unfortunately the policy is considered unsound and needs to be reconsidered.

There is no justification for the buffer distances (3.5km and 500m). The plan does not take a balanced approach toward hydrocarbon development, it is unduly negative which is inconsistent with the NPPF and Planning Guidance.

Suggested Modification:

M16 should be amended to read:

“Policy M16: Hydrocarbon Development

Proposals for development of hydrocarbons, including proposals involving hydraulic fracturing, will not be supported where they are adversely affect the National Park or its setting, AONBs, Heritage Coast, Protected Groundwater Source Areas, World Heritage Sites, the Historic Character and Setting of York, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Special Areas of Conservation, Special Protection Areas, Ramsar sites and Sites of Special Scientific Interest.

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

Hydrocarbon development will be permitted where it can be demonstrated through a Transport Assessment that:

- a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities, businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements; and
- b) Access arrangements to the site are appropriate to the volume and nature of any road traffic generated and safe and suitable access can be achieved for all users of the site, including the needs of non-motorised users where relevant;
- c) There are suitable arrangements in place for on-site manoeuvring, parking and loading/unloading; and
- d) Where access infrastructure improvements are needed to ensure that the requirements of a) and b) above can be complied with, information on the nature, timing and delivery of these should be included within the proposals.

Hydrocarbon development will be permitted in locations where a high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions. The timing of short term development activity likely to generate high levels of noise or other disturbance, or which would give rise to high volumes of heavy vehicle movements, should be planned to avoid or, where this is not practicable minimise, impacts during local school holiday periods.

Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02.

Proposals should refer to any relevant data from baseline monitoring and other available information to ensure that a robust assessment of potential impacts is undertaken, and that comprehensive mitigation measures are proposed where necessary. Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment.

Proposals for the exploration and appraisal of hydrocarbon resources will be supported where the following additional requirements are met:

- i. any unacceptable adverse impact on the environment, local amenity, and heritage assets is avoided or can be appropriately mitigated so far as practicable taking into account the geological target being explored or appraised; and
- ii. Any robust assessment has been carried out to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not arise from ground stability considerations and that public health and safety can be adequately protected; and
- iii. Following completion of exploration and/or appraisal any wells are sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air; and

Proposals for the production and processing of hydrocarbon resources will be supported where following additional requirements are met:

- i. any unacceptable impact on the environment, local amenity and heritage assets is avoided or can be appropriately mitigated. Where proposals are for unconventional resources particular care will need to be given to demonstrate that there will be no harm to the quality and availability of ground and surface water resources, harm will not

arise from ground stability considerations and that public health and safety can be adequately protected; and

ii. Transportation of gas from locations of production, including to any remote processing facilities, will where possible and feasible be via underground pipeline, with the routing of pipelines selected to have the least environmental or amenity impact;

iii. A co-ordinated approach has been adopted through the preferential use and/or adaptation of any available and suitable processing and transport infrastructure for the processing and transport of any new gas finds. In relation to any development of new gas resources not accessible to available and suitable processing infrastructure, preference will be given to siting of new processing infrastructure on brownfield, industrial or employment land, particularly where there are opportunities for use of combined heat and power. Where this requirement cannot be met applicants should seek to steer new development sites away from best and most versatile quality agricultural land. The Minerals Planning Authority will support coordination between licence operators and the development of shared processing infrastructure where this will help reduce overall impacts on the environment and local amenity; and

iv) At the end of production facilities should be dismantled with any wells sealed to prevent the risk of any contamination of ground or surface waters or any emissions to air and the site restored to its former use or other agreed use at the earliest possible opportunity.”

Reason – The current policy approach fails to accord with the NPPF

3861/1157/M16

Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

3886/1125/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

Egdon Resources (UK) Limited

0150/0816/M16/LC.U.DTC

There is no justification in planning terms for distinguishing between conventional and unconventional hydrocarbon extraction. This is demonstrated in the Lincolnshire Minerals and Waste Local Plan. Policy M9 (Energy Minerals) of the adopted plan makes no distinction between conventional and unconventional hydrocarbons and is positively worded, allowing exploration, appraisal and production provided that proposals are in accordance with the Development Policies in the Plan. Likewise, Policy MP12 (Hydrocarbon Minerals) in the emerging Nottinghamshire Local Plan is a single policy which applies to all forms of hydrocarbon development. Para 4.115 states "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." The supporting text goes on to state that the regulatory process of obtaining consent to drill a well is the same whether the well is targeting conventional or unconventional hydrocarbons. It is considered this is an appropriate approach which is consistent with the NPPF.

Amend the policy to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance to enable the delivery of sustainable development.

3857/0731/M16/U

The recognition of the designated areas in part b(i) and buffers is welcomed. There appears to be an inconsistency between part b(i) and d(i) and the sentence which states that 'permission would not be granted where they cause unacceptable harm', this implies that permission would be granted where they cause acceptable harm.

Zetland Group

2145/0603/M16/U

Part d) ii): With reference to 'Heritage Coast', such areas are not formal landscape designations and in terms of the Plan area, generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to Heritage Coasts is unjustified.

0230/0841/M16

Strongly support Part b i)

Zetland Group

2145/0602/M16/U

Part d) i): Concerned about the use of the '3.5km buffer zone'. Para 5.128 states that 'This distance is based on typical planning practice relating to assessment of landscape and visual impact for EIA purposes' with a further reference to 35m high structures but lacking a reference to the temporary nature. It is contended that this is not sufficient to justify a buffer zone of this magnitude. Within protected landscapes there are permanent structures of comparable or greater height that have been assimilated within and adjacent to protected landscapes.

0230/0842/M16

Part d) i) The inclusion of a 3.5km buffer around National Parks and AONBs is supported. Any form of hydraulic fracturing in these areas should be prohibited. The wording needs to be strengthened. The current working of the policy only specifies the impact on 'views' as producing potential significant harm to National Parks and AONBs. It should be made clear that this is an example only of the possible harms and the second sentence should be reworded to State "This includes (BUT NOT LIMITED TO) views... "

The special qualities (landscape, views, tranquillity, biodiversity and geodiversity and rare species and heritage) of the National park and AONBs should be set out in the policy.

The buffer zone should be extended to include SSSIs.

3954/1083/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included
Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

3916/0479/M16/U

The Plan is incompatible with the Ryedale Plan and is unfit for purpose. The Ryedale Plan requires new development to 'reinforce distinctive elements of landscape character' in areas including Vale of Pickering and the Yorkshire Wolds, which have unique landscape value, with Neolithic features. Policy SP13 of the Ryedale Plan stipulates that developments should contribute to the protection, and enhance of elements, of landscape, including: 'visually sensitive skylines, hill and valley sides... the ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure'. The suggested density of 10 well sites per 10x10km2 area would radically contravene the Ryedale Plan by destroying the ambience, tranquillity and distinctive landscape character of Ryedale.

South Hambleton Shale Advisory Group

4158/0892/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm.

As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)

Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

4144/1056/M16

Part b)

The Policy is supported.

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0988/M16

Generally support the approach to M16 protection of 'designated areas', argue that policy should consider other landscapes. Ryedale Local Plan Strategy (SP13 Landscapes) recognises the Yorkshire Wolds and Vale of Pickering as areas considered high in landscape value. These should be included as 'protected areas' in M16.

0231/1438/M16/U

The NPPF requires a presumption in favour of sustainable development, which requires 'ensuring that better lives for ourselves don't mean worse lives for future generations'. The biggest implication for the Plan is the presumption against the exploitation of the fossil fuel resource in the Plan area.

The extraction and burning of fossil fuels impacts adversely on climate change, hydraulic fracturing produces emission of methane. Would support a complete ban on fracking but understand that this is not legally acceptable in the current policy framework. The precautionary principle dictates that an Environmental Impact Assessment should be required. The policy should also make specific reference to climate change.

Suggested modification.

Policy should be reworded, emphasis changed from 'will be permitted' to 'will not be permitted'.

HYDROCARBON DEVELOPMENT WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT THE DEVELOPMENT MAKES A POSITIVE CONTRIBUTION TO THE SUSTAINABILITY OF THE PLAN AREA AND WILL NOT WORSEN OUR CONTRIBUTION TOWARD GLOBAL CLIMATE CHANGE. A PROPOSAL MAY BE PERMITTED FOR INSTANCE IF IT CAN BE SHOWN TO RESULT IN THE DISPLACEMENT OF MORE CARBON-INTENSIVE FORMS OF ENERGY.

HYDROCARBON EXTRACTION WILL NOT BE PERMITTED AT ALL EITHER WITHIN OR TO LATERALLY DRILL UNDERNEATH THE NATIONAL PARK, AINBS, PROTETCED GROUNDWATER SOURCE AREAS, THE FOUNTAINS ABBEY/STUDLEY ROYAL WORLD HERITAGE SITE AND ACCOMPANYING BUFFER ZONE, SCHEDULED MONUMENTS, REGISTERED HISTORIC BATTLEFIELDS, GRADE I AND II* REGISTERED PARKS AND GARDENS, AREAS WHICH PROTECT THE HISTORIC CHARATER AND SETTING OF YORK, SPECIAL PROTECTION AREAS, SPECIAL AREAS OF CONSERVATION, RAMSAR SITES AND SITES OF SPECIAL SCEINTIFIC INTEREST.

Egdon Resources (UK) Limited

0150/0890/M16

The option proposed fails to support the principle of oil and gas development and does not reflect national planning policy. If a more balanced and sensible approach had been applied in respects of assessing the various options against SA objective 8, the Plan would have better reflected the guidance in both the NPPF and the Mineral PPG which supports the growth of sustainable hydrocarbon development.

Suggested Modification:

Amend to more accurately reflect the great importance the government attaches to hydrocarbon extraction in national policy and guidance to enable the delivery of sustainable development.

4154/0589/M16

Section b) ii) 'Lack of harm' is not positive planning. Positive planning is a requirement of the NPPF.

4142/1071/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4142/1070/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Ryedale Liberal Party

3846/0976/M16/LC.U.DTC

Section b) ii) Lack of harm, even if it could be demonstrated, does not 'enhance the environment through the use of the development.' this is the definition of 'positive planning.' Positive planning is a requirement of the NPPF.

3008/0951/M16/U

Key amendments should use the precautionary principle. Proposals should only be considered if can prove with evidence that they can be delivered in a safe sustainable way.

Zetland Group

2145/0601/M16/U

Part b) i): With regard to the text 'Areas which protect the Historic Character and Setting of York', there does not appear to be any clarification within the Plan as to whether this policy applies to specific identifiable areas (i.e. that could be mapped and backed up with evidence of the significance/vulnerability of such areas in terms of heritage interest), or whether this is a general undefined approach. The lack of certainty and direction that this element of policy provides is unhelpful. The Policy goes beyond the provisions of the Infrastructure Act, in that new designations are introduced. Consideration of these additional designations is unnecessary as effective operation of the planning system provides for consideration of potential impacts where relevant.

Egdon Resources (UK) Limited

0150/0815/M16/LC.U.DTC

Part b)

The definition of 'hydraulic fracturing' does not accord with the definition in the Infrastructure Act 2015. Associated hydraulic fracturing is defined in the Act as either 1,000 cubic metres per stage or more than 10,000 cubic metres overall. It is therefore not consistent with the statutory framework to apply a different definition of hydraulic fracturing and then severely restrict and limit activities which would not be deemed to be defined as hydraulic fracturing anywhere else. The definition should be changed to reflect the definition in law.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable the density of sustainable development.

Egdon Resources (UK) Limited

0150/0813//M16/LC.U.DTC

Part b) i)

Activities referred to in the second bullet point should only be restricted in the National Park, AONBs, Fountains Abbey/Studley Royal World Heritage Site, SPAs, SACs, Ramsar sites and SSSIs, in accordance with the Infrastructure Act 2015 and where hydraulic fracturing exceeds 1,000 cubic meters or water at each stage or more than

10,000 cubic metres of fluid in total. There is no justification for the inclusion of other locations referred to in (i), subject to appropriate environmental protection and mitigation.

Suggested Modification

Activities referred to in the second bullet point should not be permitted in the National Park, AONB, the Fountains Abbey/Studley Royal Wold Heritage Site, SPAs, SACs, Ramsar Sites and SSSIs, where hydraulic fracturing is below the volumes referred to above, unless the proposals are in the national interest. This would ensure consistency with the NPPF.

Egdon Resources (UK) Limited

0150/0814/M16/LC.U.DTC

Part b (i)

Activities referred to in the third bullet point, should be acceptable in the designated areas specified in (i), subject to appropriate mitigation, in accordance with the NPPF. The appraisal or production of unconventional hydrocarbons extraction does not require hydraulic fracturing as defined in the Infrastructure Act 2015. There is no justification for not permitting the activities referred to in the first bullet point with the exception of surface proposals in the National Park and AONB. In these two areas, the NPPF states that proposals should be refused unless it is in the public interest.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in the national policy and guidance and to enable the delivery of sustainable development.

3876/0396/M16/U

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes such as the historic landscape around Nawton, in particular St Gregory's Minster. Unconventional Hydrocarbon Development would have an impact on the Landscape affecting the tourist industry in the area.

The Plan must take account of other local plans.

3876/0395/M16/U

The plan and policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy. Fracking must be assessed on its CO2 emissions and fugitive methane leaks.

Egdon Resources (UK) Limited

0150/0811/M16/LC.U.DTC

Part b) ii)

There is no justification for lateral drilling beneath a National Park or AONB should comprise major development. Since the designation of the sites referred to in (i) applies to the surface and not sub strata, the Plan does not justify why applicants need to demonstrate evidence of no significant harm under these designations but not below land not designated.

Suggested Modification

This part of the policy is unjustified and should be deleted.

3876/0399/M16

There is a wide variety of birds and other wildlife in the area which would be affected by noise, pollution, light and water and traffic impacts. The Plan must ensure that there would be no impact local wildlife. Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound.

3862/0295/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

3862/0293/M16

The inclusion in Policy M16 that designated areas such as National Parks, AONBs and SSSIs are protected from fracking on their surfaces is strongly supported. However, the MWJP is currently unsound as it does not take into account the Ryedale Local Plan Strategy, in particular Policy SP13 (Landscapes). The Ryedale Plan is an adopted local plan which has statutory force and has been made in accordance with the requirements of the NPPF. It follows that the draft minerals plan would be unsound if it failed to take proper account of Policy SP13 of the Ryedale Plan, which was approved and adopted by NYCC.

Egdon Resources (UK) Limited

0150/0810/M16/LC.U.DTC

Part b) ii)

There is no justification for applicants to have demonstrated that sub-surface proposals below the designations in (i) would cause significant harm. The considerable depth of the boreholes below the surface of the designated sites, likely to be in excess of between 300 and 1,000m will mean that there is likely to be either a minor or very negligible effect as a result. It should also be noted that there is a very rigorous environmental permitting regime regulated by the Environment Agency that ensures that operators demonstrate that sub-surface drilling and production activities will not cause environmental impact, and this includes an assessment of the impact on groundwater and aquifers. Sub-surface proposals were not considered to be an issue of any substantive interest at two recent Cuadrilla appeals.

Suggested modification

This part of the policy is unjustified and should be deleted.

3886/1122/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

3862/0298/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

4155/0588/M16

A precautionary principle should be applied to unconventional oil and gas development due to unknown environmental effects, the risk to water quality means the

precautionary principle should be applied under the EU Water Framework Directive. Para 17 of the NPPF supports the 'transition to a low carbon future' and para 94 calls for 'proactive strategies to mitigate and adapt to climate change'. Unconventional gas extraction does not do this. It is incomprehensible and unlawful to exploit new fossil fuel reserves that may lead to breaching legally binding commitments under the Climate Change Act. The Council has a responsibility for the health and security of its residents, to allow risk to be placed upon residents as a matter of policy is unacceptable and unlawful.

Egdon Resources (UK) Limited

0150/0808/M16/LC.U.DTC

Part d)

There is no justification in planning policy grounds for the inclusion of a 3.5km buffer zone to require a detailed assessment of the potential impacts of any surface hydrocarbon development. Para 18 of the Minerals PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the mineral extraction area and a occupied residential property. Such a buffer should be based on site-specific basis and should be effectively, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Secondly, the policy applies a broad brushed blanket approach to including views of and from the associated landscapes form significant viewpoints. The impact of development should be judged from publically accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone. Thirdly, there is no need for a reference to Policy D04 if the Plan is to be read as whole.

Suggested Modification:

Delete as unnecessary in planning terms and without justification in national planning policy.

3862/0294/M16

The landscape impact alone of so many fracking well-sites, and the supporting infrastructure such as pipelines, would clearly have a negative effect on the Vale of Pickering and the Yorkshire Wolds and the current economy. Fracking would lead to industrialisation of the countryside and impact on communities in terms of noise and pollution.

Habton Parish Council

0589/0542/M16/U

The draft plan is unsound as it is inconsistent with National Policy as it fails to take account of Policy SP13 of the Ryedale Plan which has the objective of protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities and identifies the Vale of Pickering and Yorkshire Wolds and locally important landscapes and these should be included in the list of areas where fracking would not be permitted.

The Council requests the insertion of the words 'LAND SHOWN IN THE KEY DIAGRAM OF THE RYEDALE PLAN AS LANDSCAPE OF LOCAL VALUE AND AREAS OF HIGHLANDSCAPE VALUE' after 'Areas which protect the historic charater and setting of York'

Oulston Parish Meeting

0680/1311/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other

provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm. As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)
Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

Leavening Parish Council

0726/0405/M16

Part b) i): The Policy protection afforded to Protected Groundwater Source Areas is not consistent with references in Policy D09 (and para 2.18) to provision of a very high level of protection to Principal Aquifers. This is ambiguous and unworkable.

Suggested modification to Part b) i): After the text 'Protected Groundwater Source Areas' add 'INCLUDING PRINCIPAL AQUIFERS'.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1206/M16

The Vale of Pickering and the Yorkshire Wolds should be included in the list of 'protected areas'.

...B) [INSERT] PROPOSALS WILL ONLY BE CONSIDERED WHERE THEY CAN DEMONSTRATE BY APPROPRIATE EVIDENCE AND ASSESSMENT THAT THEY CAN BE DELIVERED IN A SAFE AND SUSTAINABLE WAY AND THAT ADVERSE IMPACTS CAN BE AVOIDED – EITHER ALONE OR IN COMBINATION WITH OTHER DEVELOPMENTS. CONSIDERATION SHOULD INCLUDE: -

IT BEING DEMONSTRATED THAT GREENHOUSE GASES ASSOCIATED WITH FUGITIVE AND END-USER EMISSIONS WILL NOT LEAD TO UNACCEPTABLE ADVERSE ENVIRONMENTAL IMPACTS OR COMPROMISE THE PLANNING AUTHORITY'S DUTIES IN RELATION TO REDUCING GREENHOUSE GAS EMISSIONS.

A PRECAUTIONARY APPROACH TO UNCONVENTIONAL OIL AND GAS DEVELOPMENT IN REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT;

CUMULATIVE IMPACTS FOR SUCH DEVELOPMENT INCLUDING ISSUES SUCH AS (AND NOT LIMITED TO):

WATER, AIR AND SOIL QUALITY; HABITATS AND ECOLOGY; HIGHWAY MOVEMENTS AND HIGHWAY SAFETY; LANDSCAPE IMPACT; NOISE; AND GHG EMISSIONS;

(ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT be permitted UNLESS it can be demonstrated that NO harm to the designated asset will [not] occur.

i) Surface proposals for these forms of hydrocarbon development will NOT be permitted UNLESS they would be outside AND RESPECT THE SETTING OF the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, THE VALE OF PICKERING AND THE YORKSHIRE WOLDS, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included
Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

Zetland Group

Part e): Elements of this part are unnecessary.

Suggested modification: Delete 'Conversion of well pads and wells for further or alternative forms of hydrocarbon development' and 'or for the conversion of a well pad or individual well used for conventional hydrocarbons to one to be used for unconventional hydrocarbons'.

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

The areas identified for landscape protection undervalue the small scale woodlands, access land with paths, open land adjacent to towns and villages. Protection should be expanded to all such environments.

Suggested modification to M16: Part b) Add following text 'APPLICATIONS WILL NOT BE CONSIDERED UNLESS THEY DEMONSTRATE THAT THEY CAN BE IMPLEMENTED SAFELY AND SUSTAINABLY WITHOUT ADVERSE IMPACTS. THE APPLICANT MUST PROVIDE CONVINCING EVIDENCE THAT METHANE EMISSIONS AND TRANSMISSION OF GAS WILL NOT COMPROMISE THE COUNCIL'S CLIMATE CHANGE OBJECTIVES. EVERY APPLICATION SHOULD BE APPRIASED BY THE PRECAUTIONARY PRINCIPLE AND BE SUBJECT TO A RIGOROUS EIA. APPLICANTS MUST EXPLAIN THE LIKELY SCALE AND EXTENT OF THE LONGE TERM OPERATIONS BEFORE THEY ARE ALLOWED TO START DRILLING A WELL SITE. CUMULATIVE IMPACT ASSESSMENTS, COVERING THE FULL RANGE OF ISSUES ABOVE, SHOULD BE COMMISSIONED BY THE APPLICANT AND THE COUNCIL, INCLUDING

Egdon Resources (UK) Limited

0150/0809/M16/LC.U.DTC

Part b) iii)

This part of the policy is unnecessary if text is included to state that hydrocarbon development should accord with the policies of the Plan.

Suggested Modification

Delete as unnecessary and over repetitive.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0756/M16/U

Part d) i): introduces a '3.5km buffer zone', for which there is no national policy mechanism. All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. The buffer zone also takes no regard of the temporary nature of any drilling and/or hydraulic fracturing activity.

Frack Free York

2970/0902/M16/U

Para 100 of the NPPF states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk'. Hydrocarbon development is clearly inappropriate development in this context as it requires transporting, handling and storing hazardous materials, which could be released into the environment if a flood occurred. Policy M16 contains no protection of flood risk areas from hydrocarbon development and will have to be amend in order to comply with para 100 of the NPPF.

Suggested modification to Policy M16: Add text 'HYDROCARBON DEVELOPMENT WILL NOT BE PERMITTED IN FLOOD ZONE 2 OR 3'.

Frack Free York

2970/0901/M16/U

Para 143 of the NPPF requires local authorities to 'set environmental criteria, in line with the policies in this framework against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable impacts on the natural and historic environment and human health including from... impacts on the flow and quantity of surface and groundwater and migration of contamination from the site'. The threat that unconventional hydrocarbon development presents to groundwater is well established, with the US EPA acknowledging this hazard in their latest report on this issue. Whilst UK and US regulations may differ, this does not itself provide adequate reassurance, as the HSE will be reliant on the operators for reports of underground activity and conditions. The Plan must deal with this issue. Policy M16 does include protection for 'protected groundwater source areas' from hydrocarbon development. Whilst the term 'protected groundwater source areas' is used in the Petroleum Act 1998, I understand that no definition has been provided in the Act and note that no definition of the term is provided in the Policy. It is therefore not clear how, or to what extent, groundwater is protected as required by para 143 of the NPPF. The Policy also fails to include a reference to the precautionary principle which must be applied under the terms of the EU Water Framework Directive.

Suggested modification to Part b) i) of Policy M16: Replace the term 'Protected Groundwater Source Areas' with the term 'GROUNDWATER SOURCE PROTECTION ZONES 1, 2 AND 3'. Add text 'HYDROCARBON DEVELOPMENT WILL NOT BE PERMITTED AT ANY LOCATION WHERE IT COULD RESULT IN CONTAMINATION OF GROUNDWATER OR SURFACE WATER THAT IS USED FOR HUMAN CONSUMPTION OR FOR AGRICULTURE'. Add text 'THE PRECAUTIONARY PRINCIPLE WILL BE APPLIED AS REQUIRED BY THE EU WATER FRAMEWORK DIRECTIVE, TO ALL APPLICATIONS FOR HYDROCARBON DEVELOPMENT'.

Frack Free York

2970/0900/M16/U

Para 118 of the NPPF states 'proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted'. Policy M16 provides protection against unconventional hydrocarbon development, involving fracking, within SSSIs, but it does not provide protection against such development outside of SSSIs, which would harm the SSSIs as required above. The Policy does refer to a link with Policy D07 but the protection of SSSIs in Policy D07 is insufficient. Specific protection of the area surrounding SSSIs and European protected sites is needed in Policy M16 given the unique threat that the development of unconventional hydrocarbons would present to wildlife. Impose buffer zones of 1km around all European protected sites and 10km around those which are habitats for highly mobile wildlife such as bats, birds and otters.

Third Energy Limited

2762/1354/M16/U

Part e) of the Policy seeks to apply the Policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant[ed]' the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations'.

Leavening Parish Council

0726/0411/M16/U

Part b) i): Revise the Policy to make reference to Landscape of Local Value and Areas of High Landscape Value as defined in the Ryedale Plan.

Suggested modification to Part b) i): Add the following text '...Special Areas of Conservation, LANDSCAPE OF LOCAL VALUE AND AREAS OF HIGH LANDSCAPE VALUE AS DEFINED BY THE RYEDALE PLAN, Ramsar sites...'

3821/0143/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

4146/0944/M16

The inclusion of the buffer around National Parks admits that development will have a deleterious effect on the rest of the area. The assessment of viability of development depends on balancing the benefits of development against its negative effect, the benefit to the local area is virtually non-existent. The benefit to the nation depends on how the gas being used to reduce climate changing emissions. The argument that Britain will be charged for its own energy production is spurious as it appears that it will be produced from private profit and traded on the international market.

3821/0141/M16

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

Malton Town Council

0758/0548/M16/U

Part b) i): The Policy fails to take into account Policy SP13 of the Ryedale Plan, insofar as it fails to include the Vale of Pickering and the Yorkshire Wolds as areas where hydraulic fracturing would not be permitted.

Suggested Modification: After the text 'Areas which Protect the Historic Character and Setting of York' insert 'LAND SHOWN ON THE KEY DIAGRAM OF THE RYEDALE PLAN AS LANDSCAPE OF LOCAL VALUE AND AREAS OF HIGH LANDSCAPE VALUE, AND THE RIVER DERWENT SSSI AND NEIGHBOURING LAND (INCLUDING THE TOWNS OF MALTON AND NORTON) TO ACT AS A BUFFER'.

3954/1089/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

3006/1061/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities. Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future. Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0757/M16/U

Part e) of the Policy seeks to apply the Policy where a well pad is further developed to include the targeting of less permeable geology. This is at odds with PEDL licencing where the operator is 'grant[ed]' the exclusivity over an area of land for onshore hydrocarbon exploration, appraisal and extraction. The exclusivity applies to both conventional and unconventional operations'.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0748/M16/U

Part b): There is an attempt to extend the Plan's control over areas where others regulate i.e. extending planning control to include the subsurface, which is not the remit of the Town and Country Planning Act.

INEOS Upstream Ltd

3703/0780/M16/U.DTC

The first paragraph states that proposals for unconventional hydrocarbons will not be supported where they are located within a number of specified protected areas. The policy that is adopted needs to be drafted in light of recent approval by Parliament of secondary legislation 'Onshore Hydraulic Fracturing Regulations 2013' under the Infrastructure Act 2015. Policy needs to distinguish between shale gas proposals and other non-shale unconventional hydrocarbons.

INEOS Upstream Ltd

3703/0781/M16/U.DTC

Support is required within the Plan and future associated documents to enable long term onshore hydrocarbon development strategy to realise the valuable hydrocarbon resources. The Plan should address in a positive way the full range of onshore hydrocarbon extraction including conventional onshore oil and gas development, extraction of petroleum or hydrocarbon oils and gases by drilling and pumping, capture of methane that has accumulated in mines and coal bed methane and gas derived from shale reservoirs.

It is important that an energy policy framework is set within the Plan to recognise oil, coal bed methane, shale gas and other forms of onshore oil and gas as a source of national energy production. The Plan should recognise the guidance contained in the minerals planning practice guidance and the importance of unworked coal seams and oil and shale reservoirs establishing a vision for the area for the next 10 - 15 years.

2253/1234/M16

The 3.5km buffer is supported.

Any fracking within 3.5km would inevitably impact on not only landscape and views, but tranquillity and biodiversity. To be sound the policy should prohibit fracking in these zones completely.

INEOS Upstream Ltd

3703/0777/M16/U.DTC

Section d) introduces a 3.5km buffer zone which is not supported or justified by national policy. The buffer zone is not required as the potential impact on the protected areas is established and assessed as part of the planning process through the Environmental Impact Assessment regulatory regime and also through landscape and visual assessments etc. There is no need for a buffer zone and it artificially restricts development where mechanisms already exist to afford protection to sensitive areas.

Coxwold Parish Council

0493/1325/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm.

As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)

Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

Nawton Parish Council

0787/1211/M16

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13 (landscapes) including the Neolithic features and ancient buildings, in particular Nawton St. Gregory Minster.

West Malton Against Fracking

4087/0504/M16

There is no contextual explanation of the word "unacceptable". The only consistent and reliable policy would be to ban all applications within the protected areas and their buffer zones. Without a blanket ban these areas are no longer "protected".

2253/1233/M16

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts and would change the character of the Vale of Pickering from rural to semi-industrial. Sites would be visible from roads and footpaths making the countryside less attractive effecting tourism in the area.

Crayke Parish Council

0496/1318/M16/U.DTC

Welcome the inclusion of buffer zones to safeguard the National Parks and AONBs and strongly support the proposed distance of 3.5km. However a significant discrepancy presently exists between Policy M16 b) i) and d) i). In b) i) absolute prohibition is proposed against all surface development involving hydraulic fracturing in National Parks, AONBs...Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone; yet in d) i) all kinds of surface development is anticipated within a National Park or an AONB or associated 3.5km buffer zone with the requirement only of a detailed assessment supporting any application, and permission forthcoming where harm arises. Strongly support the absolute prohibition in b) i) for the National Park and AONBs together with a 3.5km buffer zone. There appears to be little difference between the justification for a buffer zone for the World Heritage Site and the needs of a National Park or AONB. The reasoning for a buffer for the World Heritage Site relied upon visual setting, integrity and views and vistas, these criteria apply equally to the National Park and AONBs.

If the 3.5km buffer is unacceptable to Government there should be a fall-back position for the same reasons which justify the World Heritage Site. There should be some absolute prohibition of hydraulic fracturing surface development within the National Park and AONBs with a lesser buffer zone of for example 1.5km, with the other provisions contained in d) i) applying to a wider 3.5km zone, and a strengthening of its wording by substituting 'SIGNIFICANT' for 'unacceptable' harm.

As currently drafted we do not consider that M16 d) i) to be compliant with the absolute prohibition of surface unconventional shale gas development in National Parks and AONBs provided for by section 50 the Infrastructure Act 2015, so do not regard the Plan as being legally compliant.

Suggested modifications

Section b) i) delete [and accompanying zone] and replace with EACH WITH ACCOMPANYING ZONES OF 3.5KM

Section d) delete paragraph i) entirely but retain the text of paragraph ii)

Paragraph 5.125, first line replace [appropriate] with EFFECTIVE.

3966/0156/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

Zetland Group

2145/0600/M16/U

This Policy is not effective and could be simplified to provide clarity as to the applicable principles to each hydrocarbon development type.

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0985/M16/U

The final versions of M16-18 but especially M16 should seek similar commitments for unconventional oil and gas developments to positively contribute to reducing carbon emissions. The citing of policy D11 within the policy justification of policy M16 does not give enough weight to addressing greenhouse gas impacts of fracking. Policy wording should cover the consumption of (end use) of hydrocarbons, especially given this is directly related to the need for development. In addition the language used should make it clear that such development needs to make positive contributions to mitigate climate change impact.

Current wording of policies linked to fracking are not legally compliant with section 19 duty that requires that policies 'contribute to the mitigation of, and adaptation to climate change. In addition some policies are not consistent with national policy, specifically para 93 and 94 of the NPPF.

Suggested Modification

M16

a) ...Proposals for these forms of hydrocarbon development will NOT be permitted [in locations] UNLESS [where] they would be in accordance with policies M17 and M18 and, where relevant, part d) of this policy THE REMIT OF THESE POLICIES IS SHOWN ON THE PROPOSALS MAP

b) PROPOSALS WILL ONLY BE CONSIDERED WHERE THEY CAN DEMONSTRATE BY APPROPRIATE EVIDENCE AND ASSESSMENT THAT ADVERSE IMPACTS CAN BE AVOIDED - EITHER ALONE OR IN COMBINATION WITH OTHER DEVELOPMENTS. CONSIDERATION SHOULD INCLUDE

- IT BEING DEMONSTRATED THAT GREENHOUSE GASES ASSOCIATED WITH FUGITIVE AND END-USER EMISSIONS WILL NOT LEAD TO UNACCEPTABLE ADVERSE ENVIRONMENTAL IMPACTS OR COMPROMISE THE PLANNING AUTHORITY'S DUTIES IN RELATION TO REDUCING GREENHOUSE GAS EMISSIONS.

- A PRECAUTIONARY APPROACH TO UNCONVENTIONAL OIL AND GAS DEVELOPMENT REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT

- CUMULATIVE IMPACTS FOR SUCH DEVELOPMENT INCLUDING ISSUES SUCH AS (AND NOT LIMITED TO) - WATER, AIR AND SOIL QUALITY, HABITATS AND ECOLOGY, HIGHWAY MOVEMENTS AND HIGHWAY SAFETY, LANDSCAPE IMPACT, NOISE AND GHG EMISSIONS.

B) i) Surface proposals for these forms of hydrocarbon development will NOT be permitted UNLESS they would be outside AND RESPECT THE SETTING OF the following designated areas: National Park, AONBs, Protected Groundwater Source Areas, the Fountains Abbey/Studley Royal World Heritage Site and accompanying buffer zone, Scheduled Monuments, Registered Historic Battlefields, Grade I and II* Registered Parks and Gardens, Areas which Protect the Historic Character and Setting of York, THE VALE OF PICKERING AND THE YORKSHIRE WOLDS, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Sites of Special Scientific Interest.

B) ii) Sub-surface proposals for these forms of hydrocarbon development, including lateral drilling, underneath the designations referred to in i) above, will NOT be permitted [where] UNLESS [only be permitted where] it can be demonstrated that significant harm to the designated asset will not occur Where lateral drilling beneath a National Park or AONBs is proposed for the purposes of appraisal or production, this will be considered to comprise major development and will be subject to the

requirements of Policy D04.

c) Coal mine methane

Proposals for production of coal mine methane resources will ONLY be supported where [any] surface development would be located

E) Conversion of well pads and wells....

...such proposals shall be subject to the spatial principles set out in this policy as relevant INCLUDING THE PRECAUTIONARY PRINCIPLE AND DEMONSTRATION THE SCHEME WILL NOT LEAD TO ADVERSE IMPACTS REGARDING CLIMATE CHANGE.

4142/1075/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

Leavening Parish Council

0726/0412/M16/U

Part b) i): This Policy should provide for a buffer zone of at least 500m around scheduled monuments to ensure they are not damaged or disrupted in any way by drilling operations.

Suggested modification to Part d): Add a third criterion to this part 'SURFACE HYDROCARBON DEVELOPMENT WILL ONLY BE PERMITTED OUTSIDE OF A 500 METRE BUFFER ZONE AROUND ANY SCHEDULED MONUMENT'

3954/1084/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

3844/0227/M16

There should be far greater protection for the Vale of Pickering and AONBs.

3844/0226/M16

The buffers around National Parks should be at least 5 miles. There should be a minimum distance of 1 mile from villages and a minimum of 3 miles from schools.

3966/0157/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas, including the villages within the National Park. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4111/1107/M16

The Plan is not legally compliant, nor meets the Test of Soundness in relation to climate change, including the requirements of Section 19(1A) of the Planning and Compulsory Purchase Act (2004). Sections M16-18 of the MWJP does not conform with Paragraph 94 of the National Planning Policy Framework (NPPF), Paragraph 94, The Plans compatibility with UK carbon budgets or the legally binding commitments to the Climate Change Act to reduce emissions by 80% by 2050 are not clearly defined.

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included

CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.

Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.

Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

3839/0661/M16/U

The policy fails to meet the criteria of the NPPF particularly regarding climate change as the impacts of extraction and burning fossil fuels and the consequences of inevitable methane leakage have been overlooked. The County Council is failing to meet the legal obligations outlined in Section 19 1a of the 2004 Planning Act.

Policy does not address the issue about cumulative impact on water sources and plans for the treatment and disposal of the toxic fluids generated from fracking as '...there is no proven process' for the safe treatment of waste fluids currently existing. It will also expose communities to the devastation that fracking has brought elsewhere.

York Green Party

2224/1291/M16/U

Despite the Mineral Planning Authority's limited scope to the consultation focussing on legal compliance and adherence to the tests of soundness in the NPPF, it is felt that as Policy M16 has changed considerably since the preferred options consultation, the consultation scope should be widened to accommodate more general commentary as per the Town and Country Planning (Local Planning) England Regulations (2012).

These regulations do not limit the scope of consultation at the Regulation 19 (Publication) stage.

Modification

A proper consideration of the changes made to this paragraph to ensure that there is democratic legitimacy.

Castle Howard Estate Ltd

3828/0948/M16/U

The Plan should stipulate that a robust programme of baseline monitoring should be completed in advance of the three stages of hydrocarbon development being authorised. The monitoring would establish the environmental baseline against which the potential for development can be considered. The monitoring should be conducted independently, be publically available and should provide a scientific evidence based assessment of the local environment. It should cover water quality, seismic activity, ground motion, air quality, radon, soil gas, physical condition of heritage properties, traffic volumes and visual amenity and visual impact.

Once the monitoring data is collected all future activity, whether it be exploration, appraisal or production, should then be measured against the base line data.

Previous submissions relating to policies M16, D04 and D08, should also be addressed in order for the Plan so be considered sound.

Historic England

0120/0053/M16/S

We welcome the intention of criterion b)(i) to limit support for surface proposals associated with hydrocarbon developments only where they are outside, one of the designated heritage assets which the NPPF recognises as being of highest significance, an AONB; the National Park, or where they would affect the character and setting of historic City of York.

The Plan area is characterised by a very high-quality environment and it is essential that those assets which are acknowledged of being of special importance to the area are not harmed.

3966/0161/M16

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

Historic England

0120/0054/M16/U

Whilst we welcome the intention to only allow proposals underneath one of the designated heritage assets which the NPPF recognises as being of the highest significance where it can be demonstrated that it will not result in harm to these assets, we are concerned about the degree of harm that this Criterion would, potentially, allow. The Plan area is characterised by a very high quality environment and it is essential that those assets which are acknowledged of being of especial importance to the area are not harmed. When considering the impact of proposals upon the significance of a designated heritage asset NPPF Paragraph 132 makes it clear that “great weight” should be given to the conservation of those assets. The more important the asset, the greater the weight should be. All the designated heritage assets identified in Policy M16, Criterion (b)(i) are those which the Government considers to be of the highest significance (and, therefore, to which the greatest weight to their conservation should be given). Therefore, as drafted Criterion (b)(ii) (which would permit as a matter of course some degree of harm to designated heritage assets which the Government considers to be of the highest significance) would appear to be contrary to national policy guidance. If there is harm, then it would not necessarily prevent lateral drilling where it can be shown that it will deliver sufficient public benefits to outweigh that harm.

Suggested Modification:

Amend Criterion (b)(ii), line 4 to read: " ...demonstrated that they would not harm the significance of those assets...etc."

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1202/M16

Policies as a whole must contribute to the mitigation and adaption of climate change. The policy should give special consideration to the issues of burning fossil fuels and methane leakage.

York Green Party

2224/0915/M16/U

M16 (d) (i) fails to offer the same protection to other types of protected environments as to AONBs, SPAs, SACs, RAMSARs and SSSIs are equally in need of legal protection, and should be added to the paragraph as...

Modification

Where proposals for surface hydrocarbon development fall within a National Park or an AONB OR THE HISTORIC CHARACTER AND SETTING OF YORK OR TO AREAS DEFINED AS HERITAGE COAST OR SPA OR SAC OR RAMSAR SITE OR SSSI, or associated 3.5km buffer zone identified on the policies map or is otherwise considered to have the potential to cause significant harm to a National Park and/or AONB AND/OR THE HISTORIC CHARACTER AND SETTING OF YORK AND/OR TO AREAS DEFINED AS HERITAGE COAST AND/OR SPA AND/OR SAC AND/OR RAMSAR SITE AND/OR SSSI, applications must be supported by a detailed assessment of potential impacts on the designated area/s...

3821/0136/M16

The policy is unsound as it would not have any positive impact on the climate budget as assumptions that shale gas could lead to carbon savings are unsupported and, the Government has removed support for CCS, reduced subsidies for renewable energy and scrapped plans for all new homes to be zero carbon by 2016.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included; CO2 emissions resulting from both production and combustion must be included;

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.

Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.

Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

3821/0137/M16

Part b)

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

3821/0138/M16

Part d) i

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4107/1143/M16

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

3966/0155/M16/U

The policy is unsound as it would not have any positive impact on the climate budget as the policy states.

Suggested Modification:

Applications for hydrocarbon production including fracking must be assessed using the following criteria: - CO2 emissions and fugitive methane leaks must be included
CO2 emissions resulting from both production and combustion must be included

Explanations of how emissions from shale gas production can be accommodated within UK carbon budgets should be included and assessed by the planning authorities.
Until Carbon Capture and Storage (CCS) is fully operational, this cannot be used in planning applications as a device to mitigate future CO2 emissions in some notional future.
Any proposed plan must clearly show that it will lead to a reduction in climate change in order for it to be approved.

West Malton Against Fracking

4087/0505/5.121

The wording at the end of the paragraph which states "...will generally be resisted." should be amended to "will always be turned down". Otherwise the protection intended by the paragraph could be undermined. The paragraph is not legally robust in protecting the protected areas from development.

INEOS Upstream Ltd

3703/1281/5.121/U.DTC

This paragraph deals with NPPF guidance on applications in a national park. It notes that the Infrastructure Act 2015 has introduced a ban on hydraulic fracturing in a national park at a depth of 1000m and that secondary legislation that came into force in April 2016 states that such activity will only be supported in a national park at a depth of in excess of 1200m. The implication is that no such activity can occur, this is incorrect. The Onshore Hydraulic Fracturing Regulations 2015 permits hydraulic fracturing to take place at more than 1200m from the surface of National; Parks, AONBs, World Heritage Sites and SSSIs. It does not place a requirement for operators to demonstrate all options for undertaking development in other non-designated areas before bringing forward proposals in these specific designated areas. There is no requirement in granting licences for operators to fully consider non-designated areas before bringing forward proposals in designated areas.

4096/0460/5.121/U

It is not sufficiently clear whether conventional drilling will be allowed in National Parks.

Ryedale Liberal Party

3846/0971/5.121/LC.U.DTC

Paragraph 5.121 describes the restriction on hydraulic fracturing within the boundary of the National Park. It continues to describe circumstances where that process would be permitted. National Policy is to prevent this activity at the surface of the National Park.

Suggested modification

HYDRAULIC FRACTURING AT THE SURFACE WILL NOT BE PERMITTED WITHIN THE BOUNDARY OF THE NATIONAL PARKS.

Frack Free Ryedale

3684/0255/5.121/U

The word 'generally' should be removed from the end of this paragraph otherwise this indicates that sometimes development which harms the National Parks or AONB will be permitted, even when it is not in conformity with National or Local Policy or the Major Development Test.

Third Energy Limited**2762/1404/5.122/U**

This para. is ineffective and would question the need for it to be included. Inserting reference to proposals that have only been the subject of consultation is pre-emptive and runs the risk of the Plan being out of date or misleading. Any changes in context during the course of the plan making process henceforth could be addressed through modification as and when appropriate.

Zetland Group**2145/0605/5.122/U**

This para. is ineffective and would question the need for it to be included. Inserting reference to proposals that have only been the subject of consultation is pre-emptive and runs the risk of the Plan being out of date or misleading. Any changes in context during the course of the plan making process henceforth could be addressed through modification as and when appropriate.

Howardian Hills AONB**0113/0544/5.122**

The reference in this, and subsequent paragraphs, to the 'proposed' Surface Development Restriction regulation pertaining to fracking in wells drilled from the surface within Protected Areas, should be updated to reflect the current legislative and policy position (i.e. Ministerial Policy Statement covering existing PEDL Licences), as this is now in place.

Ryedale Liberal Party**3846/0974/5.122/LC.U.DTC**

This paragraph is incomprehensible and therefore ineffective.

Zetland Group**2145/0607/5.123/U**

This para. is ineffective and unnecessary as it refers to a consultation which is not yet in force and in any case once in force would be implemented by another regulator.

Third Energy Limited**2762/1405/5.123/U**

This para. is ineffective and unnecessary as it refers to a consultation which is not yet in force and in any case once in force would be implemented by another regulator.

INEOS Upstream Ltd**3703/1282/5.124/U.DTC**

This paragraph states that 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 and is contrary to Section 50 of the 2015 Infrastructure Act.

Third Energy Limited**2762/1406/5.124/U**

This para is ineffective as reference needs to be made to the Infrastructure Act definition of Hydraulic Fracturing. The para does not differentiate the scale of the development and the impacts therewith. Each application should be considered on its own merits and not dictated by other legislation.

Egdon Resources (UK) Limited**0150/0832/5.124/LC.U.DTC**

Parliament has determined the definition of hydraulic fracturing and the restrictions that apply to undertaking hydraulic fracturing operations from a sensitive location. It is accepted that there is the potential for environmental impacts to arise from proposals requiring the injection of fluids to stimulate hydrocarbon production. However, these impacts can be managed through the generic Development Management policies in Chapter 9 of the draft Plan, together with the stringent Environmental Permitting mechanisms. It is not for the Plan to change the definition of hydraulic fracturing to place unnecessary restrictions where it cannot take place which Parliament has not intended. In applying a different all-encompassing definition, the Plan does not reflect the key message in the Written Ministerial Statement of 16 September 2015. This made clear that there is national need to explore and develop the UK's shale gas and oil resources. There are potential economic benefits in building a new industry for the UK and the communities. The draft Plan would place severe restrictions on where shale gas and oil development can be undertaken which are not justified. Similarly, there is no justification on where shale gas and oil development can be undertaken which are not justified. Similarly, there is no justification for applying the same policy approach for the purposes of conventional hydrocarbon development.

Suggested Modification

Amend 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

2762/1355/5.124/U

This para seeks to extend the definition of 'hydraulic fracturing' outside of the definitions provided by S50 of the Infrastructure Act 2015 and the Oil and Gas Authorities Guidance on Extended Well Tests and Hydraulic Fracture planning.

Zetland Group

2145/0608/5.124/U

This para is ineffective as reference needs to be made to the Infrastructure Act definition of Hydraulic Fracturing. The para does not differentiate the scale of the development and the impacts therewith. Each application should be considered on its own merits and not dictated by other legislation.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0758/5.124/U

This para seeks to extend the definition of 'hydraulic fracturing' outside of the definitions provided by S50 of the Infrastructure Act 2015 and the Oil and Gas Authorities Guidance on Extended Well Tests and Hydraulic Fracture planning.

INEOS Upstream Ltd

3703/0782/5.125/U.DTC

This paragraph is too prescriptive and cautious. Whilst it argues that key environmental and other designations in the plan area are given an appropriate degree of protection through planning policy the examples given illustrate the strength of the planning system. The paragraph could be more positively worded to demonstrate the strength that exists with the application of a range of planning policies, not just minerals policies to assess the implications of any planning application. This would help justify the simplification of the draft publication policies. A comprehensive regulatory regime already exists to regulate hydrocarbon development and this should be acknowledged. The Government sets out responsibilities in the Road Map of Oil and Gas December 2015. The Plan should not try and duplicate a regime that already exists and has a regulatory role.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0759/5.125/U

This para takes no account of the comprehensive institutional arrangements already in place through the Environment Agency, Health and Safety Executive, Oil and Gas Authority, Natural England, Public Health England, BEIS, DCLG, and other bodies and also no regard to the existence of ERA or the EIA process. The regulatory arrangements are summarised in the Government's regulatory road map for onshore oil and gas.

Third Energy Limited**2762/1407/5.125/U**

This para is ineffective and negative as use of the term 'limited protection' is incorrect. The established regulatory system is effective and offers a high level of protection. Existing environmental designations have sufficient protection to ensure no adverse impact from future hydrocarbon development. The level of development will be restricted by these designations.

Zetland Group**2145/0609/5.125/U**

This para is ineffective and negative as use of the term 'limited protection' is incorrect. The established regulatory system is effective and offers a high level of protection. Existing environmental designations have sufficient protection to ensure no adverse impact from future hydrocarbon development. The level of development will be restricted by these designations.

Egdon Resources (UK) Limited**0150/0831/5.125/LC.U.DTC**

It is not accepted that there is limited protection provided by existing and proposed legislation as it applies to hydrocarbon production and that this justifies a much more restrictive policy regime in the Joint Plan area. In terms of environmental protection, the onshore oil and gas industry is heavily regulated by the Environment Agency and the regulatory and legislative regimes already in place. The various PPGs and the NPPF provide a comprehensive basis for consistent and appropriate planning decisions by mineral planning authorities across England. The proposed changes justified in para 5.125 fail to recognise that national planning policy and guidance states clearly that mineral extraction, including hydrocarbon development is essential to the UK's economy and quality of life. This is balanced by clear support within planning guidance in legislation for ensuring that the designated landscapes and protected areas found in the joint Plan area are protected. The approach put forward in the Plan to a higher degree of protection is fundamentally inconsistent with one of the tests of soundness, namely consistency with national policy. It will potentially restrict the delivery of sustainable development which is in accordance with the policies in the Framework. Where a planning authority proposes a departure from national policy, there must be clear and convincing reasoning to justify the approach taken. No studies have been prepared by the Mineral Planning Authorities which forms part of the evidence supporting the draft Plan and which provides the rationale for departing from national policy.

Suggested Modification

Delete as unnecessary and not justified in national planning policy.

Third Energy Limited**2762/1356/5.125/U**

This para takes no account of the comprehensive institutional arrangements already in place through the Environment Agency, Health and Safety Executive, Oil and Gas Authority, Natural England, Public Health England, BEIS, DCLG, and other bodies and also no regard to the existence of ERA or the EIA process. The regulatory arrangements are summarised in the Government's regulatory road map for onshore oil and gas.

Egdon Resources (UK) Limited**0150/0830/5.126/LC.U/DTC**

There is no justification for all applications for appraisal or production of unconventional hydrocarbons which would involve drilling beneath a National Park or AONB to be considered major development and therefore subject to para 115 and 116 of the NPPF. The Written Ministerial Statement of September 2015 makes clear that there is a national need for exploring shale gas and oil. The Infrastructure Act 2015 makes clear that there is a national need for exploring shale gas and oil. The Infrastructure Act 2015 permits lateral drilling beneath a National Park, AONB or World Heritage site subject to a depth of more than 1200m beneath the surface. There is no requirement for operators to have to justify drilling beneath these protected areas in terms of national need and no obligation for operators to have to steer these lateral boreholes away from these protected areas. There is no evidence that sub-surface development below 1200m in depth will have any impact upon the status of the National Park or AONBs.

Suggested Modification

Delete as unnecessary and not justified in national planning policy

Zetland Group

2145/0610/5.126/U

This para is not effective as the basis for the claim that any straddling application would as a matter of course meet the definition of major development is questioned.

Third Energy Limited

2762/1357/5.126/U

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0760/5.126/U

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations. The specific restrictions provided by the Infrastructure Act 2015 and associated secondary regulation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Third Energy Limited

2762/1408/5.126/U

This para is not effective as the basis for the claim that any straddling application would as a matter of course meet the definition of major development is questioned.

INEOS Upstream Ltd

3703/0783/5.126/U.DTC

This paragraph states that unconventional gas should be steered away from the National Park, this is not what national policy says. If the Government felt that National Parks were at risk they would have been excluded from the PEDLs awarded to operators. The policies are effectively excluding part of the PEDLs from licenced activity. The paragraphs should be reworded to state that the minerals planning authority will rigorously apply the full range of planning policy tests to consider any application in the National Park, this places a higher burden on the applicant but does not exclude the activity.

There is no justification for restricting the development of all unconventional hydrocarbon development from these designations, the specific restrictions provided by the 2015 Infrastructure Act and associated secondary legislation provides the necessary controls required. The existing planning process, including EIA, provide for a transparent assessment of the appropriateness of any proposed development within a setting.

Ryedale Liberal Party

3846/0975/5.127/LC.U.DTC

If it is National Park it is wrong in terms of National Policy

4096/0461/5.127/U

This paragraph should make reference to the flaring of gas.

Third Energy Limited

2762/1409/5.127/U

With reference to 'relatively short periods', the short term duration needs more emphasis i.e. a matter of weeks.

Frack Free Ryedale

3684/0256/5.127/U

This paragraph states that drilling rigs would need to be on site for relatively short periods of time or intermittently. The industry state that for a typical site containing 40 boreholes, drilling operations would be required for 50 days per borehole, equating to 5.47 years. It is indicated that each PEDL could consist of 10 Pads. Once in the production stage there is also likely to be a rig of some description present on site. This is not considered 'short-term' and cumulatively would have significant impacts on the landscape, and residential amenity.

Suggested Modification:

To be consistent with National policy the paragraph should be reworded to provide greater clarity of the potential timescales and impacts that might occur.

Egdon Resources (UK) Limited

0150/0829/5.127/LC.U.DTC

There is no policy justification that the 'setting' of a National Park or AONB could be affected by development outside the designated areas. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of National Parks. If it is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone this is contrary to national policy. Whilst it is possible that drilling rigs may have a significant adverse impact upon a National Park or AONB, this is tempted by the fact that the development would be temporary in nature.

Suggested Modification

Amend 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.

Zetland Group

2145/0611/5.127/U

With reference to 'relatively short periods', the short term duration needs more emphasis i.e. a matter of weeks.

Egdon Resources (UK) Limited

0150/0828/5.128/LC.U.DTC

There is no policy justification that the 'setting' of a National Park or AONB could be used to justify a 3.5km buffer zone around a National Park or AONB. Whilst the concept of a setting of a Listed Building or Conservation Area is acknowledged in national policy, there is no legal or policy provenance in relation to the setting of a National Parks. If it is taken to be that the decision-maker should consider the indirect landscape and visual effects of a development outside but close to a National Park or AONB, this is accepted and agreed. If, however, references to setting are used to justify the need for a buffer zone this is contrary to national policy.

Para 18 of the Mineral PPG states that a buffer zone may be appropriate where it is clear a certain distance is required between the boundary of the mineral extraction area and an occupied residential property. Such a buffer zone should be based on a site-specific basis and should be effective, properly justified and reasonable. There is no evidence that the proposed policy demonstrates any of these three requirements. Additionally, the policy applies a broad-brush blanket approach to including views of and from associated landscapes from significant viewpoints. The Impact of development should be judged from publicly accessible viewpoints from where the proposal is likely to be visible, irrespective of the depth of the buffer zone.

Suggested Modification

Delete as unnecessary and unjustified in national Policy.

Third Energy Limited

2762/1379/5.128/U

All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is unjustified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

Third Energy Limited

2762/1410/5.128/U

Basing a 'buffer zone' on typical planning practice is not sufficient justification. Any application that would be likely to have an adverse impact on the landscape of the National Park or AONB will be subject to consultation with the MPA and following the consideration of the application on its own merits a LVIA will be submitted. A Landscape and Visual Impact Assessment may not be required in all cases.

INEOS Upstream Ltd

3703/0784/5.128/U.DTC

This paragraph seeks to justify a 3.5km buffer zone around the National Park and AONBs. All potential impacts are already addressed through the existing EIA processes and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is un-justified to single out one sector given the robust and transparent processes in place to assess the appropriateness of development within a landscape.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0761/5.128/U

All potential impacts, visual or otherwise, are already addressed through the existing EIA process and any landscape character assessment required as part of it. An arbitrary 'buffer zone' takes no regard of the temporary nature of any drilling and/or associated activity. It is unjustified to single out one sector given the existing robust and transparent processes in place to assess the appropriateness of development within a landscape.

Zetland Group

2145/0612/5.128/U

Basing a 'buffer zone' on typical planning practice is not sufficient justification. Any application that would be likely to have an adverse impact on the landscape of the National Park or AONB will be subject to consultation with the MPA and following the consideration of the application on its own merits a LVIA will be submitted. A Landscape and Visual Impact Assessment may not be required in all cases.

INEOS Upstream Ltd

3703/0785/5.129/U.DTC

This paragraph deals specifically with York, it notes that the City does not benefit from national policy protection. The implication is that a similar approach will be taken to applications in the National Park, this is contrary to national policy and guidance. The overall strength of the planning system in providing safeguards needs to be recognised.

Zetland Group

2145/0613/5.129/U

Experienced difficulty in accessing a plan showing areas identified as affecting the 'historic character and setting of York'. No justification is provided for this additional restriction and the existing regulation/policies provide for sufficient protection.

Escrick Parish Council

0537/0587/5.129/LC.S

Support the recognition in this para that City of York and its historic character and setting are a key reason for having the York Green belt. However, we consider that this important sentiment should be equally applied to other minerals and waste uses in the Plan where this protection and consideration must be equally applied. Where there

may have been inappropriate development approved but not yet implemented in the past (such as WJP02 - North Selby Mine, which was originally intended to be restored to agriculture use to preserve its Greenbelt character and important function of the setting of the City of York), this same York Greenbelt consideration should be applied. Therefore, we require that this same criteria be applied to other policies as appropriate for each of the uses under consideration in the Plan before any of the proposed allocations or areas are confirmed. Furthermore, the cumulative impact of their proposals and their traffic and transport implications should also be considered, in line with objectives set out in para 4.2, on a particular road network if only road transport is available. For example, the A19 is already overloaded and further proposals using large numbers of HGVs will have implications for the local road network, the environment for local communities and climate change objectives. Apply the same protection for York Greenbelt to other enabling Policies in the Plan:

Third Energy Limited

2762/1411/5.129/U

Experienced difficulty in accessing a plan showing areas identified as affecting the 'historic character and setting of York'. No justification is provided for this additional restriction and the existing regulation/policies provide for sufficient protection.

Zetland Group

2145/0614/5.130/U

With reference to 'Areas of Heritage Coast', such areas are not formal landscape designations and in terms of the Plan area, generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to Heritage Coasts is unjustified.

Third Energy Limited

2762/1412/5.130/U

With reference to 'Areas of Heritage Coast', such areas are not formal landscape designations and in terms of the Plan area, generally fall within landscapes with a formal tier of landscape protection (e.g. National Park), and it is therefore suggested that specific reference to Heritage Coasts is unjustified.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0994/M17

Policy M17 1) seems focused on capacity of the road network, but the safety of other users of these routes should be acknowledged, especially in more rural parts of North Yorkshire where there is a lack of pavements. The policy should be amended in terms of highway safety should ensure better consistency with the requirements of the NPPF.

Third Energy Limited

2762/1380/M17/U

Part 1) iii): This provision applies unnecessary restrictions in that it does not provide for a developer to identify, through consultation, engagement and the EIA process, the locally preferred solution that has the least environmental or social impact.

Stonegrave Parish Meeting

0878/0330/M17

Suggested modification: Part 4 i): Replace '..within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will only be permitted in exceptional circumstances.' with '..WITHIN 1KM OF RESIDENTIAL BUIDLINGS AND OTHER SENSITIVE RECEPTORS, ARE NOT CONSISTENT WITH THIS REQUIREMENT AND WILL NOT BE PERMITTED.'

Third Energy Limited

2762/1381/M17/U

Part 4) i): This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is unjustified to single out one sector and apply boundary restrictions in an arbitrary manner.

Leavening Parish Council

0726/0408/M17/U

Part 2) ii): The Policy should include specific reference to the maximum permitted concentration of well pads in each PEDL area, rather than just in the supporting policy justification text and also refer to a minimum separation distance of 5km between well pads. The Policy should also state that a lower density will be appropriate where a relatively high concentration of constraints exist.

Suggested modification to Part 2) ii): Amend the first sentence to the following 'Well pad density and/or the number of individual wells within a PEDL area will be limited TO 10 WELL PADS PER 100KM2 WITH A MINIMUM SEPARATION DISTANCE BETWEEN WELL PADS OF 5KM to ensure that unacceptable cumulative impact does not arise'.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0995/M17

Policy M17 1) Traffic movements associated with fracking developments are likely lead to indirect air pollution effects resulting from increased HGV movements associated with taking away of waste water and possibly gas where pipelines are not present. The HGVs may pass sensitive receptors, there should be a requirement in the policies to prevent this occurring, to ensure consistency with the NPPF requirements and Public Health England concerns on air quality.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0996/M17

Policy M17 2) In addition to highway impacts cumulative effects for fracking are much wider ranging than for traditional mineral workings. These cumulative impacts can include GHG emissions, impacts on the highway network, the uptake and building over unknown areas of natural habitat, increasing demands on the county's waste water production facilities, as well as heightened demands for silica sand extraction. Cumulative concerns regarding soil and air contamination are equally important especially with regards flow back liquid and methane.

When considering unconventional oil and gas development the precautionary approach should be adopted, rather than the criteria based approach to weigh up possible impacts. The precautionary principle is a means of restricting development where there is a lack of scientific evidence to demonstrate that significant effects would not otherwise occur.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0997/M17

Unconventional oil and gas proposals should be screened as to whether Environmental Impact Assessment is required as a result of possible cumulative effects that could arise from the development. The potential for impact on water quality is currently unknown and despite the operation of other regulatory regimes planning has a duty to play in protecting the environment in line with overarching sustainable development objectives it sets out to achieve. This would provide a reasonable approach as unconventional gas applications have the potential to have a wide impact on the environment.

Oulston Parish Meeting

0680/1312/M17/U.DTC

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Oulston Parish Meeting

0680/1314/M17/U.DTC

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVONG HYDRAULIC FRACTURING, WILL NOT BE PERMITTED BETWEEN WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

Paragraph 5.131 line 15 for 'and businesses' replace with 'BUSINESSES AND THE ENVIRONMENT'

Paragraph 5.136 line 9 add 'LANDSCAPE CHARATER ASSESSMENTS AND CAPACITY STUDIES WILL BE OF POSITIVE HELP IN THIS RESPECT, WHEN THE EXTENT OF THE RESOURCE IS BETTER KNOWN, TO DETERMINE THE CAPACITY OF ANY GIVEN AREA TO ACCOMMODATE FURTHER DRILLING SITES. THE MPA WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE TO THIS EFFECT,'

Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DITANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

Oulston Parish Meeting

0680/1313/M17/U.DTC

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

Friends of the Earth - Yorkshire & Humber and the North East

2753/0991/M17

Concerned that the policy is not worded strongly enough in terms of assessing the impact to groundwater. The NPPF requires that the impact of development on water supplies should be considered.

In view of available evidence and unknown effects to the quality and quantity of supply which could result from a number of developments utilising and impacting on the water supply in a given area, in light of the precautionary principle, the policy should be reworded to make the applicant demonstrate beyond doubt that there would be no

impact on the water supply. This approach would enable the council to define a more rigorous approach to fracking applications by screening them for Environmental Impact Assessment. This approach would ensure that the policy was consistent with national policy and reemphasise the county's role in ensuring new development is not allowed at the detriment to existing water quality and quantity in North Yorkshire.

Stonegrave Parish Meeting

0878/0320/M17

Part 4): The risk of emissions to air is not adequately addressed by the proposed 500m minimum separation distance. A precautionary approach should be followed, with a separation distance of at least 1km.

Stonegrave Parish Meeting

0878/0323/M17

Part 4) iii): Should add an additional requirement for EIA.

Suggested Modification: 'ALL PROPOSALS INVOLVING HYDRAULIC FRACTURING SHOULD BE ACCOMPANIED BY AN AIR QUALITY MONITORING PLAN, A HEALTH IMPACT ASSESSMENT, AND AN ENVIRONMENTAL IMPACT ASSESSMENT.'

Nawton Parish Council

0787/1216/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Stonegrave Parish Meeting

0878/0331/M17

Suggest modification: Part 4) iii): Add 'AIR QUALITY AND POSSIBLE HEALTH IMPACTS SHOULD, DURING EXPLORATION AND PRODUCTION, BE MONITORED MONTHLY BY INDEPENDENT AUTHORITIES. THE ACCURACY OF INDUSTRY REPORTING WILL NOT BE RELIED UPON AND IN INSTANCES OF DOUBT, THE PRECAUTIONARY PRINCIPLE WILL APPLY AND OPERATIONS SUSPENDED UNTIL A FULL INVESTIGATION HAS TAKEN PLACE.'

Friends of the Earth - Yorkshire & Humber and the North East

2753/0990/M17

Clear disparity in terms of the approach to noise with regards to mineral extraction. Do not consider the 24 hour nature of fracking drilling to be a 'noisy short term activity'. Para 5.107 of the plan reinforces this assumption. Interpretation of paragraph 144 of the NPPF for fracking suggests stringent noise conditioning and an increased 750m buffer would be more effective in mitigating against unavoidable noise levels. The residential buffer zone should be applied rigorously. Fracking exploration is a medium term activity that can be detrimental to public health in noise terms and there should be suitable acknowledgement of this in terms of policy.

Leavening Parish Council

0726/0407/M17/U

Part 4) i) The Policy should be revised to provide a 750m separation distance to residential buildings, with 1000m to other sensitive receptors such as schools, care homes and similar.

Suggested amendment to Part 4) i) Amend the final sentence to the following 'Proposals for surface development , particularly those involving hydraulic fracturing, within 750 METRES of residential buildings and 1,000 METRES FOR sensitive receptors SUCH AS SCHOOLS, CARE HOMES AND SIMILAR, are unlikely to be consistent with this requirement'

Third Energy Limited

2762/1414/M17/U

Part 2) i): The term 'planned' should be changed to permitted or consented. Planned is too imprecise whilst permitted provides a degree of certainty that the development could take place.

Nawton Parish Council

0787/1213/M17

There is clear evidence that air quality impacts from fracking pose risk to human health, Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

A set back distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Nawton Parish Council

0787/1217/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and tourism.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3 miles should be included. The Precautionary principle should be applied.

Third Energy Limited

2762/1413/M17/U

Part 1) iii): Disagree with this requirement as it is an unnecessary constraint. If a development requires importation of water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

Nawton Parish Council

0787/1212/M17

Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed. The caveat that fracking would be allowed within the 3.5km buffer 'in exceptional circumstances' is not legally sound as it would contravene the NPPF.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0989/M17

Current 500m limit cited in M17 is welcomed but is not justified in light of available evidence in the public domain that suggest such distances should be increased to 750m

Suggested Modification

M17 (4) Specific local amenity considerations relevant to hydrocarbon development

1) i) Hydrocarbon development will NOT be permitted [in locations] UNLESS PROPOSED SITES [with] HAVE suitable direct or indirect access to classified A or B roads and

where it can be demonstrated through a Transport Assessment EITHER SIGULARLY OR CUMULATIVELY WITH OTHER SCHEMES that

a)...traffic generated by the development would not give rise to unacceptable impact on local communities INCLUDING INDIRECT IMPACTS LINKED TO AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS),traffic routing arrangements AWAY FROM SENSITIVE AREAS AND RECEPTORS; and

Add d)) IT CAN BE DEMONSTRATED THAT PROPOSALS - LINKED TO TRAFFIC FOR CONSTRUCTION, OPERATIONAL OR REMEDIATION PHASES - WILL NOT INTRODUCE DETRIMENTAL IMPACTS TO HIGHWAY SAFETY OF OTHER ROAD USERS, ESPECIALLY THOSE USING NON-MOTORISED VEHICLES.

2) Cumulative impact

i) Hydrocarbon development will NOT be permitted....

3) Local Economy

Hydrocarbon development will NOT be permitted [in locations where] UNLESS IT CAN BE DEMONSTRATED THAT A VERY high standard...

4) Specific local amenity considerations

i) Hydrocarbon development will NOT be permitted [in locations where] UNLESS IT CAN BE PROVEN BEYOND SCIENTIFIC DOUBT THAT it would not give.....Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within [500m] 750M of residential buildings..., are unlikely to be consistent with this requirement and will [only] NOT be permitted [in exceptional circumstances.]

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment WHICH INCLUDES CONSIDERATION OF THE BASELINE AND HOW THE DEVELOPMENT WILL MITIGATE EFFECTIVELY TO MAINTAIN THESE LEVELS ENJOYED BY LOCAL RESIDENTS. WHERE IT CANNOT BE DEMONSTRATED THESE LEVELS CAN BE MAINTAINED, THEN DEVELOPMENT WILL NOT BE SUPPORTED.

Nawton Parish Council

0787/1215/M17

There are many underground aquifers and wells which are used to supply drinking water via boreholes. Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate.

The Plan should accept the precautionary principle.

2808/0380/M17

Part 4) i): Health impacts from fracking are well documented. A 1 mile minimum distance from homes should be maintained, with 5 miles from national parks, AONBs and SSSIs.

Highways England

0112/0869/M17/S

Support the spatial and locational criteria identified for hydrocarbon related development. Particularly welcome the provisions in Part 1, including the need for a Transport Assessment, which needs to demonstrate that capacity in the road network exists and traffic generated by the development would not have any unacceptable adverse impacts or can be satisfactorily mitigated. The policy specifically refers to this applying where development would seek direct or indirect access to classified A or B roads. Reference should also be made to the Strategic Road Network to ensure such development gives appropriate consideration to its impact on the strategic network and any potential mitigation that may be required.

With regards to the criteria relating to cumulative impacts resulting from hydrocarbon related development, we welcome the inclusion of 2)ii)a) requiring the consideration of associated transport impacts in relation to proposed new well pad sites and to other existing, planned or unrestored well pads, and criterion c) which seeks to ensure that adequate access links to the highway network are available. Such considerations should also be made in relation to the Strategic Road Network as well as the local road network.

Ryedale District Council

0116/1016/M17/U

The policy should require a noise assessment in addition to the Air Quality Monitoring Plan and Health Impact Assessment. As a point of clarification, The Council believe that the reference to the Air Quality Monitoring Plan requirement should be for Air Quality Assessment and that any monitoring plan should follow from the assessment.

Helmsley Town Council

0603/1340/M17/U.STC

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Helmsley Town Council

0603/1341/M17/U.DTC

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Suggested modification

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

Helmsley Town Council

0603/1342/M17/U.DTC

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVING HYDRAULIC FRACTURING, WILL NOT BE PERMITTED WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

Paragraph 5.131 line 15 for 'and businesses' replace with 'BUSINESSES AND THE ENVIRONMENT'

Paragraph 5.136 line 9 add 'LANDSCAPE CHARACTER ASSESSMENTS AND CAPACITY STUDIES WILL BE OF POSITIVE HELP IN THIS RESPECT, WHEN THE EXTENT OF THE RESOURCE IS BETTER KNOWN, TO DETERMINE THE CAPACITY OF ANY GIVEN AREA TO ACCOMMODATE FURTHER DRILLING SITES. THE MPA WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE TO THIS EFFECT,'

Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DISTANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

3008/0949/M17/U

Concerned about the impact that unconventional oil and gas exploration will have on health and wellbeing of residents. There is evidence to show that these processes are likely to pose risks to the air and water supply. The policy fails to provide robust protection from these threats. There is scientific evidence available that could increase the effectiveness of the policies for residential impact which would bring them in line with national planning guidance and policy.

3008/0950/M17/U

The policy takes no account of national policies on climate change, fails to consider landscape designations, the value placed on the Vale of Pickering and Yorkshire Wolds Areas should be included within 'protected areas', and also the suggested buffer zone of 500m is not likely to be enough to limit the impacts of noise and air quality for local residents.

3006/1062/M17

Part b)

The Policy is supported.

The policy is not consistent with the adopted Plan for Ryedale, in particular policy SP13, as it does not give strong enough protection to locally important landscapes including the Vale or Pickering and the Yorkshire Wolds.

Suggested Modification:

The Vale of Pickering and Yorkshire Wolds should be included as protected areas in the Plan.

3006/1063/M17

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

3006/1064/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3006/1065/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Frack Free York

2970/0903/M17/U

The Policy is open to a great deal of ambiguity and a weak approach to the application of the conditions it includes. Elements of the Policy could be read as meaning that if one or more of the conditions are met hydrocarbon development would be permitted, even if it does not comply with other conditions or other policies in the Plan. Therefore, this Policy is not the most appropriate strategy when considered against reasonable alternatives, unless the policy is reworded and all conditions must be complied with.

Suggested modification to Policy M17: Amend Part 1) i) to the following 'Hydrocarbon development will NOT be permitted in locations WITHOUT suitable direct or indirect...'. Amend Part 2) i) to the following 'Hydrocarbon development will NOT be permitted in locations where it would [not] give rise...'. Amend Part 2) iii) to the following 'In order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons [will be supported] in locations where beneficial use CANNOT be made of existing or planned supporting infrastructure, OR WHICH WILL REQUIRE ADDITIONAL, NEW, SUPPORTING INFRASTRUCTURE, MUST INCLUDE A DETAILED EXPLANATION OF WHAT ADDITIONAL INFRASTRUCTURE WILL BE NEEDED AND INCLUDE CONSIDERATION OF THIS INFRASTRUCTURE IN THEIR ACCOMPANYING ENVIRONMENTAL IMPACT ASSESSMENT'. Amend Part 3) to the following 'Hydrocarbon development will NOT be permitted in locations where a high standard of protection CANNOT be provided to environmental...'. Amend Part 4) i) to the following 'Hydrocarbon development will NOT be permitted in locations where it would [not] give rise to...'

Frack Free York**2970/0904/M17/U**

Part 4) i): The buffer zone set out in this part of the Policy is welcomed, as it provides residents with some protection from the harms of hydrocarbon development. However, the caveat that hydrocarbon development would be permitted in exceptional circumstances leaves the door open to unacceptable impacts on local communities and public health that the Policy is designed to avert. The buffer zone does not extend far enough as the air quality impacts of unconventional oil and gas development can be region wide. From discussion at City of York's Local Plan Working Group meeting it became apparent the 500m buffer zone is based in part on experience with wind turbine development. However, hydrocarbon development results in more severe noise impacts than wind turbine development and causes air pollution and on-going road traffic impacts in a way that wind turbine development does not.

Suggested modification to Part 4) i): Amend text 'Proposals for hydrocarbon development, particularly those involving hydraulic fracturing, within 1.6KM of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will NOT BE PERMITTED [in exceptional circumstances]'.

Harrogate Friends of the Earth**0362/1099/M17**

The Council has a duty to avoid undue risks to its communities and environment. The precautionary approach should be applied. The policy at present appears to take a singular and short term approach to fracking. All applications must be accompanied by a rigorous Environmental Impact Assessment and a firm basis to act on the basis of scientific certainties about such protection.

0230/0846/M17

Baseline Health Impact Assessments should be required prior to any permitted development to enable baseline monitoring to be carried out and the enforcement of planning conditions.

Egdon Resources (UK) Limited**0150/0807/M17/LC.U.DTC**

Part 1 (iii)

It is not justified for proposals to be located where an adequate water supply can be made available without the need for road transport where hydraulic fracturing is proposed. If a transport assessment demonstrates that there will be no unacceptable impacts upon the local highways network, there is no policy justification for banning any form of transport bringing in large volumes of water.

Suggested Modification:
Delete the final sentence.

Egdon Resources (UK) Limited**0150/0803/M17/LC.U.DTC**

Part 2 (ii)

There is no justification for setting a well pad density or arbitrary limit to the number of individual wells within a PEDL area. Whilst an assessment of the cumulative effects of planned and existing developments within the immediate vicinity of a proposed hydrocarbon development may be justified to ensure that cumulative impacts are taken into account, there is no justification to restrict or refuse a proposed development simply because it is in close proximity to other existing, planned or unrestored well pads. The most intensive activities of a well site will generally be during the construction and drilling stages at an exploration phase and prior to production if a well-suited moves to the next stage. Many wells will have no activities taking place for long periods of time. The proximity of an existing or unrestored well pad will therefore have very little bearing on the location of a new facility.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and to enable the delivery of sustainable development.

Delete as unnecessary

Egdon Resources (UK) Limited

0150/0806/M17/LC.U.DTC

Part 1 (iii)

The pipeline route with appropriate mitigation rather than select the least practicable environmental or amenity impact. Elements of the route of any pipeline may not be available if landowner agreement cannot be secured for a particular route. If a proposed route does not give rise to any unacceptable environmental or amenity impacts, subject to agreed mitigation measures, this should be sufficient for the decision-maker to ensure a development is sustainable.

Suggested modification:

Replace "least practicable" with "an acceptable".

Egdon Resources (UK) Limited

0150/0805/M17/LC.U.DTC

Part 2 i)

There is no justification for taking into account cumulative impacts arising from existing or unrestored hydrocarbon development in the vicinity of the proposal. The presence of any existing hydrocarbon development will be taken into account in the baseline technical assessments supporting any planning application, be it transport, visual impact or noise. The mere presence of other hydrocarbon development in the vicinity or within the same PEDL should not be a factor carrying any substantive weight in determining a planning application.

Suggested modification:

Delete as unnecessary and not justified in national policy.

Egdon Resources (UK) Limited

0150/0804/M17/LC.U.DTC

There appears to be no justification in the draft plan for the requirement for applicants seeking planning permission for the production of unconventional hydrocarbons only, to include information about how it will fit within the overall scheme of production development within the PEDL area. This would have little bearing in planning terms on the merits of a planning application. It leaves open the possibility that permission could be influenced by how a particular proposal fits within a possible overall scheme for production which may net come about and which will not be subject to any legal status. Every planning application should be judged on its own merits and not be determined on a basis of how it fits within the PEDL area. The need to demonstrate that any production site is located in the least environmentally sensitive area of the resource may not be practically possible to deliver, for example, where a site may not be accessible or is unavailable. Instead, a more sensible and proportionate requirement should be to locate a proposal where the development would not have a material adverse impact, subject to appropriate mitigation.

Suggested Modification

Amend 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.

Delete and replace 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.

Historic England

0120/0055/M17/S

We support the caveats within this policy to ensure that hydrocarbon development take place in a manner which minimises harm to the environmental assets of the plan area particularly Criterion 1(iii), Criterion 2(ii) c) and Criterion 3.

The Plan area is characterised by a very high-quality environment and these assets make an important contribution to the economy of the area. Consequently, it is essential that such development takes place in a manner consistent with safeguarding the elements which contribute to significance of these assets.

0230/0845/M17

Part 4 i)

The inclusion of a set back distance from residential properties is supported. However 500m is likely to be insufficient to provide protection in terms of noise, air and light pollution. A minimum set back distance of 750m should be used. Prevailing winds should be stated as a consideration.

The use of set back distances from 'sensitive receptors' is supported in principle. However the set back distances for the receptor should reflect the sensitivity or the receptor and should provide additional protection. Therefore a minimum setback of 1km should be stated.

2808/0382/M17

The Plan should insist on baseline monitoring of air, water etc.

Egdon Resources (UK) Limited

0150/0800/M17

Part 4 (iii)

There is no evidence to justify the requirement for any proposal involving hydraulic fracturing to be accompanied by both an air quality monitoring plan and a Health Impact Assessment. This would be the case if the definition for hydraulic fracturing used in the Infrastructure Act were to be applied but it is particularly the case if hydraulic fracturing is widened to include any form of injection, irrespective of the volume of fluid used. There are five main activities that are likely to result in emissions to the atmosphere - construction, vehicle movements associated with the use of the site, flaring of gas during flow testing, equipment associated with the site and fugitive emissions. The main sources of atmospheric emissions would be gases emitted when gas is burnt in a flare. There is no evidence to justify why both an air monitoring plan and a HIA would be required simply because of the involvement of hydraulic fracturing. It should also be noted that this proposal is overly excessive when considering the very short timescales involved when undertaking well testing- where gas may be flared for a few days only.

Suggested modification

Amend to reflect more accurately the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and to enable delivery of sustainable development.

Egdon Resources (UK) Limited

0150/0801/M17/LC.U.DTC

Part 4 i)

There is no justification for a separation distance arising from the need to ensure a high level of protection from emissions to air or ground and surface water and induced seismicity. Proximity to residential buildings and other sensitive receptors will have a very little bearing upon the general requirement to mitigate against all forms of emissions and induced seismicity. There is no evidence that proposals for surface hydrocarbon development within 500m of residential buildings and other sensitive receptors are likely to have more adverse impact than proposals in excess of this distance. The effect of screening and the specific nature of the proposed hydrocarbon development can often mean that distances of 300m are permissible.

It does appear that no distinction has been made between conventional and unconventional hydrocarbon development, which have different scales of activity.

Suggested Modification

Delete to accord with national planning policy.

0231/1439/M17/U

In order to prove that hydrocarbon extraction proposals are sustainable the Plan should explicitly state that an Environmental Impact Assessment should be mandatory for all such proposals.

The proposed 500m buffer zone is welcomed but it is unlikely to be sufficient to substantially impact on air quality and noise for local residents, evidence from the US suggests this should be increased to 750m.

The Plan should require a buffer zone for applications around SSSIs, EU protected sites and local wildlife sites, the policy is in conflict with paragraph 118 of the NPPF, which refers to 'proposed development within or outside' an SSSI.

The NPPF requires an overall presumption in favour of sustainable development, it does not require every clause is worded in such a way as to favour all development.

The policy must be worded more tightly to give reasons for refusal

Suggested modification

Hydrocarbon development will NOT be permitted in locations where it would [not] give rise to unacceptable cumulative impact....

Egdon Resources (UK) Limited

0150/0802/M17/LC.U.DTC

Part 2 v)

It is unclear why the policy requires new infrastructure, as a first priority, to be sited on brownfield, industrial or employment land. "as a first priority" suggests that this criterion should be applied above all others. This relies on allocated employment and industrial sites identified in the Local Plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans. Secondly the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing allocated site for industrial or employment use may not necessarily be suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale, location or setting.

Suggested modification

Delete all text other than the first sentence in order to reflect national policy.

2808/0381/M17

Part 3): Fracking will cause a decline in tourism, which is a very important part of the local economy.

Harrogate Friends of the Earth**0362/1102/M17**

The proposed Buffer Zone should be extended to 750m.

Suggested policy amendment

Fracking will not be permitted where the impact on local communities and services could be adverse from air, noise, light pollution, methane emissions and degraded surface water. A buffer zone equivalent to that imposed on wind turbines, and never less than 750m, is required to protect residences, schools, hospitals, clinics, other social services, livestock farms, horticulture nurseries, sensitive wildlife sites etc. with no exceptions.

0230/0843/M17

The interpretation of "local communities" as given in relation to this policy in footnote 16 should be amended to include residential accommodation (the actual residential community) and not just 'residential institutions' as stated.

Gilling East, Cawton, Coulton & Grimstone Parish Council**0573/1203/M17**

Concerned about the impacts on the local area, including landscape and visual impact, health and wellbeing, water, biodiversity and traffic impacts.

Suggested wording amendments:

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500[INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will NOT be permitted [in exceptional circumstances]

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment WHICH INCLUDES CONSIDERATION OF THE BASELINE AND HOW THE DEVELOPMENT WILL MITIGATE EFFECTIVELY TO MAINTAIN THESE LEVELS ENJOYED BY LOCAL RESIDENTS. WHERE IT CANNOT BE DEMONSTRATED THESE LEVELS CAN BE MAINTAINED, THEN DEVELOPMENT WILL NOT BE SUPPORTED.

2786/1247/M17**Part i)**

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Coxwold Parish Council**0493/1326/M17/U.DTC**

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Suggested modification

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVONG HYDRAULIC FRACTURING, WILL NOT BE PERMITTED BETWEEN WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

Paragraph 5.131 line 15 for 'and businesses' replace with 'BUSINESSES AND THE ENVIRONMENT'

Paragraph 5.136 line 9 add 'LANDSCAPE CHARATER ASSESSMENTS AND CAPACITY STUDIES WILL BE OF POSITIVE HELP IN THIS RESPECT, WHEN THE EXTENT OF THE RESOURCE IS BETTER KNOWN, TO DETERMINE THE CAPACITY OF ANY GIVEN AREA TO ACCOMMODATE FURTHER DRILLING SITES. THE MPA WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE TO THIS EFFECT,'

Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DISTANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

Coxwold Parish Council

0493/1328/M17/U.DTC

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVONG HYDRAULIC FRACTURING, WILL NOT BE PERMITTED BETWEEN WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

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Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DISTANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

Edstone Parish Council

0526/1164/M17

The 500m setback distance should be a 'minimum setback distance'. Sites would be visible from elevated locations and 500m is in adequate. 500m is inadequate in terms of public health studies form the US are indicating greater distances around 600m although this is yet to be scientifically determined.

Third Energy Limited

2762/1415/M17/U

Part 2) ii) b): Reference to the 'duration over which hydrocarbon development has taken place in the locality' is irrelevant. The MPA will have approved development on the basis that impacts are not significantly adverse, and should test other proposals accordingly.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1204/M17

The Precautionary principle should be applied to unconventional gas extractions known environmental effects, specifically water.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1207/M17

Part 4)

The proposed 500m buffer zone is insufficient. There is no rationale given for it and it is unlikely to substantially limit impacts on air quality and noise. It should be increased to at least 750m a distance which is supported on evidence form the states. The proposed buffer of 3.5 should be absolute and not dependent on visibility from the protected area.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1208/M17

The Precautionary Principle should be applied.

Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1209/M17

The Plan does not take into account the impacts of unconventional oil and gas developments in terms of highways safety and vehicle emissions. Because of the natural of the settlement development in Ryedale, based on a linear model, all B roads should be excluded from consideration.

Amend the wording of the policy

i) Hydrocarbon development will NOT be permitted in locations WITHOUT suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment EITHER SINGULARLY OR CUMULATIVELY WITH OTHER SCHEMES that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities INCLUDING INDIRECT IMPACTS LINKED TO AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements AWAY FROM SENSITIVE AREAS AND RECEPTORS; and

Husthwaite Parish Council

0631/1335/M17/U.DTC

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVONG HYDRAULIC FRACTURING, WILL NOT BE PERMITTED BETWEEN WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

Paragraph 5.131 line 15 for 'and businesses' replace with 'BUSINESSES AND THE ENVIRONMENT'

Paragraph 5.136 line 9 add 'LANDSCAPE CHARATER ASSESSMENTS AND CAPACITY STUDIES WILL BE OF POSITIVE HELP IN THIS RESPECT, WHEN THE EXTENT OF THE RESOURCE IS BETTER KNOWN, TO DETERMINE THE CAPACITY OF ANY GIVEN AREA TO ACCOMMODATE FURTHER DRILLING SITES. THE MPA WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE TO THIS EFFECT,'

Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DITANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

Husthwaite Parish Council

0631/1334/M17/U.DTC

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Suggested modification

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

Edstone Parish Council

0526/1165/M17

The plan over simplifies the "intermittent" nature of fracking and therefore underestimates the impact of HGVs and fracking related traffic. The Plan identifies up to 10 well pads each containing multiple vertical wells. Thus resulting in hundreds of wells per 10km PEDL area. This constitutes years of drilling potentially in excess of 5 years. There is then the possibility of re-fracking every 3/5 years. This would result in considerable impacts on communities and considerable amounts of water. The Plan fails to take appropriate account of the medium and long-term HGV impacts and underestimated the duration and scale of impacts that HGVs and fracking related traffic would have.

The Plan should state that proposals will not normally be supported where proposed traffic routes take traffic through the centre of settlements, particularly those with C classified roads.

Appleton-le-Moors Parish Council**0391/0242/M17**

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Husthwaite Parish Council**0631/1333/M17/U.DTC**

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Harrogate Friends of the Earth**0362/1098/M17**

The impacts of unconventional gas exploration are not addressed effectively. There is no justification for the shortcomings. There is now much evidence demonstrating the risks of fracking, including on water supply, quality and disposal, drilling accidents and damage to aquifers, public health and wellbeing; visual and landscape degradation; HGV volumes air quality, light and noise pollution, wildlife and seismic activity. There is no robust protection offered and no framework for action.

Suggested wording amendments:

The principle needs to be stated that Fracking will not be permitted unless a full transport assessment, incorporating the cumulative and economic impacts of other local plans and projects, has been carried out. Nor will it be permitted where safety, pollution, congestion and impacts on communities are compromised.

Fracking will not be permitted where agriculture, business, tourism and cultural assets are jeopardised. Applicants must provide absolute guarantees and plans to protect these

2786/1248/M17

The Plan is unsound as it does not incorporate the precautionary principle to protect water supply and air quality, as stated in para 94 and 99 of the NPPF. The nature of the geology of the area is faulted and highly fissured which increased the risk of fugitive emissions of gas and leaks of contaminated liquids. There are also concerns about whether current methods of monitoring ground water pollution are adequate.

Suggested Modification:

The policy should be reworded requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies and air quality.

2786/1249/M17**Part 2**

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact. A density of 10 wells pads per PEDL block would not be sufficient. No adequate separation distances are given (these should be at least 3miles). The precautionary principle should be applied at the time of fracking companies submitting their EIAs.

2786/0987/M17

Amend as follows

Part 1

i) Hydrocarbon development will NOT be permitted in locations WITHOUT suitable direct or indirect access to classified A or B roads and where it can be demonstrated

through a Transport Assessment EITHER SINGULARLY OR CUMULATIVELY WITH OTHER SCHEMES that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities INCLUDING INDIRECT IMPACTS LINKED TO AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements AWAY FROM SENSITIVE AREAS AND RECEPTORS; and..

Part 3

...Hydrocarbon development will NOT be permitted [in locations where] UNLESS IT CAN BE DEMONSTRATED THAT A VERY high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

Part 4

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500[INSERT] 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will NOT be permitted [in exceptional circumstances]...

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment WHICH INCLUDES CONSIDERATION OF THE BASELINE AND HOW THE DEVELOPMENT WILL MITIGATE EFFECTIVELY TO MAINTAIN THESE LEVELS ENJOYED BY LOCAL RESIDENTS. WHERE IT CANNOT BE DEMONSTRATED THESE LEVELS CAN BE MAINTAINED, THEN DEVELOPMENT WILL NOT BE SUPPORTED.

Coxwold Parish Council

0493/1327/M17/U.DTC

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Suggested modification

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

Appleton-le-Moors Parish Council

0391/0241/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Harrogate Friends of the Earth**0362/1105/M17**

The policies do not guarantee baseline assessment of water and air quality, pollution, public health, traffic volumes, seismic records and methane levels. This information is essential in order to monitor the impacts of fracking. Evidence from industry will not be sufficient.

Appleton-le-Moors Parish Council**0391/0243/M17**

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Appleton-le-Moors Parish Council**0391/0237/M17**

Part 4)

Exploratory drilling would lead to night time noise levels for higher that allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Appleton-le-Moors Parish Council**0391/0245/M17**

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects form additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

Barugh (Great & Little) Parish Council**0412/0859/M17/U**

The set-back distance to sensitive receptors is welcomed. However, the proposed set-back distance of 500m is too low with no evidence that this is a safe distance.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed. All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Barugh (Great & Little) Parish Council

0412/0857/M17/U

The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors.

Third Energy Limited

2762/1416/M17/U

An overall scheme of production development within the PEDL area may not be known.

Suggested modification to Part 2) c): Delete 'unconventional'.

Appleton-le-Moors Parish Council

0391/0238/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

3821/0145/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

2256/0194/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

INEOS Upstream Ltd

3703/0786/M17/U.DTC

The policy needs to be amended to permit a site development to be promoted through the planning system, this will enable the design of the development to have the least environmental impact. Section iii) of the policy is restrictive as it limits the method of provision of water to a site. This is an unnecessary restriction as the impact of proposals promoted through planning applications will be assessed as part of the determination process and any significant impacts will be identified at this time.

INEOS Upstream Ltd

3703/0787/M17/U.DTC

Part 2) i) states that 'Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 500m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement..' Section 5.146 also defines '...a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential property or other sensitive receptors, unless there are exceptional circumstances..' These requirements are not in accordance with the existing regulatory provisions in place to assess the impact of all types of development proposals on receptors. Hydrocarbon development should be assessed under the same environmental parameters as other developments in terms of noise, transport, landscape and visual impacts etc. The reference in the policy to 500m should be removed and the policies replaced with a simpler policy.

4092/1181/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

4092/1174/M17

Some villages in the Ryedale area are within Conservation Areas, these do not appear to have any special protection within the Plan and so fracking could have a serious impact on the health of residents in these areas.

People live and work outside the sensitive receptors and so the set back distance should be reviewed to consider this.

4092/1179/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

4092/0414/M17

Part 4) i): Insufficient protection is provided to the health of local residents as a result of hydraulic fracturing.

4092/0415/M17

Policies are insufficient to protect residents from any damage, loss or devaluation of property resulting from hydraulic fracturing, such as legally enforceable compensation.

4092/1180/M17

The village of Flaxton has a high water table and a pond inhabited by Great Crested Newts. Concerned that there may be a risk of contamination to the water supply which could result in the risk to health of humans, animals and plants.

4092/1182/M17

The village of Flaxton already experiences traffic problems due to speeding, lack of footpaths, eroding of verges and damage to bollards. An increase in HGVs due to fracking and road safety could become a larger problem. The increase in HGVs could also affect the tourist industry.

4090/0428/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4090/0425/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

4090/0426/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

4092/1173/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

West Malton Against Fracking

4087/0506/M17

Part 3 final sentence "...should be planned to avoid or, where this is not practicable minimise..." this should be reworded to state "must avoid (holiday periods)" otherwise the limited protection offered in the policy to the tourism trade cannot be relied upon.

West Malton Against Fracking

4087/0518/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

West Malton Against Fracking

4087/0694/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Suggested Modifications

NEW TEXT IN CAPITALS deletions in [brackets]

...i) Hydrocarbon development will NOT be permitted in locations with WITHOUT suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment EITHER SIGULARLY OR CUMULATIVE WITH OTHER SCHEMES that:

a) There ... local communities INCLUDING AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements AWAY FROM SENSITIVE RECEPTORS; and

...

3839/0662/M17/U

The policy fails to meet the criteria of the NPPF particularly regarding climate change as the impacts of extraction and burning fossil fuels and the consequences of inevitable methane leakage have been overlooked. The County Council is failing to meet the legal obligations outlined in Section 19 1a of the 2004 Planning Act.

Policy does not address the issue about cumulative impact on water sources and plans for the treatment and disposal of the toxic fluids generated from fracking as '...there is no proven process' for the safe treatment of waste fluids currently existing. It will also expose communities to the devastation that fracking has brought elsewhere.

3821/0139/M17

Part 4)

Exploratory drilling would lead to night time noise levels far higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

3821/0140/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

3821/0146/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't

include adequate protection or if necessary adequate restrictions relating to this.

West Malton Against Fracking

4087/0525/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

4090/0429/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3821/0149/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

3821/0147/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3 miles should be included to prevent well sites in PEDL areas from being concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

West Malton Against Fracking

4087/0697/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

4088/0389/M17

Part 4)

Concerned about the potential for fracking to occur as close as 500m to residential properties. Fracking operations have the potential to generate large volumes of traffic moving water into and out of the site, with well operating 24/7 causing noise and light pollution which would impact upon the lives of local residents.

4088/0391/M17

Part 3) Fracking could impact upon the tourism and agricultural industries in the area and these industries are more important than fracking. The Government has recently spoken about its' commitment to helping our agriculture.

4092/1184/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects form additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

West Malton Against Fracking

4087/0524/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Wenningdale Climate Action Network (WeCan)

4093/1221/M17

Although there are areas protected from fracking on the surface the impact from fracking in the vicinity will have an impact on the infrastructure and the peace and

tranquillity. An Institute of Directors report- infrastructure for Business "getting shale gas working" gave data for one pad- 10 verticals and 40 laterals- 544,000cubic meters of water needed for fracturing, resulting 163,000 waste water requiring either 11,156- 31,288 vehicle movements depending if some of the water is piped.

Using this information for 100 pad= 54.4million cubic metres of water, 16.23 million cubic meters of flow back waste solution, between 1.12-3.13 million vehicle movements (depending if some is piped). If the figures in the Plan are used this would mean 400-500 pads, resulting in 5 times the amount of water used and vehicle movements.

4102/1194/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required

2256/0189/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health

2256/0188/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher that allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

4102/1193/M17

Unconventional oil and gas exploration will impact landscape and visual; health and well-being; water; biodiversity and highways. The hydrocarbon polices fail to provide robust protection overall even though there is sufficient evidence to increase their effectiveness.

4100/1190/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. A health Impact Assessment should be required for all fracking applications to establish their current air quality and noise levels, and what might be acceptable depending on distance from the nearest home.

4099/0531/M17

All applications for unconventional hydrocarbon development should require an Environmental Impact Assessment.

4099/0532/M17

The precautionary principle should be applied, especially in relation to water contamination, health and air quality.

Hull Road Planning Panel

2392/1449/M17

The Plan should lay out conditions where hydrocarbon development would be deemed acceptable, and these need to be so strict to effectively prevent any new extraction to take place. Policy M17 has statements which say that hydrocarbon extraction 'will be permitted' if certain conditions are met, this introduces ambiguity as a developer could argue that one of these conditions have been met so their application is acceptable. The statements should be rephrased to say extraction 'will not be permitted' unless the condition is met.

The policy includes the concept of a 'buffer zone' of 500m around residential buildings where extraction cannot take place. The buffer is not large enough, it should be 750m as a minimum to minimise the effects if any hydrocarbon development.

4096/0464/M17/U

Section 2) ii) The text '...an overall scheme of production development within the PEDL area and should, ensure as far as practicable, that production sites are located...' should be changed, 'should ensure' to be changed to 'MUST ensure' and delete 'practicable'. This will make it obligatory.

4096/0466/M17/U

Section 4) i) In potentially allowing 24 hour development within 400m of receptors the policy is far too weak, this is an outrage. The whole emphasis should be on preserving Ryedale.

4096/0462/M17/U

Section 1) ii) in the sentence ' where hydraulic fracturing is proposed, proposals should also be located where and adequate water supply can be made available...' the word 'should' ought to be 'MUST'.

4096/0463/M17/U

Section 2) i) What is the 'unacceptable cumulative impact' as opposed to 'acceptable cumulative impact'. Should there be any cumulative impact in rural areas?

4096/0465/M17/U

Section 2) iv) In the text 'consideration should be given to how the location and design of the development could facilitate it use...' the word 'should' needs to be changed to 'MUST'.

4092/1183/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Wenningdale Climate Action Network (WeCan)

4093/1226/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3699/0449/M17/U

Part 4) i): The separation distance from dwellings of 500m has been taken from policies relating to wind turbines, which do not produce the same amount of noise, vibration and nuisance as a fracking production site. It is therefore inappropriate, and the separation distance should be very much greater in the case of fracking production site. Further, no fracking production site should be permitted within 6 miles of any school or the boundary of any residential settlement.

3699/0446/M17/U

Suggested modification: Part 4): Add text '..PROHIBIT FRACKING WITHIN THE DISTANCE OF ONE MILE FROM ANY SETTLEMENT..'

3699/0439/M17/U

Part 4): Drilling would be a long term activity, up to as many as 15 years without stopping. This would cause noise impact and lighting impacts at night, as well as vibration and potentially earthquakes.

4092/1175/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

Wenningdale Climate Action Network (WeCan)

4093/1224/M17

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4095/0434/M17/U.DTC

The proposed 500m buffer zone proposed in M17 is welcomed but it is likely to be insufficient to substantially limit impacts on air quality and noise for local residents. This should be increased to 750m as evidence from the US suggests. There should be no exceptions to fracking development being allowed in the buffer zone.

Suggested modification

' Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbon developments and residual buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts, from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will not be permitted.'

Wenningdale Climate Action Network (WeCan)

4093/1228/M17

The Cumulative impacts from fracking wells could be very damaging on the road network, biodiversity, climate change, water use, water contamination, air pollution, noise, light pollution, soil contamination, human health and traditional rural industries.

Frack Free Ryedale

3684/0284/M17/LC.U

It is considered that part 1)ii) is unsound as it is unclear whether it could be considered 'effective'. It would be difficult for developers to deliver regarding improvements to be made to certain road networks. North Yorkshire is rural and the road network and existing infrastructure is not suitable for the increased traffic which would be generated by the industry.

Suggested Modification:

re-word to state: "Hydrocarbon development will not be permitted in locations without suitable direct or indirect access to classified A and B roads and where it can be

demonstrated through a transport Assessment either singularly or cumulatively with other schemes that:

A) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities including direct impacts linked to air quality (re Air Quality Management Areas) businesses or other users of the highway, or where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and / or traffic routing arrangements away from sensitive areas and receptors; and..."

Given the amount of designations (national or Local) in North Yorkshire it is considered that point iii) is not deliverable as it will not necessarily be possible or practical to route pipelines without impacting on the environment or amenity. All proposals for hydrocarbon extraction, including hydraulic fracturing should be located without the need to transport water via road or pipeline otherwise this would be in conflict with National Policy.

Suggested Modification:

reword to state "where hydraulic fracturing is proposed, proposals should be located adjacent to an existing water supply thus minimising the need for bulk transportation."

In paragraph 2 ii it is unclear how the density of well pad will be limited to ensure cumulative impacts do not occur. Although there is reference in the supporting justification (5.137) it is considered that a clearly defined threshold should be set out from the outset with reference to a potentially reviewing the limit following a plan review. The policy and supporting text make reference to locating sites in the least environmentally sensitive areas, it is unclear how this will happen given that most production sites will be on the same sites at the exploration site, using the same borehole.

Suggested Modification:

Provide an indication of the limiting capacity for well pads in PEDL areas. Include explicit detail on this will be done to ensure that industry have a threshold to work toward with strict caveats that smaller area will be pro-rata and that designations (national and Local) may further constrain capacity in certain areas.

The reference in the policy part 2iii) to the support for the use of existing or planned infrastructure, this should not be at the expense of the other policies in the Plan. Just because a facility is already in situ doesn't necessarily mean it is suitable for another use (unconventional gas exploration) the activities impact and use of that facility on the environment and community should be considered.

Suggested Modification:

reword 2 ii) to state "in order to reduce the potential for adverse cumulative impact, proposals for production of hydrocarbons will be supported ONLY where it is proven that this type of extraction is appropriate at this location with regard to proximity to residential properties, designations and important views, where beneficial use can be made of..."

The reference in Part 3 to 'short term' impacts is inaccurate (see comment 0256) the timescale indicated by industry state that for a typical site containing 40 boreholes, drilling operations would be required for 50 days per borehole, equating to 5.47 years. This would impact upon the other employment sectors such as agriculture and tourism.

Suggested Modification:

Re-word to state "Hydrocarbon development will not be permitted unless it can be demonstrated that a very high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions. The timing of development activity likely to generate high levels of noise or other disturbance..."

A minimum horizontal separation distance from residential properties of 1 mile should be set out in part 4 i). The caveat "exceptional circumstances" should be removed.

Suggested Modification:

Re word to state "...proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 1 mile of residential buildings and other sensitive receptors are unlikely to be consistent with this requirement and will not be permitted."

The inclusion of base line monitoring requirements set out in Part 4 ii) are currently limited and should be expanded to include air quality (not just methane and nitrous oxide) of all that live, work visit the area and work on site. In line with National policy (para 109) it is clear that the MWJP have a legal obligation to consider air pollution when developing planning policy.

Suggested Modification:

Expand the policy and supporting justification (para 5.149) to set out that MPA expects baseline noise, water and air quality monitoring to be recorded to accurately undertake a Health Impact Assessment. Re word the policy to state "proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment which includes consideration of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by all residents. Where it cannot be demonstrate that these levels can be maintained, then development will not be supported."

The inclusion of the requirement for a Health Impact Assessment if supported, however it is unclear how this will be enforced or monitored and this need to be clarified.

The MPA should set out how they intent to enforce adequate HIA submissions to allow determinations to be made.

Frack Free Kirby Misperton

3685/1469/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Wenningdale Climate Action Network (WeCan)

4093/1223/M17

Exploratory drilling would lead to night time noise levels for higher that allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

Frack Free Kirby Misperton

3685/1465/M17

Part 4) iii)

A Health Impact Assessment should be required for all fracking operations to establish air quality and noise levels. And what might be acceptable depending on the distance

of the fracking well-site is from the nearest residence.

Frack Free Kirby Misperton

3685/1463/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Frack Free Kirby Misperton

3685/1466/M17

North Yorkshire enjoys dark skies. Should fracking be allowed to take place, this would be severely impacted. Local residents in villages close to well sites would have their health and well-being affected by the lights that accompany fracking operations during hours of darkness and this is unacceptable.

Ryedale Liberal Party

3846/0973/M17/LC.U.DTC

Section 1) i) a) This policy is not clear, there are no distances proposed from an A or B road. If it is permissible to use C roads to access more major roads it is not clear how far away would be considered acceptable. It is not clear how repairs for minor roads which are unsuitable for a high volume of HGV traffic will be paid for.

Section 1) i) b) There is no pathway for local 'unacceptability' to be monitored or acted upon.

Section 1) i) c) Routing of traffic must consider bottlenecks or other issues at a distance from a well.

Suggested modification

ACCESS WILL BE PERMITTED IN LOCATIONS WITH SUITABLE DIRECT ACCESS ON CLASSIFIED A AND B ROADS. THE MAXIMUM ALLOWED TRAVEL ON LESSER ROADS MUST BE TIGHTLY CONTROLLED AND LIMITED TO ONE MILE. VEHICLES SHOULD NOT PASS THROUGH A HAMLET OR VILLAGE TO ACCESS THE SITE. THE ROADS LACKING ADEQUATE FOUNDATION SHOULD BE MADE ROBUST PRIOR TO DEVELOPMENT COMMENCING AT THE COST TO THE OPERATOR. ROADS MUST BE REPAIRED AT THE COST TO THE OPERATOR IN A TIMELY MANNER WHICH MUST BE BEFORE THE END OF THE DEVELOPMENT PHASE.

VEHICLES SHOULD BE TRACKED TO ENSURE COMPLIANCE WITH AGREED ROUTES AND SPEEDS AS WELL AS THE USE OF ONLY AGREED PARKING PLACES PRIOR TO ACCESSING THE SITE.

MONITORING OF ROUTES MUST BE UNDERTAKEN REGULARLY FOR IMPACTS SUCH AS CONGESTION, AIR QUALITY, DISADVANTAGE TO LOCAL BUSINESS, ACCEPTABILITY TO THOSE LIVING LOCALLY, MORE DISTANT BOTTLENECKS AND HAZARDS.

IN ADDITION, THE OVERALL SERIOUS ROAD TRAFFIC INJURIES AND DEATHS MUST BE RECORDED TO IDENTIFY IMPACTS FROM THE INDUSTRY. SPILLS FROM LORRIES AND ROLL-OVERS SHOULD BE MONITORED.

Wenningdale Climate Action Network (WeCan)

4093/1227/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Frack Free Harrogate District

4082/0370/M17/U

Part 1) iii): The policies lack a mechanism to obtain a systematic long term assessment by Yorkshire Water of the implications of abstraction for domestic water supply.

3916/0482/M17/U

The Plan is incompatible with the NPPF, with regard to noise pollution. Para 144 of the NPPF states that LPAs should 'ensure unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties'. Fracking takes place 24 hours a day which would be particularly noticeable due to the very low noise levels in Ryedale, especially at night. The Plan is inadequate in setting clear thresholds for noise emissions for nearby residents, resulting in a failure to meet the statutory duty to protect public health.

3916/0484/M17/U

The Plan is incompatible with the NPPF, with regard to water supply for fracking. Para 94 of the NPPF states that LPAs should 'adopt proactive strategies to mitigate and adapt to climate change, taking full account of ... water supply'. BGS identifies the risks of water contamination from fracking as: 'Groundwater may be potentially contaminated by extraction of shale gas both from the constituents of shale gas itself, from the formulation and deep injection of water containing a cocktail of additives used for hydraulic fracturing and from flowback water which may have a high content of saline formation water'. BGS regards current methods to monitor groundwater pollution as inadequate, stating: 'The existing frameworks and supporting risk-based tools provide a basis for regulating the industry but there is a limited experience of their suitability for large scale on-shore activities that exploit the deep sub-surface. The tools for assessing risks may not be adequate as many have been designed to consider risk from surface activities'. As there is a reasonable likelihood of some groundwater contamination from fracking, the Plan is inadequate. Fracking companies should demonstrate beyond reasonable doubt that there would be no impact on water supply.

3916/0481/M17/U

The Plan is incompatible with the NPPF, with regard to cumulative impact. Fracking would cause a considerable increase in traffic movements, with estimates indicating that each well would necessitate up to 7,000 truck movements. This would impact an unsuited rural road network, would require the safeguarding of walkers, cyclists and horse riders, and would damage air quality, which is of particular concern in Malton, where an Air Quality Management Area to monitor NO2 levels has been established. An increase in traffic on the A64 would cause gridlock for at least two hours a day, prevent transit of emergency services and increase NO2 levels beyond acceptable limits increasing health concerns. Policy M17 does not adequately address these issues.

3916/0483/M17/U

The Plan is incompatible with the NPPF, with regard to impact on biodiversity. Section 40 of the Natural Environment and Rural Communities Act (2006) requires LPAs to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Fracking would impact traffic, noise and air pollution, clearing of local hedges, trees and vegetation and the installation of pipelines and access roads would impact local wildlife and the quality of life for local residents. The Plan makes almost no reference to mitigate these impacts.

3954/1086/M17

Part 4)

Exploratory drilling would lead to night time noise levels far higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

3954/1094/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

4085/0348/M17

Part 4) ii): Mitigation is not effective in dealing with earthquakes. A precautionary approach should be followed.

Frack Free Harrogate District

4082/0369/M17/U

Part 4) i): The proposed Buffer Zone between residences and well heads is set at 500m, and even that will allow exceptions. Evidence from the USA points to the need for a minimum of 750m. The Buffer Zone here should be at least as great as that offered when wind turbines are approved. No exceptions should be allowed

3954/1087/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

Frack Free Harrogate District

4082/0372/M17/U

Part 4) ii): The policies do not guarantee baseline assessment of water and air quality, pollution, public health profiles, traffic volumes, seismic records, methane levels etc. These are essential if the Council is serious about monitoring the impact of fracking. Evidence supplied solely by the industry will not be sufficient.

3954/1092/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Frack Free Harrogate District

4082/0374/M17/U

Suggested modification: Add text to Part 1): 'FRACKING WILL NOT BE PERMITTED UNLESS A FULL TRANSPORT ASSESSMENT, INCORPORATING THE CUMULATIVE AND ECONOMIC IMPACT OF OTHER LOCAL PLANS AND PROJECTS, HAS BEEN CARRIED OUT. NOR WILL IT BE PERMITTED WHERE SAFETY, POLLUTION, CONGESTION AND IMPACT ON COMMUNITIES ARE COMPROMISED.'

3954/1091/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

West Malton Against Fracking

4087/0519/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

Rewrite the final sentence of 4) i)

"...proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will NOT be permitted. "

Part 4) iii) Add the following:

"which includes considerations of the baseline and how the development will mitigate effectively to maintain these levels enjoyed by local residents. Where it cannot be demonstrated that these levels can be maintained, then development will not be supported.

3966/0159/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks. The area of Scarborough and Ryedale already suffer from health

inequalities, air and noise pollution would make this worse. There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

3971/0417/M17

The 500m setback distance has been taken from that used for wind turbines. These two activities are not comparable. In some parts of the US setback distances are 750m. (Hyperlink given in full rep).

3971/0421/M17

A set back of 2500ft from homes should be considered from residential homes, schools and vulnerable habitation and 4km from AONBs, protected habitats and watercourses.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0762/M17/U

Part 1) iii): This provision applies unnecessary restrictions in that it does not provide for a developer to identify, through consultation, engagement and the EIA process, the locally preferred solution that has the least environmental or social impact.

3966/0163/M17

Fracking has been proven to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3966/0164/M17

Fracking is very likely to cause a large increase in traffic movements. The villages in the National Park are rural with limited transport network which would be affected by increased traffic from hydrocarbon developments. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Frack Free Harrogate District

4082/0375/M17/U

Suggested modification: Add text to Part 3): 'FRACKING WILL NOT BE PERMITTED WHERE AGRICULTURE, BUSINESS, TOURISM AND CULTURAL ASSETS ARE JEOPARDISED. APPLICANTS MUST PROVIDE ABSOLUTE GUARANTEES AND PLANS TO PROTECT THESE'.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0763/M17/U

Part 4) i): This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is unjustified to single out one sector and apply boundary restrictions in an arbitrary manner.

Frack Free Harrogate District

4082/0376/M17/U

Suggested modification: Add text to Part 4): 'FRACKING WILL NOT BE PERMITTED WHERE THE IMPACT ON LOCAL COMMUNITIES AND SERVICES COULD BE ADVERSE FROM AIR, NOISE AND LIGHT POLLUTION, METHANE EMISSIONS AND DEGRADED SURFACE WATER. A BUFFER ZONE EQUIVALENT TO THAT IMPOSED ON WIND TURBINES, AND NEVER LESS THAN 750 METRES, IS REQUIRED TO PROTECT RESIDENCES, SCHOOLS, HOSPITALS, CLINICS, OTHER SOCIAL SERVICES, LIVESTOCK FARMS, HORTICULTURE NURSERIES, SENSITIVE WILDLIFE SITES ETC. WITH NO EXCEPTIONS.'

3966/0158/M17

Part 4)

The villages in the National Park are peaceful and quiet. Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

3966/0167/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of planning legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

4081/0223/M17

Fracking is very likely to cause a large increase in traffic movements and the current roads are unable to cope which will impact on tourism in the area, for example visitors to Flamingo Land. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality particularly around schools, hospitals and homes.

4081/0221/M17

There is now clear evidence that fracking effects on air quality pose a risk to health. All applications for Hydraulic fracturing must undertake a Health Impact Assessment to establish the current air quality, noise levels and establish what might be acceptable depending on distances between the well site and homes, businesses, schools and

hospitals.

4081/0222/M17

Fracking has been proved to cause pollution of ground and surface water. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The Planning Authority should ensure that contamination would not occur.

Suggested Modification:

Applicants must be able to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

4085/0346/M17

Part 2) ii) c) and Part 3): Use of the term 'high standard' in the Policy should be clarified.

3966/0165/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

4086/0305/M17

2) Cumulative impact is a key issue and development would, cumulatively, have a large impact on the countryside and local communities.

3886/1128/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

3857/0732/M17

part 1 (i) is very generic and is likely to result in every location having acceptable 'direct or indirect access to classified A or B roads'.

Further clarity of the use 'suitable' should be included. Additional criteria such as distance, width, or nature of the roads (sharp bends and inclines) should be used to help identify what is 'suitable'.

3857/0733/M17

The definition of 'local communities' in foot note 16 is not adequate. Many of the residential areas are villages and hamlets which risk not meeting the tests described in part 1 i) a) these should be classed as communities.

3857/0734/M17

Part 4 i)

The inclusion of separation distances between hydrocarbon development and residential and other sensitive receptors is welcomed. However the 500m currently used is not justified in any way. Why is it not 1000m or 2000m as used in Australia. Any separation distance needs to be objectively demonstrated with regards to the nature of the receptor, there is growing evidence showing children are at risk of negative health impacts from fugitive emissions or methane, therefore it would be prudent to increase the separation distance from schools. The policy should state that these separation distances would apply to all associated infrastructure, including surface development such as compressor stations, driers, separation units storage units.

Ryedale Liberal Party

3846/0968/M17/LC.U.DTC

Section 2) Support the attempt to deal with cumulative effect which is central to dealing with applications for hydrocarbon development. There are no criteria given except 'unacceptable' which is a subjective term.

There is a problem in dealing with the wholesale development of the gas field without information as to what that might look like if the flow of gas was as hoped for by the applicants. Part ii) mentions this, but needs to insist on information being made available, there is currently no evidence relating to hydraulic fracturing in the UK. Evidence of harm cannot be detected or assessed unless adequate baseline monitoring and audits of health and environment are prepared prior to activities. There is no proof that hydraulic fracturing can be carried out safely.

Baseline evidence is crucial and will be necessary to make sure that the risk of harm does not entirely lie with the local environment and population while the developers receive the benefits. It will be required to agree 'cumulative effect' limits, setback distances and safe levels of well pad density. It will also provide evidence in terms of potential health problems or land or water contamination problems.

Suggested modifications

To establish any benefits or impacts from hydraulic fracturing, there needs to be wide assessment of both environmental and health data on ongoing monitoring.

3861/1160/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

4085/0345/M17

Part 1) i) a): Crematoria should be included within the definition of sensitive receptors' identified in the footnote to the Policy.

3861/1161/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

4086/0306/M17

4) Long term noise impacts would be caused by hydrocarbon development.

4086/0307/M17

4) Fracking leads to impacts on air quality and poses risks to health. A set back distance of at least 750m from sensitive receptors should be provided.

Ryedale Liberal Party

3846/0977/M17/LC.U.DTC

Section 4) iii) is not effective as it is insufficiently specific. Air quality monitoring plans will need to include baseline data for an area larger than just the well pad site. Monitoring should be done in real time, and monitor rates of change so to allow operations to be halted if there is a concern. Parameters should be decided before development starts. Baseline evidence for health impact assessments should also be established, and should offer information on health problems that are foreseen to be possible issues. There should also be a baseline for water and soil quality.

Suggested modifications

Section 4) iii) should read 'PROPOSALS FOR HYDRAULIC FRACTURING AND ASSOCIATED DEVELOPMENT (SUCH AS COMPRESSOR PLANTS), SHOULD BE ACCOMPANIED BY AN AIR QUALITY MONITORING PLAN, WHICH WILL INCLUDE ADEQUATE BASELINE DATA ON CONTAMINANTS (THOSE THAT HAVE BEEN KNOWN TO CAUSE CONCERN IN OTHER HYDROCARBON DEVELOPMENTS) FROM AN AREA AROUND THE SITE. THE PLAN WILL INCLUDE REAL TIME CONTINUOUS MONITORING, CAPABLE OF CAPTURING EMISSION EVENTS AND RATES OF CHANGE. IT WILL BE MADE AVAILIABLE FOR PUBLIC SCRUTINY. WHOLLY INDEPENDENT 'HEALTH IMPACT ASSESSMENTS' WILL INCLUDE BASELINE INFORMATION ON POSSIBLE HEALTH IMPACTS BASED ON CONCERNS/EVIDENCE AN UPDATES AND PUBLICATION RATES OF CHANGE. WATER AND SOIL QUALITY SHOULD ALSO HAVE A PLAN FOR BASELINE AND CONTINUED MONITORING THROUGHOUT THE DEVELOPMENTS LIFE. ALL OF THE ABOVE SHOULD INCLUDE PLANS FOR MONITORING AFTER WELLS ARE ABANDONNED.

4086/0310/M17

1) Rural roads will not cope with increased traffic associated with fracking.

4086/0311/M17

2) Cumulative impact is a major concern and further consideration should be given to the relationship between well site density and traffic.

Frack Free Kirby Misperton

3685/1468/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4085/0347/M17

Use of the term 'unacceptable' throughout the Policy requires definition.

3876/0402/M17

Industrialisation of the countryside through development related to fracking could have a very damaging impact to human and animal health and on traditional rural industries such as agriculture and Tourism.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3 miles should be included. The Plan should apply the precautionary principle.

Most of the gas produced will be used only as a feedstock at the developers own manufacturing facilities.

West Malton Against Fracking

4087/0509/M17

The Plan doesn't take into account the way sound can travel. Residential areas, located some miles away from drilling sites, could be affected by Drilling activities which can be 24hours/7 days a week. The Air Quality Management Zone in Malton has not been taken into account. Fracking operations are known to cause air pollution.

A more extensive buffer zones are needed to help tackle air pollution and noise. A 10km Buffer around any human habitation is recommended.

3886/1130/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects form additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

3886/1124/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

3886/1129/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

3876/0397/M17

Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health. Increased noise levels would impact upon local wildlife.

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed. Allowing development within the 3.5km buffer is unsound and would contravene the NPPF.

3861/1158/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

3876/0401/M17

Fracking is very likely to cause a large increase in traffic movements. Current road infrastructure is inadequate to cope with this. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this. Increased traffic would have impact negatively on the Tourist industry.

3886/1127/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3876/0398/M17

There are many sensitive receptors in the PEDL areas, including schools, retirement homes and towns. A baseline assessment should be carried out. An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

3862/0299/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

3862/0296/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

3862/0297/M17

The Moors currently has clear clean air. There is evidence that the chemicals used in fracking are known carcinogens, Any residual chemicals left in the ground cannot be controlled or regulated.

3862/0300/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

3861/1162/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

3876/0400/M17

Fracking has been proved to cause pollution of ground and surface water. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The precautionary principle should be applied.

4108/1138/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist.

South Hambleton Shale Advisory Group

4158/0895/M17/U.DTC

Section 4) A general distance rule of 500m ignores the different heights from which development or activity may be seen. Suggest that 500m should be stated as a minimum, the effective distance can then be assessed on a case by case basis so that topographical variation can be taken into account.

Suggested modifications

4) i) line 2 delete [unacceptable] and replace with ADVERSE

4) i) line 3 delete [Adequate separation distances] and replace with ADEQUATE SEPERATION DISTANCES, INCLUDING THOSE SPECIFIED BELOW, MUST...

4) i) lines 8 - 12 delete the last sentence starting 'Proposals for surface hydrocarbon...' and replace with 'PROPOSALS FOR SURFACE HYDROCARBON DEVELOPMENT, PARTICULARLY THOSE INVOLVONG HYDRAULIC FRACTURING, WILL NOT BE PERMITTED BETWEEN WITHIN 500M OF ONE OR TWO ISOLATED RESIDENTIAL BUILDINGS AND OTHER SENSITIVE RECEPTORS OR 1.5KM OF ANY RESIDENTIAL SETTLEMENT OF 3 OR MORE DWELLINGS AT THE SAME OR SIMILAR HEIGHT ABOVE SEA LEVEL OR 3KM WHERE SUCH SETTLEMENT OVERLOOKS SUCH ACTIVITY FROM A HEIGHT OF 50M OR MORE, THE EFFECTIVE DISTANCE THEN BEING ASSESSED IN EACH CASE BY THE LOCAL PLANNING AUTHORITY TO TAKE INTO ACCOUNT TOPOGRAPHICAL VARIATION.

Paragraph 5.131 line 15 for 'and businesses' replace with 'BUSINESSES AND THE ENVIRONMENT'

Paragraph 5.136 line 9 add 'LANDSCAPE CHARATER ASSESSMENTS AND CAPACITY STUDIES WILL BE OF POSITIVE HELP IN THIS RESPECT, WHEN THE EXTENT OF THE RESOURCE IS BETTER KNOWN, TO DETERMINE THE CAPACITY OF ANY GIVEN AREA TO ACCOMMODATE FURTHER DRILLING SITES. THE MPA WILL PRODUCE SUPPLEMENTARY PLANNING GUIDANCE TO THIS EFFECT,'

Paragraph 5.146 line 19 between 'reasonable' and 'distance' insert 'minimum' and (line 23) between 'perceived impact' and 'for the purpose' insert 'WHILE THE 'PROTECTED BUILDING' PRINCIPLE AS APPLICABLE IN THIS CONTEXT THE NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE AND EXTENT OF ACTIVITY TOGETHER WITH THE PARTICULAR NATURE OF THE COUNTY'S TERRAIN AND THE DISPERSED NATURE OF ITS SETTLEMENTS DEMAND A DISCRETE APPROACH. THUS NEARBY ACTIVITY MAY BE ACCEPTABLE IN SOME ISOLATED OR RELATIVELY ISOLATED SITUATIONS ON THE SAME OR SIMILAR LEVEL WHERE EFFECTIVE SCREENING IS POSSIBLE, BUT THE SAME MAY NOT BE ACCEPTABLE WHEN VIEWED FROM A GREATER DITANCE AND FROM A GREATER HEIGHT. ACCORDINGLY A SLIDING SCALE OF SEPERATION DISTANCE IS NEEDED COMMENSURATE WITH ELEVATION.'

4111/1111/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4111/1109/M17

Part d) i)

The 3.5km buffer is supported.

The policy doesn't go far enough in the scope of protection it provides taking into account the highly protected status of these areas. Any fracking within 3.5km would inevitably impact on these qualities and the policy should prohibit fracking in these zones completely.

4111/1116/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0493/M17/U.DTC

The Policy fails to recognise the importance of Green Belt policy in the determination of Hydrocarbon proposals. Hydrocarbon proposals fall out site the definition of appropriate development contained within the NPPF. Proposals would need to be justified with reference to Very Special Circumstances that outweigh the harm by inappropriateness and other harm resulting from the proposal.

Suggested Modification:

The policy should, in part 4) vi) provide clear guidance with regard the approach to the consideration of all surface hydrocarbon proposals located within the Green Belt.

4111/1117/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of planning legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

2256/0195/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

4107/1152/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

The certainty of some effects on air quality is deeply worrying. The results may be short-term in major observable impact but air quality has been shown to also have long-term health effects even after the cause has diminished.

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

Suggested wording amendments:...Hydrocarbon development will NOT be permitted [in locations where] UNLESS IT CAN BE DEMONSTRATED THAT A VERY high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

Part 4

i) Hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities or public health. Adequate separation distances should be maintained between hydrocarbons development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse impacts from noise, light pollution, emissions to air or ground and surface water and induced seismicity, including in line with the requirements of Policy D02. Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will NOT be permitted [in exceptional circumstances]...

iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment WHICH INCLUDES CONSIDERATION OF THE BASELINE AND HOW THE DEVELOPMENT WILL MITIGATE EFFECTIVELY TO MAINTAIN THESE LEVELS ENJOYED BY LOCAL RESIDENTS. WHERE IT CANNOT BE

DEMONSTRATED THESE LEVELS CAN BE MAINTAINED, THEN DEVELOPMENT WILL NOT BE SUPPORTED.

4108/1137/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

4152/0720/M17

The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users.

4108/1136/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4107/1145/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to human health, including evidence on emissions of toxic hydrocarbons including known carcinogens. Fumes from drilling can also release fine soot particles which cause severe health risks.

There is a clear legal requirement for the plan to address air pollution. However, the proposed setback distance to sensitive receptors of 500m is rather arbitrary with no evidence that this is a safe distance in terms of air quality or other impacts from fracking. Research in Colorado has resulted in proposals for a 750m distance and this minimum should be included in the Policy.

An increased distance of 1km should be applied for sensitive locations such as schools, homes and hospitals.

Public Health impact Assessment should be undertaken prior to any work being carried out to ascertain the impacts of fracking on human health.

4152/0719/M17

Fracking is very likely to cause a large increase in traffic movements. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Suggested wording amendments:

i) Hydrocarbon development will NOT be permitted in locations WITHOUT suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment EITHER SINGULARLY OR CUMULATIVELY WITH OTHER SCHEMES that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise

to unacceptable impact on local communities INCLUDING INDIRECT IMPACTS LINKED TO AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements AWAY FROM SENSITIVE AREAS AND RECEPTORS; and ...

4152/1052/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

NC Tech Insight Ltd

4151/0957/M17

The Plan proposes a minimum distance of 0.5km from residential buildings. This is closer than the distances Yale University studies have shown significant detrimental impacts on human health. The population density of North Yorkshire is higher than in areas where the US studies took place, and liable to larger numbers of health issues. Accidental explosions at fracking sites in the USA have caused damage and had potential to cause fatalities at distances up to 1 mile. The following text should be added: NO WELL PAD, COMPRESSOR STATION, OR PROCESSING PLANT SHALL BE LOCATED SUCH THAT ANY POINT WITHIN ITS PERIMETER LIES WITHIN 1KM OF ANY SINGLE RESIDENCE, PLACE OF WORK OR PLACE OF EDUCATION. IN THE CASE OF RESIDENTIAL AREAS WITH MORE THAN 50 OCCUPIERS, EDUCATIONAL ESTABLISHMENTS WITH MORE THAN 50 STUDENTS OR HOSPITALS WITH MORE THAN 50 PATIENTS, THE MINIMUM DISTANCE BETWEEN THE CLOSEST POINTS WITHIN RESPECTIVE AREAS SHALL BE 2KM.

4111/1114/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Frack Free Kirby Misperton

3685/1464/M17

Part 4)

Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

4142/1080/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects form additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

4142/1079/M17

The cumulative increase in traffic associated with fracking can only further aggravate the traffic problems in Malton/Ryedale and surrounding rural areas detracting from the local amenity, economy and safety levels.

4142/1078/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

4111/1115/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

4142/1077/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Zetland Group

2145/0606/M17/U

Part 1) iii): Disagree with this requirement as it is an unnecessary constraint. If a development requires importation of water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

Zetland Group

2145/0527/M17/U

Part 2) i): The term 'planned' should be changed to permitted or consented. Planned is too imprecise whilst permitted provides a degree of certainty that the development could take place.

4144/1057/M17

Industrialisation of the countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

4147/0939/M17

Part 4 i)

The set back distance of 500m from schools and dwellings has been taken from policy relating to wind turbines and does not provide adequate protection from the risks from hydrocarbon development. A greater set back distance should be used in order to provide adequate protection.

Suggested Modification:

It has been suggested that a distance of 1mile form homes and schools should be used

4144/1058/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

4145/0981/M17/LC.U.DTC

This response is made on behalf of the North Yorkshire Scrutiny of Health Committee.

4) ii) refers to baseline monitoring as part of the evidence base considered when hydrocarbon development is considered, it is not clear what data is going to be available and how robust the data set will be.

The recommendations to Executive were that the Government, in particular the Department of Energy and Climate Change, is called upon to consider ensuring that independent environmental baseline monitoring is made on-going beyond the first few well sites, in order to build up a comprehensive picture of different geological factors between site specific areas. That an immediate large-scale health-related baseline monitoring study is commissioned, paid for and led by an independent body such as Public Health England to identify any anomalies arising is and when a shale gas industry develops in North Yorkshire.

The concern remains that there is not a clearly specified or robust way in which environmental and health data can be gathered, a baseline established and then the impact of fracking and protective/mitigating actions fully understood.

Suggested modification

Set out a clearly specified or robust way in which environmental and health data can be gathered, a baseline established and then the impact of fracking and any protective/mitigation actions fully understood.

4145/0980/M17/LC.U.DTC

This response is made on behalf of the North Yorkshire Scrutiny of Health Committee.

4) i) the separation distances between the built environment and well sites and well sites have been specified by default as being 500m. The Scrutiny of Health Committee previously noted that there was a need, in view of the infancy of fracking industry in the UK, to monitor the impact of fracking activity upon the built environment to better understand the minimum separation distances required. This is not made explicit in the Plan.

Suggested modification

4) i) set out a clearly specified or robust way in which environmental and health data can be gathered to enable the impact of fracking activity upon the built environment to be better understood so that the minimum separation distances required can be established.

Zetland Group

2145/0616/M17/U

An overall scheme of production development within the PEDL area may not be known.

Suggested modification to Part 2) c): Delete 'unconventional'.

4146/0942/M17

Part 4)
Concerned about the impact on the peace and tranquillity of the area, particularly at night, as result of continuous operations.

4146/0946/M17

Increased traffic would impact on the local highways network, and result in the unwelcomed industrialisation of the area. This would impact on tourism and the local economy.

Zetland Group

2145/0615/M17/U

Part 2) ii) b): Reference to the 'duration over which hydrocarbon development has taken place in the locality' is irrelevant. The MPA will have approved development on the basis that impacts are not significantly adverse, and should test other proposals accordingly.

York Green Party

2224/0914/M17/U

More robust protection is needed In order to prevent works being a statutory nuisance arising from noise (both in construction and production phases), vibration, odour and light pollution as well as the potential threat from leaks and spills including fugitive gas.

Many places have a minimum of 500m from residential buildings for wind farms, when these cause far less nuisance than e.g. fracking which will not only generate noise from the wells, but will also generate vehicle movements, and at least 5% of wells are expected to fail in any year which can lead to leaks of noxious (radioactive) leaks. It is therefore clear that a much larger boundary is needed.

This should never be breached.

Modification

M17 (4) i) ...Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within 1200m of residential buildings and other sensitive receptors will not be permitted in exceptional circumstances.

4111/1110/M17

Part 4)
Exploratory drilling would lead to night time noise levels for higher than allowed for other types of development such as wind turbines. Background noise levels in North Yorkshire are very low, particularly at night. It is therefore essential that the Plan sets clear policy to limit noise for nearby residents as part of its statutory duty to protect local public health.

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

2253/1241/M17

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

The precautionary Principle should be applied. An Environmental Assessment should always be required to assess potential cumulative impacts.

4102/1198/M17

The Precautionary Principle should be applied to the issue of impacts on water quality or water (where an EIA should be required).

4152/1051/M17

Additional traffic associated with fracking would make life very difficult for residents and the road network is unsuitable. Air quality and health would suffer as a result of emissions and reduction in road safety. Visitors would be deterred, impacting on the existing economy.

4152/0717/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

4153/1309/M17

All fracking applications should be accompanied by a health impact assessment to establish current air and water quality, pollution, public health profiles, traffic volumes seismic records and methane levels. Evidence supplied solely by the industry will not be sufficient.

4153/1307/M17

The policies lack a mechanism to obtain a systematic long term assessment by Yorkshire Water of the implications of abstraction for domestic water supply.

2253/1240/M17

The Plan is unsound in that it has no separation distances between fracking sites. A separation distance of 3 miles should be used to avoid clustering.

4153/1306/M17

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances should be extended to 750m.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

2253/1239/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes.

4154/0590/M17

Section 1) i) a) Access to sites should not be allowed over a certain distance from classified A or B roads. All roads must be made good and maintained in a suitable condition at the cost of the fracking companies. Monitoring of compliance with traffic plans should be mandatory by condition, with collection of data regarding accidents and spills.

Section 2) i) and ii) As no data exists regarding the UK fracking industry, there must be robust assessment of environmental and health data, with ongoing monitoring, to establish any benefits or impacts from industry.

4152/0718/M17

Concern about the impact upon local water supplies. Many farms are reliant on boreholes for fresh water supplies. These sources are particularly vulnerable to contamination from fracking.

4102/1200/M17

The Plan doesn't provide sufficient safeguards to protect sensitive receptors (schools, hospitals and dwellings) against impacts on highway safety, vehicle emissions on sensitive air quality or existing air quality management areas.

South Hambleton Shale Advisory Group

4158/0893/M17/U.DTC

The words 'inappropriate' and 'unacceptable' are imprecise and subjective, and so open to ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Paragraph 3 e) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

South Hambleton Shale Advisory Group

4158/0894/M17/U.DTC

Section 1) While 'direct' access to a well pad from a classified A or B road is clearly understood, 'indirect access' is capable of a variety of meanings including the use of classified C and unclassified roads, which are unsuitable for use by a large number of heavy vehicles. If there needs to be indirect access it should be contained to within 1km of any A or B road. Strongly support the requirement for a Traffic Management Plan to be included in any planning application.

Suggested modification

Section 1) i) Hydrocarbon development will be permitted in locations with suitable direct [or indirect] access to classified A or B roads and ONLY where it can be

demonstrated through....

Section 2) i) delete [unacceptable] and replace with ADVERSE

2256/0247/M17

Amend Policy M17 as indicated. NEW TEXT IN BOLD. Deletions in (e.g.)

...i) Hydrocarbon development will NOT be permitted in locations (with) WITHOUT suitable direct or indirect access to classified A or B roads and where it can be demonstrated through a Transport Assessment EITHER SINGULARLY OR CUMULATIVELY that:

a) There is capacity within the road network for the level of traffic proposed and the nature, volume and routing of traffic generated by the development would not give rise to unacceptable impact on local communities INCLUDING INDIRECT IMPACTS LINKED TO AIR QUALITY (RE AIR QUALITY MANAGEMENT AREAS), businesses or other users of the highway or, where necessary, any such impacts can be appropriately mitigated for example by traffic controls, highway improvements and/or traffic routing arrangements AWAY FROM SENSITIVE AREAS AND RECEPTORS; and ...

M17 pt. 3

...Hydrocarbon development will NOT be permitted (in locations where)UNLESS IT CAN BE DEMONSTRATED TO A VERY high standard of protection can be provided to environmental, recreational, cultural, heritage or business assets important to the local economy including, where relevant, important visitor attractions.

M17 pt. 4

4) Specific local amenity considerations relevant to hydrocarbon development

i) Hydrocarbon development will be permitted.....Proposals for surface hydrocarbon development, particularly those involving hydraulic fracturing, within (500) 750m of residential buildings and other sensitive receptors, are unlikely to be consistent with this requirement and will (only) NOT be permitted in exceptional circumstances...

...iii) Proposals involving hydraulic fracturing should be accompanied by an air quality monitoring plan and Health Impact Assessment WHICH INCLUDES CONSIDERATION OF THE BASELINE AND HOW THE DEVELOPMENT WILL MITIGATE EFFECTIVELY TO MAINTAIN THESE LEVELS ENJOYED BY LOCAL RESIDENTS. WHERE IT CANNOT BE DEMONSTRATED THAT THESE CAN BE MAINTAINED, THEN DEVELOPMENT WILL NOT BE SUPPORTED.

2256/0198/M17

Ch5 /M17/5.130

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome

2256/0196/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

4102/1197/M17

The flexibility in the Policy to allow surface hydrocarbon developments within 500m of the sensitive receptors in exceptional circumstances is contrary to the NPPF.

Suggested Modification:

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed.

4153/1303/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects form additional fracking development. Part 1) New text 'FRACKING WILL NOT BE PERMITTED UNLESS A FULL TRANSPORT ASSESSMENT, INCORPORATING THE CUMULATIVE AND ECONOMIC IMPACT OF OTHER LOCAL PLANS AND PROJECTS, HAS BEEN CARRIED OUT. NOR WILL IT BE PERMITTED WHERE SAFETY, POLLUTION, CONGESTION AND IMPACT ON COMMUNITIES ARE COMPROMISED.' Part 3) New text 'FRACKING WILL NOT BE PERMITTED WHERE AGRICULTURE, BUISNESS, TOURISM AND CULTURAL ASSETS ARE JEOPARDISED. APPLICANTS MUST PROVIDE ABSOLUTE GUARANTEES AND PLANS TO PROTECT THESE'. Part 4) New text 'FRACKING WILL NOT BE PERMITTED WHERE THE IMPACT ON LOCAL COMMUNITIES AND SERVICES WILL BE ADVERSE FROM AIR POLLUTION, NOISE, LIGHT, METHANE EMISSIONS AND DEGRADED SURFACE WATER. A BUFFER ZONE OF AT LEAST 750 METRES (MORE IN MANY LOCATIONS) IS REQUIRED TO PROTECT RESIDENCES, SCHOOLS, HOSPITALS, CLINICS, OTHER SOCIAL SERVICES, LIVESTOCK FARMS, HORTICULTURE NURSERIES, SENSITIVE WILDLIFE SITES ETC. WITH NO EXCEPTIONS'.

Churches Together In Settle Justice and Peace Group

4105/1168/M17

The precautionary principle should be part of the Plan and the Environment Impact Assessment to be required to assess the potential cumulative environmental effects in all planning applications.

2253/1235/M17

Part 4)

There is clear evidence that air quality impacts from fracking pose risk to health. The proposed setback distance to sensitive should be a minimum of 750m, and increased

distance of 1km schools, homes and hospitals.

A baseline Health impact Assessment should be undertaken prior to any work being carried out.

4107/1151/M17

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

4107/1150/M17

Fracking is very likely to cause a large increase in traffic movements. The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users. The increase in traffic will adversely affect air quality along routes particularly if passing sensitive receptors. The Plan is unsound as it doesn't include adequate protection or if necessary adequate restrictions relating to this.

Thirsk and Malton MP

1363/0173/M17

Part 4) i) The separation distances should also be provided for schools, medical establishments, a minimum of 1 mile would be more appropriate until further evidence on environmental impacts becomes available.

4152/1053/M17

The Precautionary Principle should be applied to the issue of cumulative impacts to reflect the requirements of Planning Legislation, policy and guidance. New developments should not be permitted unless it can be proven that there would be no unacceptable cumulative effects.

Suggested Modification:

The Plan should state that Environmental Impact Assessment should always be required to assess potential cumulative effects from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

Thirsk and Malton MP

1363/0171/M17

Part 1) i)

Given the concern relating to increased traffic, particularly HGVs the approach to only permitting hydrocarbon development in locations with suitable direct and indirect access to classified A and B roads is supported.

4107/1149/M17

Fracking has been proved to cause pollution of ground and surface water and Planning Authorities have a legal duty to ensure contamination does not occur. There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment.

Suggested Modification:

The Plan should accept the precautionary principle by requiring applications to demonstrate beyond scientific doubt that there would be no impact upon water supplies.

Thirsk and Malton MP

1363/0174/M17

Part 4) ii) and 4) iii)

Welcomes the introduction of independent monitoring to establish the baseline and ongoing water and air quality and seismic activity, before, during and after work takes place.

Thirsk and Malton MP

1363/0172/M17

The limiting of individual well pads to 10 per 100/sq. km is supported. It should be made clear that the density restrictions apply specifically to non-protected areas and buffer zones; if this is not the case, development could be much more heavily concentrated in locations outside protected areas.

2253/1236/M17

Shale gas development is a medium term activity, therefore para 144 of the NPPF must apply.

There should be a set-back distance of 750m to reduce noise impact with no exceptions allowed within the residential buffer zones as this would contravene NPPF . No fracking should be allowed in the buffer zone.

All fracking applications should be accompanied by a health impact assessment to establish current air quality and noise levels.

NC Tech Insight Ltd

4151/0958/M17

It has been announced by industry that well pads may be placed at a density of 10 well pads per 100km². This density could increase the potential for serious health conditions. There will be cumulative emissions and this will be unacceptable for residents.

It is suggested that the density of well pads shall be limited to an absolute maximum of four per 100 km² grid square. Moreover, in view of cumulative effects, no more than two well pads shall be allowed to lie within a distance of 2km from any individual residence, place of work or place of education. In the case of a residential area with more than 50 occupiers, an educational establishment with more than 50 students, or a hospital with more than 50 patients, the minimum distance between any point within the perimeter of this area and the perimeter of each well pad shall be 3km.

INEOS Upstream Ltd

3703/0790/5.131/U.DTC

Paragraphs 5.131 - 5.152 provide the supporting justification for the current policy The policy repeats and restates the controls that are contained in the wide range of planning policies and the remit of other regulators. The tests applied by these policies do not need to be repeated in the Plan as they already exist in other approved development plan documents and these provide sufficient safeguards. If the Minerals Planning Authority believes that it needs to explain how these policies will be applied to onshore hydrocarbon applications it can do so through separate Supplementary Planning Guidance, this is the approach other minerals planning authorities have taken and this results in clear and concise policy with a separate explanation of how the details will be applied.

Egdon Resources (UK) Limited**0150/0827/5.131/LC.U.DTC**

Owing to the fact that hydrocarbon minerals can only be extracted where they are found, it may not always be possible to ensure that hydrocarbon development is located where there is good access to suitable road networks. Suitable access to A and B classified roads may require the implementation of a traffic management plan to ensure access during those stages of development when heavy vehicle movements may be greatest on sections of road that do not form part of the main road network.

Suggested Modification

Amend 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.

4085/0349/5.131

Clarification should be provided on who will pay for damage resulting from traffic on unsuitable roads.

Zetland Group**2145/0617/5.132/U**

This para is not relevant as the Transport Assessment will assess transport impact.

Frack Free Ryedale**3684/0257/5.132/U**

Although the principle of sharing infrastructure (in particular underground pipelines) to minimise adverse impacts is welcomed, it should be made clear that many parts of the Plan area, including Ryedale, are nationally and locally protected. The routing of pipelines in, or adjacent to these areas, may itself cause too much disturbance to be considered appropriate. The MPA should provide clarity on how it intends to encourage the 'sharing of infrastructure' in practice.

Suggested Modification:

Include a reference to locally recognised landscape designations. Clarity is needed on how the MPA will encourage the sharing of infrastructure between operators.

Egdon Resources (UK) Limited**0150/0826/5.132/LC.U/DTC**

It may not always be possible to identify pipeline routes which minimise impacts, owing to factors such as the accessibility of land. Equally, it may not be possible to locate a development directly to a suitable local source of water. Where water needs to be transported by road, a transport assessment will enable the MPA to determine whether or not the highways network is appropriate.

Suggested Modification

Amend 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.

2762/1417/5.132/U**Third Energy Limited**

This para is not relevant as the Transport Assessment will assess transport impact.

Zetland Group**2145/0618/5.133/U**

Delete this para due to undue repetition. The phases of hydrocarbon development are clearly set out in National Planning Guidance. Each application and subsequent applications for later phases will, as with any application, be considered on their own merits.

Third Energy Limited

2762/1418/5.133/U

Delete this para due to undue repetition. The phases of hydrocarbon development are clearly set out in National Planning Guidance. Each application and subsequent applications for later phases will, as with any application, be considered on their own merits.

Zetland Group

2145/0619/5.134/U

With reference to the use of 'uncertainty', there is no certainty with any development type. The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

Frack Free Ryedale

3684/0258/5.134/LC.U

There is potential that fracking developments could lead to cumulative impacts as more development is proposed in the area. This could give rise to significant impact on the environment, local communities and the highway network. It is essential that the MPA acknowledge that cumulative impacts will occur and develop the plan accordingly.

Suggested Modification:

Amend the wording of the paragraph to read "such a scenario will lead to cumulative impacts as more development is proposed within the area..."

Third Energy Limited

2762/1419/5.134/U

With reference to the use of 'uncertainty', there is no certainty with any development type. The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

4085/0350/5.135

A reasonable balance between flexibility for development and impacts is impossible. The Plan is too pro-industry.

Zetland Group

2145/0620/5.135/U

The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

Third Energy Limited

2762/1420/5.135/U

The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

Third Energy Limited

2762/1421/5.136/U

The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

Zetland Group

2145/1283/5.136/U

The Planning system exists to manage development that may come forward, therefore there does not need to be certainty.

Frack Free Ryedale

3684/0282/5.136/U

This paragraph states that it is not practicable to impose, at this stage in the development of the industry, a specific policy limit on the number of well pads or individual wells that may be acceptable. However, Paragraph 143 of the NPPF states that when preparing Local Plans, the Planning Authority should set out environmental criteria against which policies can be assessed to ensure that permitted operations do not have an unacceptable adverse impact...." as such it is considered that the Plan should consider the cumulative impacts of development, the Plan provides no guidance on separation distances between each well site.

Suggested Modification:

To comply with national policy the Plan should set out strict environmental criteria, set out appropriate separation distances and address the issue of cumulative impacts. A minimum separation distance of at least 3 miles should be included.

Egdon Resources (UK) Limited

0150/0825/5.136/LC.U

Whilst cumulative impacts can be taken into account where necessary, these should be based upon other proposals with planning permission but not implemented or proposals that are awaiting formal determination. Cumulative impacts from existing operational and restored sites should not form part of the assessment as these have been taken into account if appropriate.

Suggested Modification

Amend 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.

Leavening Parish Council

0726/0410/5.137/U

The lack of separation distance between each well site would enable developers to concentrate production on a single site, multiplying the impact on that area.

3954/1093/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Egdon Resources (UK) Limited

0150/0824/5.137/LC.U.DTC

There is no justification or evidence to demonstrate that a development density of more than 10 well pads per 100 sq. km would result in any material adverse impacts. The inclusion of operational and restored sites within any assessment is flawed. Restored sites by their virtue will be returned to the original land use and are also subject to the satisfactory regulation under the Environmental Permitting regime. The Policy should instead focus upon whether or not a proposal results in a specific density of hydrocarbon development. In addition, there is no justification for applying a lower density within the Green Belt or where a high concentration of other land use constraints exist.

Suggested Modification

Amend 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.

4147/0938/5.137/U

The plan is not legally compliant and is unsound in relation to the inclusion of the well pad density of 10 well pads per 100km sq. PEDL area. This appears to be a new consideration introduced by government and the shale gas industry and was not included in previous versions of the Plan. In sufficient consultation on this new information had not taken place.

0230/0844/5.137

The Plan suggests that an 'acceptable' cumulative impact can be achieved by a density of 10 well pads per 100km sq. Each pad can contain many wells. It should be made clear that each well is subject to planning control and that each well is relevant to the cumulative impacts (in terms of noise, air pollution and traffic movements etc.)

The text and relevant policy reference should be amended to reflect this. The reference that a lower density of well pads in areas of green belt or other land use constraints 'may be appropriate' should be amended to specify that a lower density WILL be appropriate.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0764/5.137/U

Assumptions on pad density should not be used to derive policy until such times as exploration has been undertaken. There can be no limit set until more is known about the geology. The Plan can be revised once the potential resource is better understood in the light of exploration. It should be noted that licence blocks are typically 10km by 10km but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

Zetland Group

2145/0621/5.137/U

It is not appropriate to set pad density limits. The para is over complicated and unnecessary. Hydrocarbon developments are often temporary, low impact developments and some areas may well have capacity to accommodate numerically more than others. At production phase, hydrocarbon development can be unobtrusive as evidenced by the existing gas production sites within the Vale of Pickering. Applications should be determined on a case by case basis, an assessment of density will be captured by an assessment of cumulative impacts. It should be noted that licence 'blocks' are typically 10km by 10km, but a PEDL may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

3966/0166/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and

Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

3862/1298/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

Third Energy Limited

2762/1382/5.137/U

Assumptions on pad density should not be used to derive policy until such times as exploration has been undertaken. There can be no limit set until more is known about the geology. The Plan can be revised once the potential resource is better understood in the light of exploration. It should be noted that licence blocks are typically 10km by 10km but a Petroleum Exploration and Development Licence may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

3857/0735/5.137

Well pad density should be considered in conjunction with the number of well heads on each pad since it is this aggregation that gives rise to the increased level of risk. In addition the cumulative impacts needs to take full account of other infrastructure necessitated by any commercial gas recovery.

Malton Town Council

0758/0549/5.137/U

The section fails to take into account Policy SP13 of the Ryedale Plan, insofar as the scale and density of well pads proposed is not in accordance with the Policy SP13 objective of protecting and enhancing distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities.

Suggested modification: Replace '10 well pads per 100km²' with '10 WELL PADS PER 1,300 SQUARE KILOMETRES'.

Stonegrave Parish Meeting

0878/0319/5.137

Well pad density should be reduced to 40% of those envisaged to be permitted as a maximum.

Helmsley Town Council

0603/0547/5.137/U

The section is inconsistent with National Policy in that it fails to take account of Policy SP13 of the Ryedale Plan. The scale and density of well pads proposed is inconsistent with the objectives Policy SP13.

Suggested modification

Substitute '10 well pads per 1,300 square kilometres' for '10 well pads per 100 square miles'

Third Energy Limited

2762/1422/5.137/U

It is not appropriate to set pad density limits. The para is over complicated and unnecessary. Hydrocarbon developments are often temporary, low impact developments and some areas may well have capacity to accommodate numerically more than others. At production phase, hydrocarbon development can be unobtrusive as evidenced by the existing gas production sites within the Vale of Pickering. Applications should be determined on a case by case basis, an assessment of density will be captured by an assessment of cumulative impacts. It should be noted that licence 'blocks' are typically 10km by 10km, but a PEDL may comprise a number of blocks or only part of a block. Therefore, establishing a total density of 10 well pads per 100km² is considered inappropriate as there is no arbitrary PEDL size.

West Malton Against Fracking

4087/0698/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Habton Parish Council

0589/0543/5.137

The scale and density of well pads should be amended to read '10 well pads per 100 square miles'.

2256/0197/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Barugh (Great & Little) Parish Council

0412/0856/5.137/U

It is noted that each well-pad can contain as many as 40-50 individual wells, therefore a 100 square kilometre PEDL block could contain up to 500 fracking wells. Kevin Hollinrake MP suggested production sites should be at least 6 miles apart, which would be incompatible with the approach in the Plan. The lack of separation distances between well sites is a significant failing in terms of soundness, and a minimum separation distance of 3 miles should be in the Plan. The monitoring of transport impacts, relating to density of well sites, on narrow roads needs to be considered, with estimated truck movements of 2000-7000 HGV movements per borehole.

Frack Free Ryedale

3684/0283/5.137/U

The statement in the Plan that "...For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density may be appropriate." should be amended to state it " will be appropriate" otherwise cumulative impacts will not be reduced or avoided.

Suggested Modification:

Re-word the paragraph to state: "For PEDLs located within the Green Belt or where a relatively high concentration of other land use constraints exist, including significant access constraints, a lower density will be appropriate."

3699/0438/5.137/U

This provides insufficient guidance to protect against cumulative impact and would allow up to 10 well pads to be crowded into a small part of a PEDL area. This would not ameliorate impact on communities, agriculture, equestrian businesses or tourism.

3699/0445/5.137/U

Suggested modification: Replace '..10 well pads per 100km2..' with '..10 WELL PADS PER 1,300 SQUARE KILOMETERS..'.

Appleton-le-Moors Parish Council

0391/0244/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

3821/0148/5.137

Industrialisation of the Countryside through proliferation of development related to fracking could have a very damaging impact, including on roads, biodiversity, climate change, water use and contamination, air pollution, noise and light pollution, soil contamination, human health and on traditional rural industries such as agriculture and Tourism.

A density of 10 wells pads per PEDL block would not be sufficient to prevent long-term impacts.

There is no guidance on separation distances between each well site and this is a significant failing in terms of soundness. A minimum separation distance of 3miles should be included to prevent well sites in PEDL areas to be concentrated in one place.

The Plan should state that a lower density of well pads will be appropriate in the Green Belt or where relatively high concentrations of other land use constraints exist. The Implications of the density of well pads for transport impacts, particularly in terms of monitoring needs to be addressed.

Leavening Parish Council

0726/0409/5.137

The Plan should provide a minimum separation distance of at least 3 miles between well pads to prevent well sites from being concentrated in one area.

3844/0228/5.137

There should be less dense distribution of wells than that proposed (10 per 10 Sq. Km). There should be specific detail of how wells and the resulting traffic will impact on the roads

3699/0498/5.137/U

If it is correct that the reference to '..10 well pads per 100km2..' has not been included in previous versions of the Plan and it has first been made public in this current draft, the Plan is unsound for the following reasons: 1. The figure is a substantial element of the hydrocarbons section and has not been the subject of any prior consultation; 2. The figures allow cumulative development which will have a detrimental and adverse impact on the landscape to an extent that it directly conflicts with and contradicts the requirements of Policy M17.

INEOS Upstream Ltd

3703/0791/5.137/U.DTC

This paragraph deals with 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 PEDL boundary or an arbitrary figure for well density that does not reflect the nature of an applicant's proposals or the ability of the environment to accommodate it appropriately.

4096/0467/5.137/U

This shows complete distain for local inhabitants and the environment, in a part of England that is one of the tourist attractions of the world. A density of 10 well pads per 100km2 would be very difficult to accommodate. Also, the wording allows more than 10.

Egdon Resources (UK) Limited

0150/0823/5.138/LC.U.DTC

There is no justification for an applicant to demonstrate how a proposal for production will fit into an overall production scenario for the PEDL. Potential development activity within a PEDL over the entire duration of a licence period is commercially sensitive information and may not be known with any degree of certainty as production will be dependent upon a number of factors, including accessibility, testing results, investment, availability of processing facilities and infrastructure. It should also be noted

that any development within a PEDL licence area must be approved by the OGA under a Field Development Plan which sets out the context and rationale for the overall development scheme.

Suggested Modification

Amend 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.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0765/5.138/U

The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms. This plan can only be developed once exploration has been completed. An operator may wish to present a strategic planning application for the development of a number of wells or pads, but they may also wish to make individual applications as and when appropriate for them to do so.

INEOS Upstream Ltd

3703/0792/5.138/U.DTC

This paragraph should be deleted as the requirement is covered by other regulation that exists for hydrocarbon development. The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms, this field development plan can only be developed once exploration has been completed.

Third Energy Limited

2762/1423/5.138/U

The overall scheme of production development within a PEDL may not be known. There may be occasions where applications are submitted concurrently but similarly individual planning applications may be submitted in isolation. Each application should be considered on its own merits.

Zetland Group

2145/0622/5.138/U

The overall scheme of production development within a PEDL may not be known. There may be occasions where applications are submitted concurrently but similarly individual planning applications may be submitted in isolation. Each application should be considered on its own merits.

Third Energy Limited

2762/1383/5.138/U

The strategic development of the PEDL licence area is presented in a field development plan, which is submitted to the Oil and Gas Authority in line with licencing terms. This plan can only be developed once exploration has been completed. An operator may wish to present a strategic planning application for the development of a number of wells or pads, but they may also wish to make individual applications as and when appropriate for them to do so.

4085/0351/5.139

EIA should be required for all shale gas applications.

Egdon Resources (UK) Limited

0150/0822/5.139/LC.U.DTC

There is no justification for taking into account the relationship of the proposed site and the location of existing sites for hydrocarbon development which have not yet been restored.

Suggested Modification

Amend 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.

4096/0468/5.140/U

This suggests a clustering of pads to use the existing infrastructure, this could lead to semi-industrialised areas whereas before there was only one pad.

Third Energy Limited

2762/1424/5.140/U

The term 'may be a challenge' is phrased in a negative manner as hydrocarbon development is no different to any other development type and applications should be determined in accordance with national and local planning policy, taking into consideration the presumption in favour of sustainable development.

Zetland Group

2145/0623/5.140/U

The term 'may be a challenge' is phrased in a negative manner as hydrocarbon development is no different to any other development type and applications should be determined in accordance with national and local planning policy, taking into consideration the presumption in favour of sustainable development.

Frack Free Ryedale

3684/0259/5.140/U

It should be acknowledged that, although a key planning principle, the re-use of existing infrastructure may not always be appropriate and each case should be judged on its own merits.

Suggested Modification:

Amend the paragraph to state "...And developers should seek to deliver this where practicable, whilst recognising that not all existing facilities will be suitable for hydrocarbon development."

4085/0352/5.141

This is not likely to be effective in encouraging co-ordination between operators.

Egdon Resources (UK) Limited

0150/0821/5.142/LC.U.DTC

Whilst the location of processing facilities has more flexibility compared to drilling wells which can only be located where the mineral lies, this policy relies upon allocated employment and industrial land identified with the local plans of non-mineral planning authorities. There is no evidence to demonstrate that demand for new energy generation infrastructure has been factored into account in those local plans covering the Joint Planning area. Given the strong support in the NPPF and PPG, there could potentially be a number of proposals for new hydrocarbon development coming forward in the plan Period. Secondly, the distance in transporting hydrocarbons to a suitable brownfield site could have a bearing upon the viability of the proposal, yet this has not been taken into account. Thirdly, just because a site is brownfield or an existing or allocated site for industrial or employment use may not make it necessarily suitable for hydrocarbon infrastructure or energy generation, by virtue of its scale.

Suggested Modification

Amend 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.

4085/0353/5.142

This is too weak in directing infrastructure to brownfield, industrial or employment land.

Third Energy Limited

2762/1425/5.143/U

Reference to 'the current perception that they operate in a high-quality rural environment' is an intangible statement with no evidence upon which to support this. Inconsistency with the reference to development type: throughout the plan hydrocarbon development is used, whereas in this para 'oil and gas development' is used.

Zetland Group

2145/0624/5.143/U

Reference to 'the current perception that they operate in a high-quality rural environment' is an intangible statement with no evidence upon which to support this. Inconsistency with the reference to development type: throughout the plan hydrocarbon development is used, whereas in this para 'oil and gas development' is used.

4085/0354/5.144

This does not sufficiently address the long term impacts on tourism.

Ryedale District Council

0116/1017/5.145/U

Concerned over the use of unqualified/loose words and phrases and permissive comments in the justification sections of the hydrocarbon policies. The reference to 'short-term' in paragraph 5.145 is an example and is not representative of the impact that could be associated with unconventional hydrocarbon activity over such a large area into the future.

Suggested modification

Improved qualification of some of the terms used throughout the reasoned justifications.

4085/0355/5.145

Impacts from fracking will be long term due to the nature of the activity. More consideration should be given to long term impacts.

Ryedale District Council

0116/1015/5.145/U

The District Council is concerned that the proposed monitoring framework focuses entirely on quantitative data relating to planning applications. As an example, this paragraph in the plan acknowledges the potential significant impact that unconventional hydrocarbon activity may have on the local economy. It is not clear how the economic effects of the activity will be effectively monitored over time or indeed the social or environmental effects will be monitored.

Suggested modification

A monitoring framework needs to be capable of monitoring the social, environmental and economic effects of the policies in operation.

Frack Free Ryedale

3684/0260/5.145/U

The reference to 'short -term' is not appropriate for all stages of the operation from exploration to production and this could be misleading to members of the public.

Suggested Modification:

The first sentence of the paragraph should be amended to read " It is acknowledged that some of the adverse impacts of hydrocarbon development can be of various durations, including intermittent in nature."

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0766/5.146/U

This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is unjustified to single out one sector and apply boundary restrictions in an arbitrary manner. Regulation of issues concerning seismicity and other sub-surface issues are not within the remit of Mineral Planning Authorities and are specifically the responsibility of other regulatory bodies.

Zetland Group

2145/0625/5.146/U

The reference to a 'separation distance of 500m' from residential properties or other sensitive receptors has no justification and does not reflect the experience of recent proposals. Each application needs to be considered on its own merits, with supporting technical information providing the basis for the MPA's decision.

4085/0356/5.146

Minimum distances from residential properties and other sensitive receptors should be established at the outset, not on a case by case basis. The term 'adequate separation distances' is too vague.

Leavening Parish Council

0726/0406/5.146/U

Para 5.146 provides insufficient rationale for a 500m minimum separation distance. This does not provide adequate protection to local communities in terms of noise, light disturbances and public safety.

Frack Free Ryedale

3684/0261/5.146/U

The proposed separation distance of 500m seems arbitrary and is not supported by evidence. There is evidence from around the world, including the USA, which suggests separation distances of 750m- 2km. therefore a minimum separation distance of greater than 500m should be used.

Suggested Modification:

It is proposed that the separation distance be increased from 500m to 1 mile. Additionally clearly define what is meant by the term 'exceptional circumstances'.

4096/0469/5.146/U

The 400m idea, even if only 'conjectured' is obscene for the people of Ryedale

Third Energy Limited

2762/1384/5.146/U

This provision applies unnecessary restrictions and takes no regard of the other regulatory controls in place to avoid and mitigate any local impacts and site design. It is unjustified to single out one sector and apply boundary restrictions in an arbitrary manner. Regulation of issues concerning seismicity and other sub-surface issues are not within the remit of Mineral Planning Authorities and are specifically the responsibility of other regulatory bodies.

Third Energy Limited**2762/1426/5.146/U**

The reference to a 'separation distance of 500m' from residential properties or other sensitive receptors has no justification and does not reflect the experience of recent proposals. Each application needs to be considered on its own merits, with supporting technical information providing the basis for the MPA's decision.

Egdon Resources (UK) Limited**0150/0820/5.146/LC.U.DTC**

Drilling operations rarely give rise to any adverse impacts upon local communities due to noise and light intrusion if appropriate mitigation measures are agreed. Very often separation distances of less than 500m is achievable without giving rise to any adverse impacts. Rather than impose an arbitrary separation distance that takes no account of topography, screening, wind direction, the policy instead should seek to seek appropriate mitigation to limit adverse impacts upon sensitive receptors. There is always a programme of community engagement undertaken by Operators to ensure that local communities are fully informed, and to ensure that any concerns are understood and mitigated.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national guidance and to enable the delivery of sustainable development.

Ryedale District Council**0116/1014/5.146/U**

The District Council is not clear on how the figure of 500m is justified. It is considered that the evidence supporting the choice of this figure needs to be better understood before the approach can be effective. Whilst it is appreciated that this figure is not carried forward into the policy, there is a danger that it is interpreted and becomes established as an acceptable separation distance.

Suggested modification

Explanation of the evidence used to support the figure, or indeed an alternative figure. Additional emphasis to give the fact that it is a minimum figure, included as a 'yardstick' and greater distances may be required depending on the circumstances of each case.

Habton Parish Council**0589/0541/5.146**

There is no reference to separation distances between well pads and schools or boundaries of settlements.

4096/0470/5.147/U

There is reference to site lighting ensuring 'minimum light spillage'. Why should the residents of Ryedale have to endure any light spillage. Motorway lighting has been turned down or off and everyone understands the need not to have light spillage, but the Plan suggests it will exist and be tolerated.

Frack Free Ryedale**3684/0262/5.147/U**

It should be understood that the threshold relating to noise set by PPG is not a 'suggested limit' but, in terms of night time noise, is an absolute cap which must not be exceeded and should be 'reduced to a minimum'. This is not for the MPA or Environmental Health team to decide, but for the operator to determine and support with evidence.

Suggested Modification:

Amend the policy wording to state: "in considering appropriate noise limits at sensitive receptors, operators will as a minimum be expected to meet the required limits set out in the NPPF and national planning practice guidance, with the objective of ensuring a high standard of protection for local amenity..."

4085/0357/5.148

Induced seismicity may not necessarily be very low magnitude.

Egdon Resources (UK) Limited

0150/0819/5.148/LC.U.DTC

There is no justification for information which demonstrates that an assessment of the potential for induced seismicity is required when hydraulic fracturing is proposed. There is no prescribed or safe distance for hydraulic fracturing from a fault line. The Plan acknowledges that there is no evidence to show that any earth tremors are likely to be anything other than very low magnitude. The text makes no reference to other regulatory controls about seismicity. This is not within the remit of the Mineral Planning Authority.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national guidance and to enable the delivery of sustainable development.

Third Energy Limited

2762/1427/5.148/U

Consideration of seismicity is regulatory overlap with the DBEIS, as it does not fall under the remit of the land use planning regime.

Zetland Group

2145/0626/5.148/U

Consideration of seismicity is regulatory overlap with the DBEIS, as it does not fall under the remit of the land use planning regime.

4096/0471/5.148/U

It is wrong to contemplate development that could give rise to seismicity. Experience elsewhere (Holland and USA) illustrate what can go wrong.

Richmondshire Branch of Green Party

4075/0121/5.149/U

To follow the UK Government commitments in the 2008 Climate Change Act and signatories to the COP21 Paris Agreement it is necessary to include the following modification:

A proposal must demonstrate that it will have a net zero impact on climate change.

4095/0431/5.149/U.DTC

The Plan is not sound as does not comply with the NPPF and fails to address mitigation of climate change. Greenhouse gas emissions will lead to adverse environmental impacts and will not enable the planning authority's to achieve targets related to reducing greenhouse gas emissions.

Suggested modification

'Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and adverse impacts can be avoided, either alone or in combination with other developments. Consideration should include

- it being demonstrated that greenhouse gases associated with fugitive and end-user emissions will not lead to unacceptable adverse environmental impacts or compromise the planning authority's duties in relation to reducing greenhouse gases.
- cumulative impacts for such development including issues such as (and not limited to) water, air and soil quality, habitats and ecology, highway movements and highway safety, landscape impact, noise and GHG emissions.'

4096/0472/5.149/U

There should always be a Health Impact Assessment as part of the Environmental Impact Assessment, for any development involving hydraulic fracturing. This is watered down by paragraph 5.152 which seems to limit the requirement for these assessments.

Egdon Resources (UK) Limited

0150/0818/5.149/LC.U.DTC

There is no justification for requiring an air monitoring assessment and Health Impact Assessment where hydraulic fracturing is proposed, particularly where the definition of hydraulic fracturing proposed by the MPA is applied. The main source of atmospheric pollutants which could be emitted would be gases during flaring, irrespective of whether hydraulic fracturing is proposed.

Suggested Modification:

Amend 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.

Zetland Group

2145/0627/5.149/U

Delete the second half of the first sentence as emissions to water and air are not, as a matter of principle, limited to those proposals involving hydraulic fracturing. Emissions to water and air are appropriate to the remit of the Environment Agency and therefore there is some regulatory overlap.

Suggested modification: Delete 'particularly for proposals involving hydraulic fracturing'.

Third Energy Limited

2762/1428/5.149/U

Delete the second half of the first sentence as emissions to water and air are not, as a matter of principle, limited to those proposals involving hydraulic fracturing. Emissions to water and air are appropriate to the remit of the Environment Agency and therefore there is some regulatory overlap.

Suggested modification: Delete 'particularly for proposals involving hydraulic fracturing'.

4085/0358/5.149

There is too much uncertainty on health risks. A precautionary approach should be followed.

Zetland Group

2145/0628/5.151/U

With reference to 'DBEIS' in this para, it should be amended to reflect Oil and Gas Authority and its role within government. Contradiction with para 5.148 and 5.149.

Third Energy Limited

2762/1429/5.151/U

With reference to 'DBEIS' in this para, it should be amended to reflect Oil and Gas Authority and its role within government. Contradiction with para 5.148 and 5.149.

4096/0473/5.151/U

It is good to see that issues relevant to 'the use and development of land are matters for the planning system' and one must hope that the planning system and other regulatory regimes will operate effectively, but if they don't what contingency plans have the Authorities got to ensure there is not a disaster.

4085/0359/5.151

The Plan should not be based on the assumption that other regulatory regimes will operate effectively, particularly in relation to health.

4081/0224/M18

Shale gas companies should be obliged to pay Public Liability insurance sufficient to cover all potential disaster scenarios.

4092/0416/M18

Part 2): Insufficient emphasis is given to the long-term monitoring of disused and capped wells. With regard to the protective bodies undertaking monitoring, such as the Health and Safety Executive, explanation of how these bodies will be sufficiently staffed is not provided.

4086/0313/M18

Waste water reinjection should not be supported until it is proven it can be done safely.

Kingdom Gateway Foundation

4072/0006/M18/U

The policy makes no mention to the precautionary principle. This principle should be a key aspect of all plans/policies that effect the environment.

Suggested Modification:
Add a paragraph referring to the application of the Precautionary Principle.

Third Energy Limited

2762/1386/M18/U

Part 2) i): The suspension of production from a well is common oil field operational practice and must be undertaken in line with regulatory requirements from the HSE, EA and OGA licencing. A suspended well may be brought back into production, or decommissioned, at a later date in line with consenting and permitting of that borehole site. Decommissioning of a well only occurs at the point at which the well is no longer considered viable.

Kingdom Gateway Foundation

4072/0004/M18/U

The Policy is in adequate with respect to the financial guarantee mentioned in Criterion 2) iii)

Suggested Modification:

The policy should require a financial guarantee in all cases of unconventional hydrocarbon development due to the risks involved. The policy should include criteria which will be used to determine 1) the amount of the guarantee (e.g. £1 billion per well pad), 2) The period of the guarantee (e.g. 50 years), and 3) how the guarantee will be secured (e.g. posting a bond with a secure financial institution).

Friends of the Earth - Yorkshire & Humber and the North East

2753/1294/M18

Suggested modifications:

1) Waste management and reinjection wells

i) Proposals for hydrocarbon development will NOT be permitted [where] UNLESS it can be demonstrated, THROUGH SUBMISSION OF EVIDENCE AND through submission of a waste water management plan, that SUITABLE arrangements can be made for the management or disposal of any returned water and Naturally Occurring Radioactive Materials arising from the development. COUNCIL WILL REQUIRE SCREENING FOR EIA TO CONSIDER WHETHER SUCH SCHEMES HAVE THE POTENTIAL FOR SIGNIFICANT EFFECTS. Proposals should, where practicable and where a high standard of environmental protection can be demonstrated, provide for on-site management of these wastes through re-use, recycling or treatment. Where off-site management or disposal of waste is required, ESPECIALLY FOR UNCONVENTIONAL EXTRACTION proposals [should] WILL NEED TO demonstrate that adequate arrangements can be made for this AND THAT THERE IS SUITABLE CAPACITY WITHIN THE WASTE NETWORK TO DEAL WITH SUCH WASTE; EITHER SIGULARLY OR CUMULATIVELY WITH OTHER SCHEMES. Where new off-site facilities are proposed in the Plan area for the management or disposal of waste arising from hydrocarbons development, these should be located in accordance with the principles identified in Policies W10 and W11.

ii) Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will [only] NOT USUALLY be permitted. WHERE IT CAN BE DEMONSTRATED BEYOND SCIENTIFIC DOUBT IN ACCORDANCE WITH THE PRECAUTIONARY PRINCIPLE [in locations where a high standard of protection can be provided to] THAT ground and surface waters WILL NOT BE AFFECTED, PROPOSALS WILL BE CONSIDERED. PROPOSALS WOULD ASLO NEED TO DEMONSTRATE THAT they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level.

2) Decommissioning and restoration

Proposals for hydrocarbon development NOT will be permitted UNLESS [where], subject to other regulatory requirements, it can be demonstrated that:

iii) For unconventional hydrocarbon development, the Mineral Planning Authority [may] WILL require provision of a financial guarantee, appropriate to the scale, nature and location of the development proposed, in order to ensure that the site is restored and left in a condition suitable for beneficial use following completion of the development. REMOVAL OF GAS AND WATER PIPELINE ASSOCIATED WITH THE DEVELOPMENT WOULD ALSO BE REQUIRED, ESPECIALLY WWHERE THERE HAS BEEN LOSS OF AGRICULTURAL LAND OF THE BEST AND MOST VERSITILE QUALITY TO ACCOMMODATE FOR HYDRAULIC FRACTURING DEVELOPMENTS.

South Hambleton Shale Advisory Group

4158/0896/M18/U.DTC

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

1) i) line 2 after 'permitted' insert 'ONLY'

2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0750/M18/U

Part 2) i): The reference to decommissioning of suspended wells is technically incorrect. This has arisen from the comment to the Preferred Options Documents, which stated that 'sealing a well' was not the correct term whereas 'decommissioning' was.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0769/M18/U

Part 2) iii): In line with para 50 of the NPPF technical guidance, the provision of a financial guarantee is only justified if the technique is novel - no techniques are used that can be termed novel.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0767/M18/U

Part 1): The management of waste and reinjection of fluids is regulated by the Environment Agency, for which comprehensive guidance has been published. This is not an aspect regulated by the MPA.

Third Energy Limited

2762/1387/M18/U

Part 2) iii): In line with para 50 of the NPPF technical guidance, the provision of a financial guarantee is only justified if the technique is novel - no techniques are used that can be termed novel.

4154/1286/M18

Section 2) iii) The Mineral Planning Authority must require the provision of a bond, guaranteed by 3rd party to cover harm at any time.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0768/M18/U

Part 2) i): The suspension of production from a well is common oil field operational practice and must be undertaken in line with regulatory requirements from the HSE, EA and OGA licencing. A suspended well may be brought back into production, or decommissioned, at a later date in line with consenting and permitting of that borehole site. Decommissioning of a well only occurs at the point at which the well is no longer considered viable.

NC Tech Insight Ltd

4151/0956/M18

The Ryedale area has a high density of locked faults and so may be vulnerable to induced seismicity following reinjection. It is suggested, given the limited understanding of the deep Ryedale geology and limited understanding of interactions between reinjected fluid and this geology, the Plan should proscribe the use of reinjection in North Yorkshire for a five year period, for reconsideration and possible extension should further research have sufficiently confirmed these concerns.

4086/0309/M18

The Plan should ensure that contamination of water does not occur and applicants should demonstrate this beyond scientific doubt.

4085/0360/M18

Part 1) i): The risks associated with on-site management of waste are too high. New off-site locations for managing waste should be identified at the outset.

West Malton Against Fracking

4087/0507/M18

Para 2 iii) second line replace "may" with "must". The use of the word 'must' undermines the robustness and meaning of the rest of the paragraph and the applicant could merely say that a financial guarantee is unnecessary. The use of "must" will ensure local communities are not left to pay for clean up when the companies go out of

4144/1059/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

4145/0982/M18/LC.U.DTC

This repose is made on behalf of the North Yorkshire Scrutiny of Health Committee.

1) ii) refers to the reuse of water. It is not clear what regulations will be put in place through the associated 'Waste Water Management Plan' to ensure that the reuse of waste water is effectively managed. Recommendation made to Executive on the reuse of waste water was that 'No waste water is to be reused without being cleaned.' This is not made clear in the Plan

Suggested modification

1) ii) maker it explicit that no waste water is to be reused without being cleaned to standards set by the Environment Agency for reuse of water from fracking.

Third Energy Limited

2762/1430/M18/U

Part 1) i), ii) and Part 2) i): This Policy is not effective. Part 1 i) and ii) are overlapping with the regulatory responsibility of the Environment Agency. With regard to Part 2) i), decommissioning of the well only occurs at the point at which the well is no longer considered viable. A well may be suspended pending further development in which case decommissioning would be inappropriate. Also question whether the MPA has complied with the Duty to co-operate, as within the Duty To Co-operate Statement, there is evidence of consultation with Environment Agency however, the matter of regulatory overlap does not appear to have been specifically addressed within the Plan. Para 002 of the Planning Practice Guidance sets out guidance on Duty to Co-operate. The regulatory overlap between Policy M18 and the Environmental Permitting regime has a negative impact on the effectiveness of Policy M18, and conflicts with the provision of the Planning Practice Guidance.

4111/1118/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

NC Tech Insight Ltd

4151/0953/M18

It is essential that every industrial project in North Yorkshire be evaluated for potential cost risks (for land restoration, post clean-up monitoring, etc.) in the event that the operating companies cease trading. Based on these risks, adequate financial bonds shall be deposited with an appropriate authority to assure proper restoration in the event of financial failure.

4092/1185/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

4085/0362/M18

Part 2): There should be greater oversight of long term consequences following decommissioning.

4085/0361/M18

Part 1) ii): The potential for re-injection of waste water should not be supported in the Plan.

4096/0474/M18/U

Section 1) ii) What is the acceptable level of seismicity referred to in the last line of the paragraph?

4108/1139/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

Wenningdale Climate Action Network (WeCan)

4093/1229/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

Third Energy Limited

2762/1372/M18/U

Part 2) i): The reference to decommissioning of suspended wells is technically incorrect. This has arisen from the comment to the Preferred Options Documents, which stated that 'sealing a well' was not the correct term whereas 'decommissioning' was.

3971/0418/M18

The management of radioactive toxic waste from fracking has not been addressed.

2786/1293/M18

Amend as follows

Part ii)

Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will NOT be permitted in locations UNLESS a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be PROVEN BEYOND DOUBT that any risk from induced seismicity can be mitigated to an acceptable level.

4152/1054/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

Suggested wording amendments:

Part ii)

Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will NOT be permitted in locations UNLESS a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be PROVEN BEYOND DOUBT that any risk from induced seismicity can be mitigated to an acceptable level.

4096/0475/M18/U

Section 2) ii) This policy should specify a timescale for restoration and what happens if it is not met.

Third Energy Limited

2762/1385/M18/U

Part 1): The management of waste and reinjection of fluids is regulated by the Environment Agency, for which comprehensive guidance has been published. This is not an aspect regulated by the MPA.

Frack Free Harrogate District

4082/0371/M18/U

Part 1): The policies do not address the crucial issue about plans for the treatment and disposal of the toxic fluids generated from fracking. This may well fall outside the Council's remit but it is reckless to rely on non-specific and untested assurances from the industry. No proven process for the safe treatment of waste fluids currently exists. Reinjection is now a proven cause of seismic episodes as well as a long term threat to groundwater and aquifers.

4153/1308/M18

The Policy does not address the treatment and disposal of the toxic fluids generated from fracking. Untested industry assurances should not be relied upon. Reinjection is a proven cause of seismic episodes and a long term threat to groundwater and aquifers.

All flow back liquid produced as a result of hydraulic fracturing or well reworking shall be processed using green completion, specifically, at least 95% of the natural gas accompanying the flow back to be separated and used for energy production. Venting and flaring both have climate change impacts.

Frack Free York**2970/0906/M18/U**

The Policy does not include a requirement for applications for unconventional hydrocarbon development to be supported by an Environmental Impact Assessment (EIA), nor does any other policy in the Plan. This omission is not justified as the unconventional hydrocarbon industry is new to this country and will result in severe impacts on air quality, noise, landscape, road traffic, water quality and climate if developed. Scientific research has shown that 'there is no evidence that fracking can operate without threatening public health directly or without imperilling climate stability upon which public health depends'. Therefore, the Policy should require all unconventional hydrocarbon development applications to be supported by an EIA.

Helmsley Town Council**0603/1343/M18/U.DTC**

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

- 1) i) line 2 after 'permitted' insert 'ONLY'
- 2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.

Oulston Parish Meeting**0680/1315/M18/U.DTC**

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

- 1) i) line 2 after 'permitted' insert 'ONLY'
- 2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.

Frack Free York**2970/1290/M18/U**

In light of the known issue of hydrocarbon development leading to climate change, Policy M18 must include a requirement for all applications for hydrocarbon development to be rigorously assessed on climate change so that it is compliant with para 17 and 94 of the NPPF and with the UK's commitments on climate change. Any assessment must include all forms of GHGs related to the development and result in a rejection of all development that compromises the UK's commitments on climate change. With regard to past concerns on this matter Policy D11 was stated as meeting this requirement. However, this Policy only contains a narrow consideration of

energy efficient siting and operation and does not include a requirement for a thorough assessment of the effects of development on climate change, or consideration of the particular effects that hydrocarbon development has on climate change.

Suggested modification to Policy M18: Add the following 'PROPOSALS FOR HYDROCARBON DEVELOPMENT WILL NOT BE PERMITTED WHERE THEY MAY INDIVIDUALLY, OR IN COMBINATION WITH OTHER EXISTING, PROPOSED, OR PERMITTED DEVELOPMENTS, LEAD TO A FAILURE TO MEET THE UK'S NATIONALLY, OR INTERNATIONALLY AGREED GREENHOUSE GAS EMISSIONS TARGETS, OR COULD OTHERWISE CAUSE OR CONTRIBUTE TO DANGEROUS CLIMATE CHANGE. DURING THE ASSESSMENT OF PROPOSALS FOR HYDROCARBON DEVELOPMENT IMPACT ON CLIMATE CHANGE, THE COMBINED EFFECT OF PLANT USED ON SITE, VEHICLES TRAVELLING TO AND FROM SITE, THE CONSUMPTION OF FOSSIL FUELS PRODUCED ON SITE AND FUGITIVE EMISSIONS WILL BE CONSIDERED'.

Husthwaite Parish Council

0631/1336/M18/U.DTC

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

1) i) line 2 after 'permitted' insert 'ONLY'

2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.'

2253/1242/M18

Reference (in 5.156) incorrect and drastically underestimates the size of earth quakes that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. The precautionary principle should be applied to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3866/1131/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3699/0441/M18/U

Part 1) i): HGV traffic associated with the need for off-site disposal of waste will lead to congestion.

Zetland Group

2145/0629/M18/U

Part 1) i), ii) and Part 2) i): This Policy is not effective. Part 1 i) and ii) are overlapping with the regulatory responsibility of the Environment Agency. With regard to Part 2) i), decommissioning of the well only occurs at the point at which the well is no longer considered viable. A well may be suspended pending further development in which case

decommissioning would be inappropriate. Also question whether the MPA has complied with the Duty to co-operate, as within the Duty To Co-operate Statement, there is evidence of consultation with Environment Agency however, the matter of regulatory overlap does not appear to have been specifically addressed within the Plan. Para 002 of the Planning Practice Guidance sets out guidance on Duty to Co-operate. The regulatory overlap between Policy M18 and the Environmental Permitting regime has a negative impact on the effectiveness of Policy M18, and conflicts with the provision of the Planning Practice Guidance.

Yorkshire Wildlife Trust

0128/0935/M18/LC.U.DTC

Policy M18 needs to cover the importance of baseline data for air and water quality as without this it will be impossible to monitor the impacts of hydrocarbon extraction developments. Part 2) does not mention that there is more risk of seismic events from reinjection techniques.

Suggested modification to Policy M18: Add text 'BASELINE AIR QUALITY AND SURFACE GROUND WATER QUALITY DATA IS REQUIRED BEFORE ANY DRILLING OPERATIONS COMMENCE'. Add to Part 2) the following text 'AS REINJECTION TECHNIQUES HAVE BEEN SHOWN TO CAUSE SEISMIC EVENTS THE AUTHORITY WILL ONLY GIVE PERMISSION FOR THIS IF THE APPLICANTS CAN SHOW TO THE SATISFACTION OF THE AUTHORITY THAT THESE WILL NOT OCCUR. ACCURATE MONITORING WILL BE ESSENTIAL AND IF SEISMIC EVENTS DO OCCUR REINJECTION OF WASTE WATER WILL CEASE'.

Frack Free Ryedale

3684/0263/M18/U

There are also concerns about whether current methods of monitoring ground water pollution are adequate. The EU Water Framework Directive suggests that the precautionary principle should be applied, mainly through the mechanism of Environmental Impact Assessment. The Plan should accept the precautionary principle by requiring applicants to demonstrate beyond doubt that there would be no impact upon water supplies.

Part 2)iii) of the Policy relating to the potential for provision of a financial guarantee should clearly set out when a bond will be required, how it will be assessed and how it will be enforced.

Long-term legacy issues effects are not addressed.

Suggested Modification:

The policy should be amended to read: "Proposals for development involving reinjection of returned water via an existing borehole, or the drilling and use of borehole for this purpose, will not be permitted in locations unless a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of the policy M16 and M17 and where it can be proven beyond doubt that any risk from induced seismicity can be mitigated to an acceptable level."

In addition, further clarity is needed to the suggested provision of the financial bond.

York Green Party

2224/0913/M18/U

M18 (2) (iii) There is clear evidence in the past of companies failing in their duty to reinstate land at the end of exploitation - sometimes by winding up the company responsible. This has left the community to pick up the cost. The policy as stated does not do sufficient to guard against this.

Modification

M18 (2) (iii) ...the Mineral Planning Authority [may] SHALL require a financial guarantee...

York Green Party**2224/0907/M18/U**

Section 1) ii)

The Environment Agency informed consultees at the consultation in York on 29th November that reinjection will not be permitted, and therefore the policy should reflect this and state that reinjection will not be allowed.

Suggested modification

M18 (1) (iii) reinjection of water will not be permitted

Crayke Parish Council**0496/1322/M18/U.DTC**

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

1) i) line 2 after 'permitted' insert 'ONLY'

2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.'

3006/1066/M18

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

INEOS Upstream Ltd**3703/0789/M18/U.DTC**

Section 2) i) should be deleted. The regulatory requirements for the design of a well and its decommission and abandonment are regulated by the Health and Safety Executive, the Environment Agency and the Oil and Gas Authority. If the policy is to remain it should deal with the surface aspects of restoration of the site to its original use or to an agreed future use at the time of the application.

3971/0422/M18

There should be an assessment into the cumulative impacts of such an industry on other industries. Waste management should be a priority, with the risk of pollution from radioactivity and chemical waste being stored and transported on our rural road networks.

Coxwold Parish Council**0493/1329/M18/U.DTC**

To secure the satisfactory restoration of any drilling or extraction on site to its previous state requires a much greater degree of financial security than that which a commercial energy company, or group of companies could provide by a simple guarantee. Either a bond lodged with the MPA, commensurate with each permitted activity or a 3rd party guarantee by a UK registered bank or insurer of equal standing is needed.

Suggested modifications

1) i) line 2 after 'permitted' insert 'ONLY'

2) iii) delete [may] and replace with ' WILL' and after 'guarantee' insert 'INCLUDING THAT OF A 3RD PARTY APPROVED BY THE MPA SUCH AS A UK REGISTERED BANK OR INSURER OF SIMILAR STANDING.'

Frack Free York

2970/0905/M18/U

The Policy lays out a number of conditions but does not make clear how these will be applied. This leaves the policy open to a great deal of ambiguity and a weak approach to the application of conditions as it is not clear if hydrocarbon development will be permitted if it complies one or more of the conditions of other policies in the Plan. Therefore, the Policy is not the most appropriate strategy when considered against reasonable alternatives.

Suggested modification to Policy M18: Amend Part 1) i) to the following 'Proposals for hydrocarbon development will NOT be permitted UNLESS it can be demonstrated...'. Amend Part 2) to the following 'Proposals for hydrocarbon development will ONLY be permitted where...'.
'

INEOS Upstream Ltd

3703/0788/M18/U.DTC

Section 1) i) and ii) should be deleted, it is not within the remit of the minerals planning authority. The Environment Agency is the regulator for the management of wastes and reinjection fluids.

3699/0442/M18/U

Part 2) iii): Bonds should be required to ensure any long term contamination is avoided although it appears that this isn't a matter the County Council will consider following the KM8 case.

Harrogate Friends of the Earth

0362/1104/M18

The Policy does not address issues about plans for treatment and disposal of the toxic fluids generated from fracking. This may fall outside the Council's remit but it is reckless to rely on non-specific and untested assurances from the industry.

Stonegrave Parish Meeting

0878/0328/M18

This Policy should require full disclosure of chemicals used in fracking fluid and limited to those proven by competent international authorities to be non-hazardous.

Stonegrave Parish Meeting

0878/0324/M18

Part 2): Decommissioning of wells is inadequately addressed in the Plan in terms of continuing risk to climate, health and agriculture from leakage to land and air. This requires more than 5 years aftercare. The Plan should require decommissioned wells to be cared for and monitored on a weekly basis by industry and monthly basis by an independent body for 5 years, then monthly basis by industry and six-monthly basis by an independent body for the next 15 years, and at annual intervals thereafter until it

is certain that degradation will not lead to contamination.

Stonegrave Parish Meeting

0878/0332/M18

Suggested modification: Part 1) ii): Replace ' ..where a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level' with '..WHERE THE RISK TO GROUND AND SURFACE WATERS CAN BE DEMONSTRATED TO BE NEGLIGIBLE; THEY WOULD COMPLY WITH ALL OTHER RELEVANT REQUIREMENTS OF POLICY M16 AND M17 AND WHERE IT CAN BE DEMONSTRATED THAT THERE IS NO, OR NEGLIGIBLE, SEISMIC RISK'

Stonegrave Parish Meeting

0878/0333/M18

Suggested modification: Part 2) iii): Replace '..may require..' with '..WILL REQUIRE..'. Add '..THIS GUARANTEE WOULD BE FORFEIT IN THE EVENT OF OPERATIONAL NEGLIGENCE'.

Hull Road Planning Panel

2392/1448/M18/U

The Plan policy is not consistent with national policy. The Plan cannot ban fossil fuel extraction but can make it more difficult. The Policy needs to be changed to indicate that any application for hydrocarbon development should show how it is consistent with the Climate Change Act and the NPPF. This should include emissions from the extraction site and related activities.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0494/M18/U.DTC

The Policy fails to recognise the importance of Green Belt policy in the determination of Hydrocarbon proposals. Hydrocarbon proposals fall outside the definition of appropriate development contained within the NPPF. Proposals would need to be justified with reference to Very Special Circumstances that outweigh the harm by inappropriateness and other harm resulting from the proposal.

There is an apparent lack of justification supporting the identification of the different approach to restoration depending on whether the proposal is conventional or unconventional hydrocarbon development.

Suggested Modification:

The policy should provide clear guidance with regard to the approach to the consideration of all surface hydrocarbon proposals located within the Green Belt.

The approach to restoration should reflect best practice and seek the restoration of a site to its previous use and appearance. Proposals for reuse of redundant sites should only be considered on their own merits having regard to the impact of permanent development on the landscape and historical context of the site.

Nawton Parish Council

0787/1218/M18

There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area.

0231/1440/M18/U

This policy makes several stipulations about criteria applying to hydrocarbon development. Would welcome clearer wording indicating that all conditions in M17, M18 and D07 need to be met in order for permission to be granted. If no explicit mention of the duty on the planning authorities to reduce emissions of greenhouse gases is made in

M16 it should be added here.

Ryedale Liberal Party

3846/0978/M18/LC.U.DTC

It is uncertain how the fracking industry will cope with the huge volume of toxic and radioactive water it produces. One frack with 5 million gallons of water and chemicals can result in 3 million gallons of 'water' mixed with fracking chemicals and residues of cleaning chemicals, radioactivity and a range of toxic and carcinogenic substances from the shale itself. The Environment Agency analysis of returned water from a fracking site in Lancashire gives rise to concern with high mineral and salt content, heavy metals such as lead, mercury and arsenic and radioactivity. The largest facility in the county for dealing with the waste water is at Knostrop in Leeds and it may not have the capacity to deal with these large volumes, expansion of the site would be slow and specialised expertise would be required to ensure the water reached the required standard. The reinjection of the waste water under high pressure is a concern as it may disappear into the deep formations. The injection process may cause earthquakes which will impact on the community and drilling operations. Reinjection of waste water should not be allowed.

Suggested modification.

Section 1) i) Support the policy, but would require that the organisation proposed to perform waste processing can demonstrate that it has the capacity, the capacity needs to keep pace with the proposed developments.

In the hierarchy of waste re-use is the preferred option. Fracking waste water is toxic and carcinogenic so before it is used back down the well it must be checked against the Environment Agency standards for 'Non-Hazardous to groundwater'. In addition unusual chemicals should be studied.

Where water can no longer be used it should be transported to the disposal site with full chemistry being disclosed to the receiving plant and to the driver in case of spills or accidents.

There must be a defined maximum quantity of waste water that companies are permitted to store on site.

Section 1) ii) suggests standards to allow reinjection. This is not industry best practice and is banned by European law. It can precipitate seismicity especially in highly faulted formations as found in England, particularly in Ryedale. High standards of protection cannot be guaranteed until the UK regulations and engineering have been fully tested. Reinjection should not be permitted.

3839/0663/M18/U

The policy fails to meet the criteria of the NPPF particularly regarding climate change as the impacts of extraction and burning fossil fuels and the consequences of inevitable methane leakage have been overlooked. The County Council is failing to meet the legal obligations outlined in Section 19 1a of the 2004 Planning Act.

Policy does not address the issue about cumulative impact on water sources and plans for the treatment and disposal of the toxic fluids generated from fracking as '...there is no proven process' for the safe treatment of waste fluids currently existing. It will also expose communities to the devastation that fracking has brought elsewhere.

Egdon Resources (UK) Limited

0150/0799/M18/LC.U.DTC

Part 2) iii)

Following the High Court decision R (FoE and Anr) v N Yorks CC & Anr in Dec 2016, the provision of requiring a financial guarantee to ensure that the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by the OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

Suggested Modification

Amend to more accurately reflect the great importance the Government attaches to hydrocarbon extraction in national policy and guidance and enable delivery of sustainable development.

Ryedale Liberal Party

3846/0970/M18/LC.U.DTC

Section 2) iii) Whilst we agree with the idea of using a financial guarantee, it needs to be backed up by an adequate bond. In order to be effective it will need to cover more than just the site restoration, such as if land is harmed or contaminated by fracking, long term health issues emerge, or livelihoods are adversely affected. A strong baseline is required as evidence. Currently all the risk lies with the community and the environment which does not fulfil the requirement of sustainable development. Getting outside risk assessors to set the bonds will help reset the trust that is lacking between the industry and the public.

Suggested modification

Wording for section 2) iii) wording to read 'FOR UNCONVENTIONAL HYDROCARBON DEVELOPMENT, THE MINERAL PLANNING AUTHORITY WILL REQUIRE THE PROVISION OF A BOND, GUARENTEED BY A THIRD PARTY, TO BE AGREED BY THE MINERALS PLANNING AUTHORITY. THESE BONDS TO COVER HARM AT ANY TIME'

Third Energy Limited

2762/1431/5.153/U

The use of the word 'significant' is negative and not supported by evidence. The justification does not accurately reflect the management of waste water. Produced water is not considered to be a waste, and the wording does not correspond to the practicalities of hydrocarbon development.

Zetland Group

2145/0630/5.153/U

The use of the word 'significant' is negative and not supported by evidence. The justification does not accurately reflect the management of waste water. Produced water is not considered to be a waste, and the wording does not correspond to the practicalities of hydrocarbon development.

4096/0476/5.154/U

What happens if a high standard of environmental protection is not maintained? The paragraph states that onsite treatment and reuse of water will be allowed, but MP Mr Hollinrake has stated that 'we do not allow reinjection for disposal of waste water', these statements conflict with each other.

Frack Free Ryedale

3684/0264/5.154/U

It is recommended that in addition to the requirement for a waste water management plan, a specific transport assessment and traffic management plan should be submitted (in line with Part 32 of the NPPF) providing, amongst other things, details of where the waste water is to be transported.

Third Energy Limited

2762/1432/5.154/U

If a development requires the removal of waste water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

Zetland Group

2145/1285/5.154/U

If a development requires the removal of waste water by road, the Transport Assessment is the means to assess capacity locally and the acceptability of the proposal in terms of impact on the highway network.

4150/0937/5.154

Concerned that the chemicals used in fracking, and produced as a by-product of fracking are toxic and may affect aquifers, rivers, streams, water supplies, reservoirs, air and human health. Waste management of the waste from fracking may not be adequate to prevent this harm.

Zetland Group

2145/0685/5.155/U

Overlapping responsibilities with the Environment Agency.

4096/0477/5.155/U

The paragraph states that there are a small number of facilities in the region which can receive waste from hydrocarbon sites including hydraulic fracturing sites. What happens if there are no facilities which can receive the waste, and who decides whether the facilities are able to accept the waste?

Third Energy Limited

2762/1433/5.155/U

Overlapping responsibilities with the Environment Agency.

3821/0150/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

West Malton Against Fracking

4087/0526/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3954/1095/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3861/1163/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt

that this process can be conducted safely.

3966/0168/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3862/1299/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

3876/0403/5.156

There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted and is banned. The threat to North Yorkshire (including Nawton) may be more severe than elsewhere due to the much more faulted geology of the area. There is nowhere for the waste-water to go.

Third Energy Limited

2762/1434/5.156/U

It is not the duty of the MPA to determine what is the Best Available Technique. The role of the MPA is to determine the appropriateness of any planning application based on material planning considerations.

Zetland Group

2145/0686/5.156/U

It is not the duty of the MPA to determine what is the Best Available Technique. The role of the MPA is to determine the appropriateness of any planning application based on material planning considerations.

Frack Free Ryedale

3684/0265/5.156/U

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The MWJP has a duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

4142/1081/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

Appleton-le-Moors Parish Council

0391/0246/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

2256/0199/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

Amend the Policy to say:
part ii

Proposals for development involving re-injection of returned water via an existing borehole, or the drilling and use of a new borehole for this purpose, will Not (only) be permitted in locations UNLESS (where) a high standard of protection can be provided to ground and surface waters; they would comply with all other relevant requirements of Policy M16 and M17 and where it can be PROVEN BEYOND DOUBT (demonstrated) that any risk from induced seismicity can be mitigated to an acceptable level

4107/1153/5.156

Reference to the potential for reinjection of waste water to lead to very small scale induced seismic activity is incorrect and drastically underestimates the damage that waste water reinjection wells are causing elsewhere, particularly in the USA. The threat to North Yorkshire may be more severe than elsewhere due to the much more faulted geology of the area. There is a statutory duty to invoke the precautionary principle to ensure that reinjection is not permitted until it can be proved beyond all doubt that this process can be conducted safely.

4095/0432/5.156/U.DTC

Policy recommends a precautionary approach to unconventional oil and gas development and therefore unproven technologies should be approached with extreme caution.

Suggested modification

'Proposals will only be considered where they can demonstrate by appropriate evidence and assessment that they can be delivered in a safe and sustainable way and adverse impacts can be avoided, either alone or in combination with other developments. Consideration should include
- a precautionary approach to unconventional oil and gas development in requiring environmental impact assessment.

Frack Free Ryedale

3684/0266/5.157/U

This paragraph contradicts the PPG which sets out that short term activities in relation to noise are developments up to 8 weeks, this paragraph states several weeks or months.

Suggested Modification:

Amend the paragraph to state "The different stages of hydrocarbon development can be subject of a various duration, or in the case of production of an oil or gas field, can

last up to some 20 years.

Zetland Group

2145/0687/5.158/U

With regard to the term 'new and relatively unfamiliar processes', it is contended that the processes are well established and proven. There are examples of successful processes, including hydraulic fracturing, having been undertaken in the UK.

Third Energy Limited

2762/1435/5.158/U

With regard to the term 'new and relatively unfamiliar processes', it is contended that the processes are well established and proven. There are examples of successful processes, including hydraulic fracturing, having been undertaken in the UK.

Third Energy Limited

2762/1436/5.159/U

Para 48 of the Planning Practice Guidance sets out the exceptional circumstances where a financial guarantee will be justified. It is contended that as a matter of course that there are no novel techniques being utilised in the hydrocarbon development industry.

Zetland Group

2145/0688/5.159/U

Para 48 of the Planning Practice Guidance sets out the exceptional circumstances where a financial guarantee will be justified. It is contended that as a matter of course that there are no novel techniques being utilised in the hydrocarbon development industry.

Frack Free Ryedale

3684/0267/5.159/U

It would be prudent of the MPA to state that they will require a financial guarantee from the outset, given the industry is novel and there has been no successful progression of development throughout the operational stages. This should be monitored and reviewed at the first plan review.

Suggested Modification:

Amend the paragraph to state "The relevant mineral planning authority will therefore, depending on the scale and nature of development proposed and sensitivity of the location, require provision of an adequate financial guarantee."

Stonegrave Parish Meeting

0878/0334/5.159

Suggested modification: Replace 'Whether this Policy should be continued throughout the plan period will be considered at the first review of the Joint Plan' with 'THIS POLICY WILL CONTINUE THROUGHOUT THE PLAN PERIOD'.

Egdon Resources (UK) Limited

0150/0817/5.159/LC.U.DTC

Following the High Court decision R(FoE and Anr) V N Yorks CC & Anr in December 2016, the provision of requiring a financial guarantee to ensure the site is restored and left in a beneficial use is not justified. In view of the regulatory regime provided by OGA, the EA and the HSE, MPAs should assume that the regulatory regimes will operate effectively so as to control emissions, pollution and regulate health and safety measures.

Suggested Modification

Amend 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.

Highways England**0112/0870/M19/S**

Support the requirement for the transport of carbon or gas to be via pipeline.

Crayke Parish Council**0496/1323/M19/U.DTC**

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification

Part ii) delete [unacceptable] and replace with 'ADVERSE'.

Coxwold Parish Council**0493/1330/M19/U.DTC**

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification:

Part ii) delete [unacceptable] and replace with 'ADVERSE'.

Oulston Parish Meeting**0680/1316/M19/U.DTC**

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification

Part ii) delete [unacceptable] and replace with 'ADVERSE'.

Helmsley Town Council**0603/1344/M19/U.DTC**

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification

Part ii) delete [unacceptable] and replace with 'ADVERSE'.

Frack Free Ryedale**3684/0268/M19/U**

The Government has removed support for CCS and reduced subsidies for renewable energy. This policy is inconsistent with National Policy. There is potential for leaks/fugitive emissions to occur and impact on the surrounding air quality for local communities and the environment.

Suggested modification:

This policy should be deleted.

Stonegrave Parish Meeting

0878/0335/M19

Suggested modification: iii) Replace '..unacceptable..' with '..ADVERSE..'.

The Coal Authority

1111/0210/M19/LC.S.DTC

This policy is supported

South Hambleton Shale Advisory Group

4158/0897/M19/U.DTC

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification

Part ii) delete [unacceptable] and replace with 'ADVERSE'. Delete inappropriate and replace with 'EFFECTIVE'

Husthwaite Parish Council

0631/1337/M19/U.DTC

Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective. They are capable of ambiguous interpretation and application, they should be replaced with 'effective' and 'adverse'.

Suggested modification

Part ii) delete [unacceptable] and replace with 'ADVERSE'.

016: Coal

Friends of the Earth - Yorkshire & Humber and the North East

2753/0998/M20

Government is setting a limit on coal-fired power generation and phasing out the use of coal in an aim of reducing climate changing emissions. There is a clear end point and declining need for coal. It is unsound to conflate paragraphs 144 and 149 of the NPPF to create a hybrid policy, rather than only reflect paragraph 149 alongside the policy context of the phasing out.

Suggested modification

10 Proposals for surface and underground development for the mining of deep coal will NOT be permitted [where] UNLESS all the following criteria are met:

- i) An ASSESSMENT OF THE CUMULATIVE IMPACT OF CLIMATE CHANGE MITIGATION HAS BEEN CONSIDERED IN RELATION TO THE UK'S COMMITMENTS UNDER THE CLIMATE CHANGE ACT 2008.
- ii) THE PROPOSAL WILL NOT COMPROMISE THE PHASE OUT OF COAL POWER GENERATION BY 2025.

iii) PROPOSALS WOULD NOT IMPACT ON THE LANDSCAPE CONSERVATION OBJECTIVES (INCLUDING THE SETTING) OF NATIONAL PARKS OR AONBS IN LINE WITH NATIONAL POLICY OBJECTIVES AND WOULD BE CONSISTENT WITH POLICY D04.

iv) The location, siting and design of the surface development would ensure a high standard of protection for the environment and local communities in line with the development management policies in the Joint Plan;

[ii]v) the proposals would enable coal to be transported in a sustainable manner;

vi[ii]) where located in the Green Belt, the proposals would comply with national policy on Green Belt; INCLUDING PROPOSALS OF HOW TO DEAL WITH SPOIL AND ITS IMPACT ON THE OPENESS OF THE GREENBELT

vii) the effects of subsidence upon land stability and important surface structures, infrastructure (including flood defences) and the natural and historic environment, will be monitored and controlled so as to prevent unacceptable impacts;

vii) that opportunities have been explored, and will be delivered where practicable, to maximise the potential for reuse of any colliery spoil generated by the development and that proposed arrangements for any necessary disposal of mining waste materials arising from the development are acceptable in line with Part 3 below;

2) Proposals to remediate and restore the Womersley Spoil Disposal Site will be permitted where they would be consistent with the development management policies in the Joint Plan.

3) Proposals for new spoil disposal facilities will be assessed by reference to the following order of preference:

i) infilling of quarry voids where this can deliver an enhanced overall standard of quarry reclamation;

ii) Use of derelict or degraded land;

iii) Where use of agricultural land is necessary, ONLY THE use of lower quality agricultural land (ALC Grade 3b or below)[in preference to higher quality agricultural land (ALC Grade 3a or higher)] WILL BE ACCEPTABLE.

Preference will also be given to proposals for new spoil disposal facilities which are located:

iv) Outside the Green Belt, unless it can be shown that the proposals can be accommodated within the Green Belt in line with national policy INCLUDING IMPACT ON OPENESS;

v) PREFERENCE WILL BE GIVEN TO SCHEMES Where spoil can be delivered to the site via sustainable (non-road) means of transport. [or,] [w]Where road transport is necessary IT MUST BE DEMONSTRATED THAT[,] transport of spoil can take place without unacceptable impacts on the environment or local communities

This policy is supported

Highways England

0112/0871/M20/S

Welcome the inclusion on Criterion iii) in relation to surface and underground development for deep coal mining, which requires proposals to ensure that coal can be transported in a sustainable manner.

Also welcome inclusion of criterion v) in relation to proposals for new spoil disposal facilities that seek to ensure spoil can be delivered to the sites using sustainable means of transport or transport of spoil can take place without any unacceptable impacts where transportation by road is necessary.

0231/1441/M20/U

The exploitation of coal cannot be considered sustainable development. It is one of the most polluting forms of energy available and the Plan must not permit it. If carbon capture storage is ever found to be a viable technology this position may be revisited, but until then the Plan should be in line with the Department for Business, Energy and Industrial Strategy document 'Coal Generation in Great Britain - The pathway to a low-carbon future' which sets an end date for coal generation as being 2025.

York Green Party

2224/0912/M20/U

M20 (i) The policy is not sufficient to meet the requirements of the Climate Change Act 2008, and needs to be strengthened to ensure that development does not lead to greenhouse gas emissions or global warming. Kirklees Council's Plan says that developments must show that they are (at least) carbon neutral. Therefore a new section is needed.

Modification

M20 (1) add (VI) THE WORK CAN BE SHOWN TO BE CARBON NEUTRAL, OR BETTER AND IS COMPLIANT WITH THE CLIMATE CHANGE ACT 2008.

York Green Party

2224/0911/M20/U

M20 (i) One of the Core Planning Principles in Paragraph 17 of the NPPF is to 'support the transition to a low carbon future'

Paragraph 94 of the NPPF calls for 'proactive strategies to mitigate and adapt to climate change'.

Therefore an additional clause is needed.

Modification

M20 (1) and (vi) The work can be shown to be carbon neutral, or better and is compliant with the Climate Change Act 2008.

York Green Party

2224/0910/M21/U

M21 (2) fails to ensure that applications meet the requirements of the Climate Change Act 2008, an additional clause is needed.

Modification

Friends of the Earth - Yorkshire & Humber and the North East

2753/1295/M21

Suggested modification

1) [Proposals for the extraction of shallow coal will be permitted where extraction would take place as part of an agreed programme of development, in order to avoid sterilisation of the resource as a result of the implementation of other permitted surface development; and where the proposal would be consistent with the development management policies in the Joint Plan.]

2) [Other] [p]Proposals for the working of shallow coal will ONLY BE CONSIDERED WHERE THE FOLLOWING CRITERIA ARE MET [be permitted] where the following criteria are met:

i) AN ASSESSMENT OF THE CUMULATIVE IMPACT ON CLIMATE CHANGE MITIGATION HAS BEEN CONSIDERED IN RELATION TO THE UK'S COMMITMENTS UNDER THE CLIMATE CHANGE ACT 2008.

ii) THE PROPOSAL WILL NOT COMPROMISE THE PHASE OUT OF COAL POWER GENERATION BY 2025.

iii) [Where located in the] PROPOSALS WOULD NOT IMPACT ON THE LANDSCAPE CONSERVATION OBJECTIVES (INCLUDING THE SETTING) OF National Park or an AONBS IN LINE WITH NATIONAL POLICY OBJECTIVES. [the development would be consistent with Policy D04 or, where the development would be located outside a National Park or AONB, would provide a high standard of protection to the designated area;]

[i]iv) A high standard of protection would be provided to internationally and nationally important nature conservation designations;

[iii]v) THE PROPOSAL WOULD INTRODUCE NET BENEFITS TO EXISTING RESIDENTIAL AMENITY, NOISE, LANDSCAPE AND VISUAL IMPACT, HIGHWAY SAFETY, DUST, POLLUTION AND OTHER PLANNING MATTERS.

[i]vii) Where located in the Green Belt, the working, reclamation and afteruse of the site would be compatible with Green Belt objectives in line with national policy on Green Belt;

vii) The site is well located in relation to the highway network AND TRAIN TRANSPORT HUBS. [and intended markets.]

The Coal Authority

1111/0212/M21/LC.S.DTC

This policy is supported

York Green Party

2224/0908/M21/U

M21(2)

One of the Core Planning Principles in paragraph 17 of the NPPF is to 'support the transition to a low carbon future'

Paragraph 94 of the NPPF calls for 'proactive strategies to mitigate and adapt to climate change'

Therefore an additional clause is needed

Modification

Add to M21(2)(v) The work can be shown to be carbon neutral, or better and is compliant with the Climate Change Act 2008

York Green Party

2224/0909/M21/U

M21 (2) lacks clarity as to whether all the criteria (i)-(iv) need to be met. The word ALL should be added to the first sentence so that it reads as below

Modification

Other proposals for the working of shallow coal will be permitted where ALL the following criteria are met

017: Potash Polyhalite & Salt

Sirius Minerals

4067/0567/M22/U

It is noted the wording of section i) of the policy has been revised following the representation provided at the Preferred Options stage. The revised wording is welcomed in that it removes the unjustified requirements for new developments to deliver 'uplifts' or 'mitigation' beyond that required to moderate assessed impacts. It is considered that section i) is contradictory and should incorporate wording which reflects the approach taken to National Park development elsewhere in the draft policy.

Suggested modification:

Replace section i) with 'THE PROPOSALS WOULD CAUSE NO UNACCEPTABLE IMPACT TO THE SPECIAL QUALITIES OF THE NATIONAL PARK, ITS ENVIRONMENT OR RESIDENTIAL OR VISITOR AMENITY IN THE CONTEXT OF ANY NEED FOR THE DEVELOPMENT.'

Sirius Minerals

4067/0566/M22/U

There is still a degree of ambiguity in the main body of the text and in the supporting wording, insofar as 'potash' and 'polyhalite' are referred to independently on some occasions, whereas only 'potash' is referred to in others. Suspect that 'potash, when used in isolation, is intended as an umbrella term which also includes polyhalite. Clarity is required for the policy to be properly effective.

Suggested modification:

Insert clarification at relevant points in the policy and supporting text, for example 'POTASH/POLYHALITE' rather than 'potash'. This also applies to the Minerals Resource Maps.

Sirius Minerals

4067/0565/M22/U

The second paragraph sets out policy support for new surface development and infrastructure associated with the existing potash, polyhalite and salt mine sites in the National Park and their surface expansion, which is not major development. For this policy to be robust it must also acknowledge in its wording the possibility of additional/replacement 'major' development being proposed at existing mine sites over the course of the Plan period, it is recognised that if this happened the requirements of the Major Development Test would need to be addressed.

Suggested modification

insert' PROPOSALS FOR NEW SURFACE DEVELOPMENT AND INFRASTRUCTURE ASSOCIATED WITH THE EXISTING PERMITTED POTASH, POLYHALITE AND SALT MINE SITES IN THE NATIONAL PARK, OT THEIR SURFACE EXPANSION WHICH, DEPENDANT ON SCALE, MAY BE CONSIDERED MAJOR DEVELOPMENT SET OUT IN POLICY D04.'

Historic England

0120/0056/M22/S

We support the policy.

Highways England

0112/0872/M22/S

No particular concerns about this policy. Welcomes the inclusion of criteria iv) which requires development proposals to consider the requirements of transport and infrastructure provided in Policy I01.

Sirius Minerals

4067/0575/MJP34/U

(Discounted Site)

The site MJP34 has been discounted at the publication stage. The reason provided was due to an inherent issue with allocating sites within the National Parks. It is noted that a separate site, WJP19 at Fairfield Road, Whitby, has been allocated suggesting that this is a recognised scope to identify land within the National Park should there be sufficient merit is doing so. It is relevant that the North Yorkshire Polyhalite Project has a certified (JORC) mineral resource, benefits from wide ranging support from mineral landowners and benefits from full planning permission, a map of the application area has been provided along with the submission. This fulfils the criteria set out in paragraph 08, Ref. ID 29-008-20140306 of the PPG which relates to the allocation of sites.

Paragraph 1.7 of Appendix 1 to the Plan states that certain mineral sites '...have been subject of planning applications and have received permission during the preparation of the Plan but have yet to be implemented. In a number of cases they are also identified as allocated sites where the development proposed is considered to be particularly significant in the context of the policies of the Plan.' It is felt that this is particularly relevant in the context of the North Yorkshire Polyhalite Project which will deliver significant national and local benefits.

The discounting of site MJP34 is not considered to be justified in the context of the North Yorkshire Polyhalite Project planning permission and the emesis put on allocating sites that are considered to be particularly significant in the context of the policies of the Plan. If this is not addressed then this element of the Plan will be considered unsound.

Suggested modification

Site MJP34 should be allocated in order to provide policy acknowledgement for the North Yorkshire Polyhalite Project and recognition of its significance both locally and nationally, reflecting the planning permission from which it benefits.

We feel that the approved, but as yet unimplemented, minehead site and intermediate ate at Lady Cross Plantation should be allocated for reasons including their planning status.

018: Gypsum

Historic England

0120/0057/M23/S

We support the Policy especially the requirement that: The location, siting and design of surface developments should ensure a high standard of protection for the environment; The effects of any subsidence upon the historic environment will be monitored and controlled so as to prevent unacceptable impacts.

019: Vein Minerals

Highways England

0112/0873/M24/S

No particular concerns with this policy and generally welcome the requirement for proposals relating to the extraction of vein minerals to comply with the Plans development management policies and to give particular consideration to the impacts on transport infrastructure.

Historic England

0120/0098/M24/S

We support Criterion (iii) relating to the need for extraction of vein minerals to have particular regard to the impact upon heritage assets.

020: Borrow Pits

Highways England

0112/0874/M25/S

Generally supportive of this policy and the criteria included, which seeks to ensure that borrow pits are located within or adjoining sites where the material is intended for use to reduce significant transport movements, which could use the road network including the Strategic Road Network.

006: Waste

Ryedale Liberal Party

3846/0962/6.006/LC.U.DTC

Paragraph 6.006 mentions that increased capacity for waste and waste water arising from fracking is likely to be needed, it should also state that this is hazardous waste. There does not seem to be any strategic planning for possible sites for treatment of this waste within the county. It currently goes to limited sites outside the county. It should go to the nearest place to minimise transport. There should be an aim to deal with our own waste and so achieve self-sufficiency.

Ryedale Liberal Party

3846/0963/6.007/LC.U.DTC

6.007 seems to have very little information about current waste water, there needs to be baseline information provided.

0204/0027/6.009

For residual waste that cannot be recycled, support the use of Incineration instead of landfill.

Ryedale Liberal Party

3846/0964/6.015/LC.U.DTC

The evidence paper 'waste arisings and capacity requirements' has a lack of information regarding flow back fluid from the shale gas industry, given that there are no facilities in the area and there may be large amounts generated. There are no plans for new waste water treatment plants and no differentiation is made between treatable and untreatable waste water. Waste facilities to deal with flow back fluid should be provided in the area given that the area has a large supply of shale gas. In the 'low level radioactive waste management plan for England', local authorities are encouraged to provide more support for local storage/disposal to relieve pressure on limited national infrastructure. They are also encouraged to seek 'net self-sufficiency' and not to continue relying on external capacity indefinitely.

There is some confusion in the paper about which category fracking flow back fluid will come under, hazardous waste or waste water, or should there be a category for

hazardous waste water/sludge?

Highways England

0112/1267/6.016/S

Nineteen waste sites are identified within the Plan and thirteen of these have imports/exports of below 150,000 tonnes per annum. The remaining six sites have been considered.

021: Moving Waste up the Waste Hierarchy

Scarborough Borough Council

0286/0204/6.018

The ongoing commitment to achieve Government targets of shifting waste up the waste hierarchy are noted.

Durham County Council

0092/0848/W01/LC.S.DTC

Supports the overarching policy for waste management and considers that this will help move waste up the waste hierarchy.

Highways England

0112/0875/W01/S

Generally support the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.

0231/1442/W01/U

Any waste disposal policy in the Plan should be more sustainable. The waste hierarchy from 2011 no longer reflects best practice as the EU aims to promote a zero-waste economy. Over time we will need to move away from a single hierarchy applied to all types of waste. The Plan has already started to do this. The distinction between inert and non-inert landfill is welcomed. A similar distinction should be made with regard to thermal treatment technologies. Such treatment should only be considered appropriate for carbon-neutral 'organic' waste. 'Skyfill' of inert petroleum-derived materials is not sustainable and should be considered the bottom of the hierarchy for this waste type, as it has a greater impact than landfill.

022: Strategic role of the Plan area in the Management of Waste

Ryedale Liberal Party

3846/0965/6.029/LC.U.DTC

Paragraph 6.29 states that the 'small quantities' of hazardous waste mean that it is unlikely to be economic to plan for specialist treatment in the area. The shale gas industry will produce large quantities of hazardous waste generating an increase in transport on the roads.

Highways England

0112/0876/W02/S

Generally supportive of the policy which seeks to ensure that waste is recovered at the nearest installation, thereby reducing the need for transportation and reducing the consequential impacts of traffic movements.

Durham County Council

0092/0847/W02/LC.S.DTC

Support this key policy which seeks to support proposals for the additional waste management capacity which is needed to achieve an increase in self-sufficiency in the management of waste to a level equivalent to expected arisings in the Plan area by the end of the Plan period.

We support the approach of seeking to achieve net self-sufficiency whilst recognising the need for waste movements for certain waste types.

023: Meeting Future Waste Management Needs

2172/0301/LC.U

There is overcapacity in incineration of waste both locally and nationally. An alternative to the AWRP Facility should be presented.

0231/1443/6.038/U

The waste volume projections given in paragraph 6.38 represent the fourth attempt at predicting our future waste arisings. Welcome the acceptance that 'it is not practicable to quantify future waste management capacity requirements with a very high degree of precision'. If this had been known before AWRP might not have gone ahead as the projections would have been different.

AWRP should not be a 'strategic' allocation, as its design and size does not meet the needs of the Authorities, and it runs the risk of making waste disposal overall less sustainable.

Ryedale Liberal Party

3846/0966/6.039/LC.U.DTS

The table at paragraph 6.39 shows no projected growth for Low Level Radioactive Waste and a very small amount of growth for hazardous waste and no data on waste water. If shale gas production goes ahead these figures are insufficient and should show forward scenarios for major gas development waste growth and maybe less growth in this sector.

Suggested modification

There is no data available for expectations of wastewater quantities. Capacity must keep pace with planning approvals. Once capacity falls behind approvals, approvals must be delayed until capacity catches up.

Highways England

0112/0877/W03/S

Welcome that the policy identifies specific sites and cross references to Appendix 1 which identifies the key sensitivities, requirements and mitigation that development proposal need to be considered in order to deliver development at the identified sites. Do not consider the sites to present any concerns in terms of impact on the network.

Rufforth with Knapton Neighbourhood Planning Group

3720/0099/W03/LC.S.DTC

The Plan reflects the correct operational boundary for Harewood Whin and confirms its location in the Green Belt. We are pleased to report that proper consultation was undertaken at appropriate stages of the process and the concerns of residents have been taken into account and reflected in Publication Draft Plan.

Ryedale District Council

0116/1004/W03/S

It is considered that this policy covering the allocation of sites for waste is sound. Ryedale Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

4074/0120/W03

Concerned about the environmental impacts of the Allerton Waste Recovery Park facility and public views on waste disposal matters being ignored.

Highways England

0112/1263/WJP08/S

The site is not a concern to Highways England.

Historic England

0120/0079/WJP08/S

There are a number of designated heritage assets in the vicinity of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Long Marston Parish Council

0752/0288/WJP08

Concerned over the possible 80 vehicles accessing the site per day via the A59 and the amount of 'may', 'could' and 'possibly' terms used in relation to pollution and flooding.

Norton Action Group

2854/0106/WJP09

(Discounted Site) We support the discounting of this site and would like the following reasons to be given to the justification for discounting it.

The land either side of the Welham road has been allocated for future housing.

The site (extraction and ancillary development) do not meet the requirements of Policy SP6 of the Ryedale Local Plan which prescribes the criteria which must be met for industrial development in the open countryside. Traffic Impacts and inadequate roads, the recent introduction of 13 tonne weigh limit at Kirkham Priory now restricts vehicles joining southbound on the A64, this will increase quarry vehicles travelling in to Malton/Norton which would be contrary to Policy SP6 of the Ryedale Local Plan. A recent Planning Inspectorate report into the Asphalt development at the site found that the traffic movements would increase the traffic which "would not contribute to the vitality, viability and attractiveness of Norton... as such the routing arrangements proposed would undermine the aims of Policy SP7" (of the Ryedale Local Plan). Norton Action Group carried out a traffic survey of quarry vehicles travelling along Welham road found that 118 vehicle movements took places where as the Operator proposals states 77 vehicle movements. The site is located on the crest of a hill and would have an adverse visual impact on the area when viewed from the south. (A copy of the Traffic Survey was submitted along with this representation).

3019/0703/WJP09/LC.S.DTC

Support the discounting of Site WJP09 for a material recycling facility to sort/treat waste and composting at Whitewall Quarry. Find the Local Plan to be sound and legally compliant.

Historic England

0120/0094/WJP11/S

The site is in close proximity to a number of Listed Buildings and lies within the York Green Belt. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England**0112/1272/WJP11/S**

There are two planning applications for the site awaiting determination, and the traffic impact of the proposals will be assessed through the applications. However given the proposed traffic movements and the distance from the Strategic Road Network Highways England do not have any concerns with the site.

Long Marston Parish Council**0752/0290/WJP11**

The volume of traffic travelling through local settlements is likely to increase by 267 HGVs per day to access the site, leading to extra air pollution. Any development at this site must comply with the relevant green belt policies. Why has the 2017 closure date for the site been changed?

Rufforth with Knapton Neighbourhood Planning Group**3720/0100/6.053/LC.S.DTC**

The Plan reflects the correct operational boundary and confirms its location in the Green Belt. We are pleased to report that proper consultation was undertaken at appropriate stages of the process and the concerns of residents have been taken into account and reflected in Publication Draft Plan.

Harworth Estates (UK Coal Operations Ltd)**0127/1470/WJP03/U**

The proposed WJP03 Southmoor Energy Centre allocation boundary overlaps part of the Kellingley site Masterplan including the employment use application proposals being brought forward. For consistency with the safeguarding issue raised the WJP03 SITE BOUNDARY PLAN should be amended (plan provided) to reflect the land taken up by the energy centre.

Ryedale District Council**0116/1003/W04/S**

It is considered that this policy covering the allocation of sites for waste is sound. Ryedale Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

Highways England**0112/0878/W04/S**

Generally supportive of the policy and the intention to have net self-sufficiency in the capacity for C&I waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.

Historic England**0120/0058/W04/S**

The final part of this Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will, and will not, be permitted on these sites.

R & I Heugh**2285/0107/WJP01**

(Discounted Site) Would like the decision to discount the site to be reconsidered. The justification for discounting the site is based on the assumption that the site is currently operating as a waste facility for the treatment of End of Life Vehicles and that allocation of the site as a transfer facility would result in a loss of the current operation. There is currently no end of life vehicle operations taking place on the site and a request to the Environment Agency was made 3 years ago to cancel the permit. Therefore no loss would be taking place and the assumption and decision to discount the site is unfounded. The second reason for discounting the site is one of 'increased visual impact'. The development of a transfer station, in my view and that of others, would be a significant improvement on the visual impact of the site.

Yorkshire Wildlife Trust**0128/0923/WJP02/LC.U.DTC**

The Key Sensitivities identified by the Site Assessment does not include that part of the site is a SINC 'North Selby Mine' designated by CYC. This information needs to be included in Development requirements identified through Site Assessment and Consultation processes to ensure that the SINC is protected from future developments.

Escrick Parish Council**0537/0586/WJP02/LC.U.DTC**

Strongly object to the allocation of WJP02 North Selby Mine. Whilst it is appreciated that the site has a valid planning consent, this has not yet been implemented and we are not aware of any agreement still in place for the Glasshouses (which covers a huge tranche of land), and the deliverability and viability of the site is currently uncertain. There was strong opposition to the proposals at that time as they undermined the original principle that the previous permission for the mine was granted on the basis that the site would be restored to agricultural use. Due to non-enforcement by NYCC, this then became questioned by the applicant who tried to state that the land was a brownfield site. York City Council was forced to reappraise the application and conceded that site is within the York Greenbelt, which has now been confirmed by their latest Local Plan document. The allocation of this site as an AD Facility within the York Greenbelt is totally contrary to Policy W11 which requires sites to meet the stated locational criteria which this site does not. Neither is the site a brownfield site nor were any assurances made at the application stage that the waste would be locally sourced and produced. Therefore, apart from compounding the 'mistake' of a previous non-implemented consent, there is no valid planning reason or policy support within the Plan for this site to be allocated should the existing consent expire shortly after April 2017. As the Plan will be adopted by April, if the sites permission has not been implemented, then the lands future should be allowed to be determined by normal Greenbelt principles in accordance with Government Policy. There are other suitable sites that can be used for this purpose, and the Policy should encourage the use of existing industrial sites when considering its waste priorities. There is no recognition or policy support for companies such as Drax Power Station, for example, which has previously sought to diversify its operations and has recently gained European Commission approval to convert a third power plant to biomass from coal, to take a lead in expanding the range and type of waste facilities in the County and existing industrial sites should be prioritised before Greenbelt sites are used. Please provide to the Planning Inspector previous representations made on this matter to consider full concerns

4083/0534/WJP02

Object to the allocation of an Anaerobic Digester on the North Selby Mine site (WJP02) due to the intrusion on an otherwise rural landscape. The site should be left to revert to woodland as determined by the Secretary of State in 1975. This allocation would generate substantial traffic adding to an overloaded A19 corridor.

Harworth Estates (UK Coal Operations Ltd)**0127/0580/WJP02/U**

The recognition of the potential of site WJP02 and its proposed allocation is supported. However, the planning permission for the anaerobic digestion facility has now been implemented as in November 2016 work commenced through the demolition of the existing former colliery buildings. The WJP02 date of commencement TEXT in Appendix 1 should be amended to reflect that the permission has been implemented. Although the WJP02 site key sensitivities rightly highlights that the site is currently located within the York Green Belt it is considered that reference to the emerging York Local Plan continuing to designate the land as Green Belt should be removed, i.e. delete following from WJP02 Key Sensitivities 3rd bullet point 'Issues arising from the location ... [and that the emerging York Local Plan will continue to designate this land as Green Belt]. Given the current status of the York Local Plan it is inappropriate and premature at this stage to imply that the emerging York Local Plan will continue to designate the site as Green Belt and it should not pre-empt the conclusions of the emerging Local Plan and comprehensive York Green Belt review. The presence of the bridleways along the western and northern boundaries of the WJP02 site are acknowledged and were assessed as part of the process leading to the extant planning permission and the associated landscaping mitigation measures, but the bridleways should not be seen as an overriding constraint as any impacts on them can be fully mitigated which should be reflected in the final wording of the WJP02 development requirements.

Highways England**0112/1270/WJP03/S**

Planning permission for this site was granted in February 2015 where the traffic movements were considered and considered acceptable.

4073/0115/WJP06

Object to the extent of land reserved for inert landfill of waste on the grounds that it would result in a loss of good quality agricultural land which is currently used to grow food crops. A more appropriate brownfield site should be found.

Plasmor Ltd**0057/0639/WJP06/S.DTC**

The allocation of WJP06 is supported. The landfill of construction, demolition and excavation waste will provide for the restoration of site allocation MJP55.

4078/0123/WJP06

Concerned about the traffic impact and the inadequacy of the road network to accommodate additional HGVs.

Long Marston Parish Council**0752/0535/WJP08**

Concerned over the possible 80 vehicles accessing the site per day via the A59 and the amount of 'may', 'could' and 'possibly' terms used in relation to pollution and flooding.

Historic England**0120/0080/WJP08/S**

There are a number of designated heritage assets in the vicinity of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these heritage assets in the vicinity of this site and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England**0112/1278/WJP08/S**

The site is not a concern to Highways England.

Long Marston Parish Council**0752/0537/WJP11**

The volume of traffic travelling through local settlements is likely to increase by 267 HGVs per day to access the site, leading to extra air pollution. Any development at this site must comply with the relevant green belt policies. Why has the 2017 closure date for the site been changed?

Historic England**0120/0095/WJP11/S**

The site is in close proximity to a number of Listed Buildings and lies within the York Green Belt. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Highways England**0112/1264/WJP11/S**

There are two planning applications for the site awaiting determination, and the traffic impact of the proposals will be assessed through the applications. However given the proposed traffic movements and the distance from the Strategic Road Network Highways England do not have any concerns with the site.

Historic England

0120/0070/WJP13/S

We welcome the inclusion of the references within the Key Sensitivities Section alerting users to the proximity to the Conservation Areas and, in the Development Requirement Section, for proposals to mitigate the impacts upon them.

Historic England

0120/0084/WJP15/S

The site lies approximately 550 metres from the Scheduled Monument of Star Carr. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this monument and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Yorkshire Wildlife Trust

0128/0930/WJP15/LC.U.DTC

The site is immediately adjacent to the Reserve Burton Riggs which is also a SINC, Burton Riggs Gravel Pits. The site is also in the Yorkshire Wildlife Trust's Living Landscape for Cayton and Flixton Carrs. The restoration of the site should provide a habitat which connects to Burton Riggs reserve and enhances the Cayton and Flixton Carrs area.

Suggested modification to WJP15 proforma in Appendix 1: Amend the last bullet point under 'Development Requirements...' to read 'An appropriate restoration scheme using opportunities for habitat creation AND CONNECTIVITY AND PROVIDING GAINS FOR BIODIVERSITY'.

Historic England

0120/0091/WJP19/S

The development could potentially impact on views from Whitby Headland. There are a number of designated heritage assets which could be affected by the proposed development of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of this asset and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Doncaster Metropolitan Borough Council

0095/0112/WJP22

We support the allocation of land at Pollington (WJP22), close to the borough boundary, for inclusion in the Plan.

Highways England

0112/1271/WJP25/S

Planning permission for this site was granted in May 2015 where the traffic movements were considered and considered acceptable.

Ryedale District Council

0116/1002/W05/S

It is considered that this policy covering the allocation of sites for waste is sound. Ryedale Council support the fact that Whitewall Quarry is not allocated as a waste site in the Plan.

Historic England

0120/0059/W05/S

The final part of Policy links to Appendix 1 which sets out details of the key sensitivities of each site and the development requirements that need to be taken into account in order to ensure that mineral extraction takes place in a manner which will minimise harm to the environmental assets in the area. This Paragraph ensures that these development principles are effectively tied into the Local Plan and helps to provide certainty to both potential developers and local communities about precisely what will,

and will not, be permitted on these sites.

Plasmor Ltd

0057/0644/W05/S.DTC

The approach to Policy W05 is supported.

Highways England

0112/0879/W05/S

Generally supportive of this policy and the intention to have net self-sufficiency in the capacity for CD&E waste management, which should have positive implications in terms of minimising waste transportation, particularly in relation to waste arising from outside of the Plan area.

Norton Action Group

2854/0105/MJP13

(Discounted Site) We support the discounting of this site and would like the following reasons to be given to the justification for discounting it.

The land either side of the Welham road have been allocated for future housing.

The site (extraction and ancillary development) do not meet the requirements of Policy SP6 of the Ryedale Local Plan which prescribes the criteria which must be met for industrial development in the open countryside. Traffic Impacts and inadequate roads, the recent introduction of 13 tonne weigh limit at Kirkham Priory now restricts vehicles joining southbound on the A64, this will increase quarry vehicles travelling in to Malton/Norton which would be contrary to Policy SP6 of the Ryedale Local Plan. A recent Planning Inspectorate report into the Asphalt development at the site found that the traffic movements would increase the traffic which "would not contribute to the vitality, viability and attractiveness of Norton... as such the routing arrangements proposed would undermine the aims of Policy SP7" (of the Ryedale Local Plan).

Norton Action Group carried out a traffic survey of quarry vehicles travelling along Welham road found that 118 vehicle movements took places where as the Operator proposals states 77 vehicle movements. The site is located on the crest of a hill and would have an adverse visual impact on the area when viewed from the south.

(A copy of the Traffic Survey was submitted along with this representation).

W Clifford Watts & Co Ltd

1157/1023/MJP13/LC.U.DTC

Objects to the non-allocation of site MJP13 as an inert waste recycling facility and states that there is a current capacity gap for inert waste recycling with only one permitted facility in the Plan area east of the A1 corridor. Part 2 of Policy W05 should be changed as following: "Provision of capacity for the management of CD&E waste is also supported through sites allocations for: (i) Allocations for recycling of CD&E waste: Land at (WJP05) LAND AT WHITEWALL QUARRY, NORTON ON DERWENT (MJP13) (ii) Allocations for landfill ..."

3019/0702/MJP13/LC.S.DTC

Support the discounting of Site MJP13 for the recycling of inert waste at Whitewall Quarry. Find the Local Plan to be sound and legally compliant.

Doncaster Metropolitan Borough Council

0095/0111/MJP26

We support the allocation of land at Barnsdale Bar (MJP26).

3697/0176/WJP05/

Confirms the site details are correct and that we support the Plan as drafted.

Upper Poppleton Parish Council

0918/1453/WJP05

The Parish Council object to the site. The site is on grade 2 agricultural land and within the York Green Belt. The access is a single track road, if it is widened it could increase the likelihood of accidents at the junction, so no vehicles should turn left out of the junction. The increased traffic as a result of the site could have an impact on the local community and amenities. The site could affect the water tables in the area. Restoration should return the land to agriculture.

The landfill proposed is for inert building materials, the materials used should be carefully monitored so ground and water contamination does not occur.

Nether Poppleton Parish Council

1096/0103/WJP05/U

Extraction at this site was compulsorily halted by City of York Council's Environment Department because of the impact upon the environment, neighbouring businesses and increasing flooding in the area. The access track is unsuitable. There is no consideration to the Historic Character setting of the villages of Nether with Upper Poppleton. The site does not comply with policies I02 and D12 of the Draft Joint Minerals and Waste Plan.

Modification Required:

A proper traffic impact assessment should be carried out. A flood risk assessment on the Foss Beck (not the Foss river).

Historic England

0120/0093/WJP05/S

The site is in close proximity to the Upper Poppleton Conservation Area and lies within the York Green Belt. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

4083/0286/WJP06

Object to the allocation of land to the west of Escrick Business Park (WJP06) for inert waste management due to the intrusion on an otherwise rural landscape. The site is currently good quality agricultural land and the loss of this would be inappropriate. This allocation would generate substantial traffic adding to an overloaded A19 corridor.

Highways England

0112/1268/WJP06/S

The site is unlikely to be a concern to Highways England.

Escrick Parish Council

0537/0585/WJP06/LC.U

Objections to the scale of MJP55 also relate to WJP06. However, the policy statement that only the area required to be reclaimed will be allowed to be landfilled is welcomed. Landfill is an accepted means of filling the hole excavated by clay extraction (so long as only inert and non toxic fill is used) so long as quality restoration of the site is guaranteed in the longer term immediately following completion of all workings (or undertaken on a phased basis if practicable). However, we strongly object to the proposal that hazardous CD&E waste can be tipped without a full assessment being made of the underlying geology of the land - care would need to be taken to ensure that nothing toxic could pass into any local aquifer or watercourse and therefore we consider that the inclusion of hazardous waste is inappropriate in this location. Whilst it is accepted that any hole excavated at Escrick Brickworks needs to be filled prior to restoration, the use of hazardous waste is inappropriate in this location. The key sensitivities identified in the site analysis in Appendix 1 identify 'water issues, including: hydrology, aquifer, flood risk (Zones 1 and 2) and surface water drainage and pond'.

Suggested modification to WJP06: Any reference in Appendix 1 to hazardous waste against this site should be deleted.

Historic England**0120/0089/WJP06/S**

There are a number of designated heritage assets which could be affected by the proposed development of this site. We welcome the inclusion of the reference within the Key Sensitivities Section alerting users to the proximity of these assets and, in the Development Requirements Section, the need for proposals to mitigate the impact of the development upon them.

Yorkshire Wildlife Trust**0128/0931/WJP06/LC.U.DTC**

The information on this site in Appendix 1 does not include the information that York to Selby Cycle Path is a Site of Importance for Nature Conservation (SINC) and runs through the centre of the site. This provides further evidence of the value of the site for biodiversity. Given the sensitivities of the site there should be at least a partial restoration to nature conservation with a long term management plan and endowment. The restoration should focus on habitat connectivity in the area, with potential to connect habitat from north to south along the cycle path and east west along dykes and drains which run between the Ouse and Derwent. The restoration could potentially include ponds and wetland areas as brick ponds can be particularly valuable for aquatic invertebrates. This would be consistent with para 109 and 114 of the NPPF.

Suggested modification to WJP06 proforma in Appendix 1: Add 'THE BURTON RIGGS NATURE RESERVE AND SINC' to 'Key Sensitivities' and 'Development Requirements' sections.

Highways England**0112/1279/WJP08/S**

The site is not a concern to Highways England.

Long Marston Parish Council**0752/0536/WJP08**

Concerned over the possible 80 vehicles accessing the site per day via the A59 and the amount of 'may', 'could' and 'possibly' terms used in relation to pollution and flooding.

Historic England**0120/0090/WJP21/S**

The proposal could sterilise a potential source of stone for future repair of York Minster. Therefore we welcome the requirement that the site should be geologically/ petrographically surveyed, in order to assess the quality of the remaining stone, before any further infilling is permitted.

Highways England**0112/1269/WJP21/S**

The continued restoration of the site is not a concern to Highways England.

Ministry of Defence / Defence Infrastructure Organisation**0114/0016/WJP23**

(Discounted Site)

The site falls within a statutory safeguarding consultation zone for RAF Leeming. Development above 91.4m above ground level should be referred to the MOD for review. The site also fall in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

4154/0689/6.088

There is no UK fracking industry data regarding waste water quantities. Treatment capacity must be provided in line with planning approvals and approvals delayed if capacity drops behind.

024: Overall Locational Approach to provision of new waste management capacity

Historic England

0120/0060/W10/S

We support the intention to avoid locating new waste management facilities within the National Park or AONBs unless the facility to be provided is appropriately scaled to meet waste management needs arising in the designated area and can be provided without causing unacceptable harm to the designated area. This will help ensure that the most important landscapes of the Plan area are appropriately protected.

Highways England

0112/0888/W10/S

Welcome that the policy seeks to locate sites as close as practicable to the source of waste to be dealt with and that wider strategic facilities should be located where the overall transportation impacts would be minimised.

Tetragen (UK) Ltd

4103/0655/W10/LC.S.DTC

Part 1), 2) and 3): Support Part 1) insofar as it captures national policy requirements for local waste authorities to consider the impact of waste proposals on designated areas whilst also providing sufficient scope for facilities to be located in such areas should there be a recognised need and providing the proposals are suitably scaled and that any potential harm can be appropriately mitigated. Part 2) is consistent with national policy and guidance and is therefore supported given that it aims to maximise the Plan areas existing waste management infrastructure through the continuation of existing waste management sites as well as the extension of existing sites. Part 2) of the Policy also emphasises the importance and benefits to co-locating new waste management facilities with existing sites and complementary activities, which is a key consideration for waste management authorities as set out in national policy. Support part 3) as it is consistent with the proximity principle and sustainability principles contained at national level in that it promotes the development of new sites close to where the source of waste is arising. Part 3) of the Policy is robust in that it refers to potential new facilities that could be relatively small and are aimed at addressing a more localised waste need as well as referring to larger scale or specifies facilities which are likely to cater for a wider catchment area. Policy W10 is sound as it is consistent with national policy, has been positively prepared, is justified and it will be effective.

Stonegrave Parish Meeting

0878/0336/W10

Suggested modification: Part 1): Delete '..unacceptable..'

1542/0727/W10/U

This is inconsistent with paragraph 100 of the NPPF regarding development in areas at risk of flooding. It is also inconsistent with the EU water directive which specifies that in matters of risk of water pollution the precautionary principle should be applied.

Ryedale District Council

0116/1001/W10/S

It is considered that this policy which establishes locational principles for the provision of waste capacity is sound.

025: Site Identification Principles for new Waste Management Capacity

Hull Road Planning Panel

2392/1450/W11

This policy looks at the availability and suitability of water treatment facilities. All hydrocarbon applications should have to demonstrate how waste water is to be transported to where it will be cleaned, and if the intended facility has the capacity to cope with the volumes and type of contamination, as the water will contain NORMs. Additional facilities should be considered.

Escrick Parish Council

0537/1287/W11

Support in principle Policy W11 and its prioritisation of previously developed land, industrial and employment land for the use of waste treatment facilities - including anaerobic digestion.

Ryedale District Council

0116/1000/W11/S

It is considered that this policy which establishes waste site identification principles is sound.

Tetragen (UK) Ltd

4103/0658/W11/LC.U.DTC

Part 1), 2), 3) and 5): Support these parts of the Policy as they seek to maximise the reuse/expansions of existing waste management facilities. However, it is considered that the term 'at existing waste management sites' is vague, lacks clarity and does not align with the Part 2) of Policy W10 or national policy as it does not allow for extensions to the footprint of existing sites. As it stands Policy W11 is unsound.

Suggested modification of Parts 1), 2), 3) and 5): Amend text to the following '...at OR AS AN EXTENSION OF existing waste management sites...'

Frack Free York

2970/0899/W11/U

Policy W11 is not justified. With the advent of unconventional hydrocarbon development and fracking the Plan area faces the prospect of a large, new hydrocarbon industry which will generate very large quantities of waste water contaminated with hydrocarbons, heavy metals, radioactive materials and high levels of salt. The management and disposal of this waste water is one of the most important environmental issues facing the hydrocarbon industry. Evidence given to the planning enquiry on Cuadrilla's application to frack at two sites in Lancashire showed that those new wells will consume most of the UK's capacity for hydrocarbon waste water disposal. If a large unconventional hydrocarbon industry is also developed in the Joint Plan area existing waste water disposal capacity in the UK will be insufficient for the total demand. In this context it is likely that the Joint Plan area will be faced with applications to build new disposal facilities for waste water from the hydrocarbon industry, or to convert existing facilities for the disposal of this form of waste. Whilst Policy W11 does include some consideration of this type of application, this focusses on the desirability of using existing waste disposal sites rather than full consideration of the environmental consequences of such development. All applications for hydrocarbon waste water disposal at existing or new sites should be subject to EIA and the precautionary principle should be applied.

Highways England

0112/0880/W11/S

Generally supportive of the policy. Welcome the policy requirement to ensure that in all cases sites will need to be suitable when considered in relation to infrastructure constraints, which specifically includes the capacity of transport infrastructure and any potential cumulative impact from previous waste disposal facilities.

007: Transport and Infrastructure

026: Non-road Transport Infrastructure

0204/0026

Consider transporting Mineral products by rail.

Harworth Estates (UK Coal Operations Ltd)

0127/0577/I01

In terms of the rail and wharf infrastructure identified on Figure 18 at Kellingley and the rail infrastructure at Gascoigne Wood (Sherburn rail freight interchange) the Plan does not appear to have taken into account the following considerations. The Kellingley site is subject to an extant planning application to redevelop the majority of the colliery site for employment purposes and a Section 73 planning application is being prepared regarding the Southmoor Energy Centre at Kellingley to take account of the colliery closure, the employment application and associated Masterplan and changes to the rail facility are proposed to enable a joint rail facility for use by either scheme. At Gascoigne Wood plans are being developed to expand the existing employment operations including the development of a rail freight interchange, and in addition the site already has an extant consent that allows use of the rail for employment purposes which is supported by the Selby Core Strategy. It is considered that Policy I01 should apply to only existing facilities with permanent planning permission for minerals and waste uses that are used for the management of minerals and waste, and so the safeguarded transport infrastructure in Appendix 2 should not include Kellingley Colliery or Gascoigne Wood.

Highways England

0112/0881/I01/S

Particularly supportive of this policy which encourages and supports the transportation of minerals and waste via more sustainable means such as rail, water and pipelines. The prioritisation of alternatives to road transport, particularly where minerals or waste development is located in close proximity to a wharf or rail head, as identified in part 2) of the policy is also particularly supported as should have a positive impact on both the local road network and Strategic Road Network.

Paragraph 7.7 implies that this will predominantly involve the re-use of existing inactive and under-used infrastructure as opposed to new wharves and railheads, which is supported. Welcome the clarity provided in paragraph 7.8 that minerals and waste development is located that is located in close proximity to sustainable transport infrastructure, should give consideration to its use as part of a Transport Assessment, in accordance with Policy D03.

Canal & River Trust

0294/0001/I01/LC.S

We welcome that our comments relating to the Preferred Options consultation have been acknowledged and the Publication draft reflects these.

Highways England

0112/1265/MJP09/S

The site is not a concern to Highways England.

Highways England

0112/0695/MJP09/S

Part 3) of the Policy identifies MJP09, Land at Barlby Road, Selby, as a site for the rail reception, handling and onward distribution of aggregate in order to help secure its long term use for sustainable transportation, which is supported. The site does not pose any concerns in terms of impact on the network as the site is already operational and it is assumed that there will be no net change in vehicle movements.

027: Minerals Ancillary Infrastructure

Sirius Minerals

4067/0572/I02/U

Welcome the inclusion of a specific reference to Doves Nest Farm mine site as a possible location for ancillary minerals infrastructure. However, it is felt that the requirement for the ancillary infrastructure to produce a 'value-added' product is unduly restrictive. While the need for this type of operation is recognised, a range of

ancillary operations may occur at minehead sites which do not produce a 'value added' product but instead serve another purpose. Ancillary development which does not produce value-added products is already accommodated at potash, polyhalite and salt minehead sites by virtue of Policy M22, however, there is a risk that draft policy I02 could be deemed contradictory to this policy if modifications are not made to the wording. If this discrepancy is not addressed this element of the Plan is considered to be unsound.

Suggested modification

Alter Part 1) i) to read 'UNLESS FALLING UNDER POLICY M22 OF THIS PLAN, the ancillary development produces a 'value-added' or complementary product based mainly on the mineral extracted or secondary aggregate produced on the host site.'

This would avoid any potential contradiction and allow ancillary development at potash, polyhalite and salt minehead sites.

Highways England

0112/0882/I02/S

Welcome the inclusion of criteria 1) iii) which states that development should not unacceptably increase the overall amount of road transport to or from the host site.

Ministry of Defence / Defence Infrastructure Organisation

0114/0015/MJP46

(Discounted Site) The site falls within a statutory safeguarding consultation zone for RAF Leeming. The site also falls in a statutory birdstrike safeguarding zone, therefore any restoration scheme which will include wetland creation or open water bodies should be referred to the MOD for review.

008: Minerals and Waste Safeguarding

028: Safeguarding Mineral Resources

Historic England

0120/0061/S01/S

Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic assets of both North Yorkshire and beyond, we support the proposed approach of safeguarding both active and known former building stone quarries together with a 250m buffer around them. This reflects the recommendations of BGS and should ensure that these reserves are not sterilised.

Minerals Products Association

0115/0668/S01/LC.S

This Policy is supported.

Egdon Resources (UK) Limited

0150/0798/S01

Part 2- this part of the policy protects reserves of potash and polyhalite, including a 2km buffer from sterilisation by other forms of underground mineral extraction. There is no justification for this and it is not clear that there is any technical or scientific evidence as to why this has been suggested. It appears not to provide the same level of importance to hydrocarbons as it does for other minerals.

Suggested Modification:

Amend to reflect the great importance the government attaches to hydrocarbon extraction in national policy and guidance to enable delivery of sustainable development.

We would not wish to see any safeguarding of mineral or coal deposits which would affect normal development within the Parish. It is felt that extraction of both sand/gravel or coal would be detrimental to the nature of the area, particularly given the AONB status.

The Coal Authority

1111/0213/S01/LC.S.DTC

The policy with the inclusion of a 250m buffer is supported.

INEOS Upstream Ltd

3703/0793/S01/U.DTC

The implication of Policy S01 is that safeguarding means prohibition. The policy should be amended to clarify that there is no presumption against development because it will be subject to appropriate assessment.

The 2km buffer zone for potash is excessive and each application for development proposals should be judged on its merits depending on the proposals brought forward.

It should be noted that the land take for surface sites for unconventional gas exploration are limited and dispersed and their impact on recovery of the mineral resource will be negligible. Shale resources are found at significant subsurface depths with limited surface or subsurface working area, for these reasons there is no need for the proposed buffer zones as detailed discussions on each application will determine the interaction of the minerals resources in a specific area.

Egdon Resources (UK) Limited

0150/0836/8.018/LC.U.DTC

The suggestion that extraction of gas in proximity to underground mining operations can give rise to a need for mitigation is not accepted. It is the presence of gas in close stratigraphic and geographic proximity to the potash, salt and polyhalite which itself created potential issues for mining and not specifically the extraction of gas or hydraulic fracturing operations. The mining process itself changes the geochemical properties of the area around the mine and has the potential to provide pathways for any gas to migrate towards and accumulate in mine tunnels. The blanket approach to defining safeguarded areas is inappropriate and not justified in an area where hydrocarbon minerals are present and where the Government has made clear that there is a national need for shale gas. A proper balance needs to be achieved between safeguarding potash, salt and polyhalite and allowing the exploration, appraisal and development of nationally important gas resources which are present in the area. Before any exploration activity can commence, approvals have to be sought from the Coal Authority in relation to both mine workings and coal reserves, so this is already regulated.

Suggested Modification

Amend 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

3703/0794/8.019/U.DTC

This paragraph proposes a 2km buffer zone for potash areas affected by onshore hydrocarbon development. There is no need for a buffer zone given the stated aim of safeguarding in paragraph 8.002. Safeguarding adds a further level of test but it is clearly stated that it is not a prohibition.

029: Development in MSAs

INEOS Upstream Ltd

3703/0796/S02/U.DTC

The area of potash is extensive and while the supporting text states that the intention is to safeguard potash from inappropriate development, the way the policies are worded implies a prohibition. This could be an implicit way of preventing unconventional gas by stating that it will impact on a safeguarded resource. The policies should be more explicit stating that they do not prohibit unconventional gas. If there is to be a buffer zone it needs to be made clear that it does not mean no hydrocarbon development. If there is to be another layer of scrutiny the buffer zone needs to be less than 2km, but we feel that there should be no buffer zone present. A safeguarded resource is one that needs to be scrutinised for possible harm. It does not need a buffer zone, only proof that the resource will not be sterilised or harmed. Given the depth of hydrocarbon extraction and relatively small area of surface site workings together with the short life of operations and restoration unconventional gas will rarely if ever give rise for concern.

Policy S02 should be changed to remove any reference to development not being permitted. Instead it should state that development will be subject to appropriate assessment, this will bring the policy in line with Government policy and practice elsewhere.

United Kingdom Onshore Oil and Gas (UKOOG)

3997/0751/S02/U

Despite the representations from the industry, the 2km buffer zone safeguarding potash and polyhalite reserves - over other sub-surface mineral resources has not been changed.

Egdon Resources (UK) Limited

0150/0797/S02/LC.U.DTC

Part 3- The blanket approach to defining safeguarding areas is inappropriate and not justified in an area where hydrocarbon minerals are present and where the Government has made it clear that there is a national need for shale gas. A proper balance needs to be achieved between safeguarding potash, salt and polyhalite and allowing exploration, appraisal and development of nationally important gas resources which are present in the area.

Suggested modification:

Amend to more accurately reflect the great importance Government attaches to hydrocarbon extraction in national policy and guidance and to enable the delivery of sustainable development.

The Coal Authority

1111/0214/S02/LC.S.DTC

The criteria based approach is supported.

Sirius Minerals

4067/0570/S02/U

In Part 2) it is presumed that 'Underground Minerals Safeguarding Areas' refers to the 'Safeguarded Deep Mineral Resource Area (Potash Safeguarding Area)', which is now the only underground mineral that is safeguarded. This point should be clarified, although full protection for the potash/polyhalite resource should be retained.

Suggested modification

Part 2) provide clarity on the type of mineral resource to which this refers, and reiterate that particularly in the case of potash/polyhalite, the need to avoid sterilising or prejudicing the extraction of the mineral is a high priority.

Sirius Minerals

4067/0569/S02/U

The safeguarding of deep mineral resources under Part 2) and specifically potash and polyhalite under Part 3) is welcomed.

Sirius Minerals

4067/0571/S02/U

In order for Part 3) to be fully effective in protecting safeguarded potash and polyhalite, references to fracking and other potential deep works and/or drilling should be referenced, alongside those development types already set out. Without this point being addressed this element of the Plan is unsound.

Suggested modifications

Part 3) add references to '...FRACKING AND OTHER POTENTIAL DEEP WORKS AND/OR DRILLING...' alongside the existing references to 'deep drilling or development of underground gas resources or the underground storage of gas or carbon.'

This will ensure that the policy is effective in affording sufficient protection to the potash/polyhalite reserves in the Plan area.

Minerals Products Association

0115/0669/S02/LC.S.DTC

Part 1 of the Policy is supported.

Historic England

0120/0062/S02/S

Given the importance of the building and roofing stone resources of the Joint Plan area to the conservation of the historic assets of both North Yorkshire and beyond, we support the proposed approach towards the consideration of development proposals in the Mineral Safeguarding Areas.

Third Energy Limited

2762/1373/S02/U

Despite the representations from the industry, the 2km buffer zone safeguarding potash and polyhalite reserves - over other sub-surface mineral resources has not been changed.

INEOS Upstream Ltd

3703/0795/8.022/U.DTC

Paragraphs 8.22-8.24 are supporting justification and not policy and therefore has lesser weight, the text does not make this clear. Clarification is required to explain that where minerals safeguarding areas overlap another mineral resource this does not prevent the exploration and development of that alternative resource, this is needed to ensure the Plan is consistent with the NPPF, DCLG letters to planning authorities and policy statements. It is essential that the Plan does not restrict unconventional gas development, which the Government expects to be explored and developed in the Plan area over the Plan period.

There is a need for clarification to policy S02 so it is clear what is intended by the policy is not to enforce a prohibition against one mineral resource in favour of another and that alternative minerals development will be subject to appropriate assessment and will, be acceptable if the appropriate assessment shows no adverse impact on the safeguarded resource.

030: Waste Management Facility Safeguarding

Tetragen (UK) Ltd

4103/0660/S03/LC.U.DTC

Support this Policy and consider that it is justified, effective and consistent with national policy in ensuring that the country's waste infrastructure is maintained and that the operation and capacity of existing waste sites are not prejudiced by the development of incompatible land uses nearby. However, there is an opportunity for the Policy to be more positive by cross referring the Policy with other policies in the Plan. It is noted that the Policy does make reference to Policy W11 in 'key links to other relevant policies and objectives' but no reference is made to Policy W10. In addition to including Policy W10 within this section, we would suggest the Plan goes further than this and

that an addition to the Policy is made to highlight that developments that deliver additional capacity or expand safeguarded sites will be supported with the principle set out in Policy W10 and W11.

Tetragen (UK) Ltd

4103/0659/S03/LC.U.DTC

Support the identification of Knapton Quarry as a safeguarded site but object to the fact that the range of existing uses of the site has not been recognised. Therefore, the Plan is currently unsound. At present Knapton Quarry is 10.1 hectares in size and is an existing waste transfer (non-hazardous), treatment and landfill site that is licensed to receive up to 150,000 tpa of waste from within the County. Knapton Quarry currently receives 75,000 tpa of active waste which is deposited within the existing landfill cells. The site also receives c.25,000 tpa of waste which is delivered to the site and either recycled on site or alternatively sorted, bundled and then sent to other waste management sites within the area. It is anticipated that Knapton Quarry will cease landfill operations in 2017 with landfill restoration works set to continue at the site up to 2034. However, Knapton Quarry will continue to operate as a waste transfer and treatment handling station and continue to receive recyclable materials beyond 2017. In identifying suitable site and areas for the management of waste national policy promotes the reuse of previously developed land and the maximisation of the existing waste management infrastructure of the country. Knapton Quarry is clearly an existing and well established waste management site that has dealt with the handling and transferring of waste since 2000 and in addition to its primary landfill operations.

Suggested modification: Amend the table in Appendix 2 of the Plan to state that Knapton Quarry should be considered as a 'TRANSFER (NON-HAZARDOUS) WASTE FACILITY AND A composting facility'.

Ryedale District Council

0116/1007/S03/U

The Plan omits to safeguard Knapton Quarry as a transfer station. The site currently operates as a waste transfer facility as well as a composting facility. Policy S03 is considered to be unsound if the sites use a transfer station is not safeguarded and the extent of the facility defined on the Policies Map.

Suggested modification

The Plan needs to recognise that Knapton Quarry is used as a transfer station for safeguarding and the extent of the facility needs to be defined on the Policies Map.

Ryedale District Council

0116/1005/S03/U

Ryedale Council strongly supports the provision of a transfer facility at Tofts Road, Kirby Misperton. Although the site is safeguarded for this purpose in the Plan, the District Council is concerned that there is currently uncertainty over the facility will actually be provided in this location. This has significant implications for this Authority in terms of costs, service planning and service delivery. There would be little point in identifying the site as a safeguarded site if it is no longer the intention to deliver the facility. The District Council is of the view that unless it is confirmed that the facility is deliverable, the policy is unsound as currently drafted. Moreover, if a decision has been made to not provide the facility or there is doubt over its deliverability, the Plan would need to safeguard or allocate a further site within Ryedale. This would ensure that the Plan is sufficiently flexible if the proposed safeguarded site is not delivered and again, without this flexibility the Plan is considered unsound in respect of this matter.

Suggested modification

Safeguard or allocate a further site in Ryedale.

Selby District Council

0074/0861/S03

We have concerns regarding the current wording of the Policy as it could restrict or impact redevelopment at Kellingley Colliery, which is a site of strategic importance to the District, by applying the 250m buffer. In addition, we would expect existing planning permissions (i.e. the Southmoor Energy Centre) to feature within the draft plan. We

ask that wording is added providing clarification which specifically details that it is not the intention of the Policy to restrict forthcoming re-development of sites outside of the minerals and waste remit.

Ryedale District Council

0116/1006/S03/U

The Ryedale District Council transfer site at Showfield Lane (for recyclable materials only) is not recognised in the Plan. It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational and that Policy S03 is unsound (not effective) if the site is not included.

Suggested modification

It is considered that the facility needs to be identified in the plan/on the Policies Map for safeguarding in advance of the Tofts Road facility becoming operational.

Harworth Estates (UK Coal Operations Ltd)

0127/0578/WJP02/U

Objects to Policy S03 wording because, whilst there are no objections to the principle of safeguarding the former North Selby Mine, there are concerns regarding the extent of the safeguarding shown and the 250m buffer zone which is considered to be unnecessary, unduly restrictive and not positively prepared and the policy is therefore considered to be unsound. It is not considered that the inclusion of a 250m buffer zone around the full extent of the former North Selby Mine WJP02 allocation is justified, or, having regard to the tests in the NPPF, is sound. It is not clear what would constitute 'frustration' of the waste use and how this would be assessed, so it is imprecise and so unsound and should be removed. It is not clear how the process of consultation between the District Council and County Council and decision making would work in practice. An additional criterion is suggested to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so. The wording suggested is: (IV) THE FACILITY IS NOT VIABLE OR CAPABLE OF BEING MADE VIABLE.

Harworth Estates (UK Coal Operations Ltd)

0127/1353/WJP03/U

Objects to Policy S03 wording because, whilst there are no objections to the principle of safeguarding Southmoor Energy Centre, there are concerns regarding the extent of the safeguarding shown and the 250m buffer zone which is considered to be unnecessary, unduly restrictive and not positively prepared and the policy is therefore considered to be unsound. The proposed Southmoor Energy Centre safeguarding boundary is stated as being not up to date as it follows the application boundary so includes other uses / development areas and associated infrastructure such as access roads that conflicts and crosses over with the employment application and associated Masterplan. Therefore, it is requested that the boundary be amended (alternative plan provided) to reflect the land taken up by the energy centre. The 250m buffer zone overlaps part of the Kellingley site Masterplan including the employment use application proposals being brought forward in the buffer zone and is unnecessary, serves no meaningful purpose and there is no evidence base for the distance imposed and it would place an additional administrative burden on Selby District Council and the client. It is not clear what would constitute 'frustration' of the waste use and how this would be assessed, so it is imprecise and so unsound and should be removed. It is not clear how the process of consultation between the District Council and County Council and decision making would work in practice. An additional criterion is suggested to ensure that viability considerations are adequately taken into account and ensure that the wording makes clear that safeguarding will not apply if the facility is not viable or incapable of being made so. The wording suggested is: (IV) THE FACILITY IS NOT VIABLE OR CAPABLE OF BEING MADE VIABLE.

031: Minerals and Waste Transport infrastructure Safeguarding

Highways England

0112/0883/S04/S

Support this policy and the intentions to safeguard transport infrastructure, which could be utilised in the future to support new facilities or enable a modal shift to more

sustainable transport options. This has the potential to support a reduction in the transportation of minerals and waste via the road network and in particular the SRN for more strategic movements.

Minerals Products Association

0115/0670/S04/LC.S.DTC

This Policy is supported.

Harworth Estates (UK Coal Operations Ltd)

0127/0581/S04/U

Objects to this Policy including the use of what is considered to be an arbitrary buffer zone. The logic of seeking to preserve rare transport infrastructure assets, such as at Gascoigne Wood and Kellingley, is acknowledged, but it is considered that the proposed safeguarding of these two sites (as shown on pages 215 and 217 within Appendix 2 to the Joint Plan), and the associated buffer zones, would have the effect of stifling further development and changes to these assets. Changes and expansion of infrastructure at these two sites are proposed to deliver the employment development supported by the Selby Economic Strategy and emerging PLAN Selby. The rail sidings are an asset for a variety of uses, not just minerals and waste transport, so there should not be a precedent set for a narrow scope of use with a presumption against other uses unless certain criteria are met. The transport safeguarding boundary shown on page 217 in Appendix 2 identifies landholdings south of the canal which is outside the Plan area so there is no authority to safeguard it and to continue to do so would be unsound and requires modification.

Canal & River Trust

0294/0002/S04/LC.S

The Policy is supported. The policy is consistent with Paragraph 143 of National Planning Policy Framework. The inclusion of a buffer zone is supported therefore the policy is also consistent with Paragraph 123 of the NPPF.

Selby District Council

0074/0862/S04

We have concerns regarding the current wording of the Policy as it could restrict or impact redevelopment at both Olympia Park and Gascoigne Wood, which are sites of strategic importance to the District, by applying the 100m buffer. We ask that wording is added providing clarification which specifically details that it is not the intention of the Policy to restrict forthcoming re-development of sites outside of the minerals and waste remit.

Canal & River Trust

0294/0003/S04/LC.S

The sites identified in Appendix 2 are supported.

At preferred options we requested that consideration be given to safeguarding three further wharf sites (Council Yard at Snaygill, CPM Concrete works at Pollington and wharves at Whitley Bridge. We also highlighted the Dalkia site at Pollington includes a new wharf for transportation of Biomass via the Aire and River Canal. However the Authorities Response to these comments does not state the results of an investigation of these, this should be clarified.

The Marine Management Organisation (MMO)

0268/0024/8.034

Support this paragraph with reference to East Marine Plan Policy Ref PS3.
" PS3.

Proposals should demonstrate, in order of preference:

- a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours
- b) how, if the proposal may interfere with current activity and future opportunities for expansion they will minimise this
- c) how, if the interference cannot be minimised, it will be mitigated

d) the case for preceding if it is not possible to minimise or mitigate the interference

032: Minerals Ancillary Infrastructure Safeguarding

Highways England

0112/0884/S05/S

Support this policy and the intentions to safeguard ancillary infrastructure.

033: Consultation Areas

The Coal Authority

1111/0215/S06/LC.S.DTC

The Policy is supported.

Harworth Estates (UK Coal Operations Ltd)

0127/0579/S06

The Safeguarding Exemption Criteria list of application types to be regarded as 'exempt' development not requiring consideration under the safeguarding policies of the Joint Plan includes "applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements" (11th bullet point) but needs revised/additional wording to be sound and ensure that due regard is had to the different stages that the plans which make up the overall Development Plans are at. It is argued that as well as the adopted Selby Local Plan taking precedence where it has taken account of minerals and waste safeguarding requirements, it should also be logical for the emerging Joint Plan to take account of the emerging Local Plan and its supporting evidence. The suggested amendments/additions to that bullet point are: "applications for development on land which is already allocated in an adopted OR EMERGING local plan where the plan [took] HAS TAKEN account of minerals and waste safeguarding requirements". Policy S04 also refers to the Safeguarding Exemption Criteria list, but no mention is made of applications for development on land which are allocated where the plan took account of 'transport' safeguarding requirements. It is requested that TRANSPORT be added to the 11th bullet point of Paragraph 8.47 to make the Policy clear and precise and therefore sound.

009: Development Management

Local Access Forum

2192/1280/LC.S.DTC

No specific comments to make on the legal compliance or the soundness of the Plan.

Please to see comments from previous stages of consultation reflected in the revised wording in the Publication version of the Plan.

A robust approach to the timescales of site restoration (Policy D10) should be taken to mitigate the adverse effects on local amenity.

Ryedale District Council

0116/0999/S

It is considered that the suite of development management policies broadly reflect national policy and are considered to be sound. Ryedale Council has previously suggested that the Development Management policies relating to landscape and heritage should make more specific references to locally designated landscapes and wider types of heritage assets. However, given that the landscape policy aims to protect all landscapes for harmful effects of development and the heritage policy aims to conserve the significance of all heritage assets, it is considered that the policies are not considered to be unsound.

036: Presumption in Favour of Sustainable Development

Frack Free York

2970/0898/D01/U

Policy D01 incorporates the presumption in favour of sustainable development found in the NPPF. However, the Policy does not reflect the fact that the presumption in favour of sustainable development does not apply in all circumstances. Para 119 of the NPPF states 'the presumption in favour of sustainable development (para 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directive is being considered, planned or determined'. Part of the process for all oil and gas licensing rounds is a Habitats Regulations Assessment. As the Habitats Regulations incorporate the Habitats Directive into UK law it is clear that hydrocarbon development does require an appropriate assessment under the Habitats Directive. For this reason Policy D01 should state that the presumption in favour of sustainable development does not apply to hydrocarbon development. This would make the Policy compliant with para 119 of the NPPF.

Suggested modification to Policy D01: Include additional text 'THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT DOES NOT APPLY TO APPLICATIONS FOR HYDROCARBON DEVELOPMENT AND BECAUSE OF THIS THE OTHER PROVISIONS IN THIS POLICY WILL NOT BE APPLIED IN THE CASE OF APPLICATIONS FOR HYDROCARBON DEVELOPMENT'.

York Green Party

2224/0920/D01/U

One of the Core Planning Principles in Paragraph 17 of the NPPF is to 'support the transition to a low carbon future'

Paragraph 94 of the NPPF calls for 'proactive strategies to mitigate and adapt to climate change'

Modification

Add at the end of first paragraph in policy D01:

IN A WAY THAT SUPPORTS A TRANSITION TO A LOW CARBON ECONOMY

York Green Party

2224/0921/D01/U

There is no mention here of climate change, which is the single most important issue in sustainability, and deserves an explicit mention. Kirklees has included a statement to the effect that all developments must demonstrate that they are (at least) carbon neutral. This would help make clear what makes a development sustainable, and meets the requirements of the Climate Change Act 2008.

Modification

Add at end of fist para:

IN A WAY THAT SUPPORTS A TRANSITION TO A LOW CARBON ECONOMY

1542/0726/D01/U

To comply with paragraph 119 of the NPPF the 'presumption in favour of sustainable development' does NOT apply to the oil and gas industry

Highways England

0112/0885/D01/S

One of the key functions of Highways England is to support and facilitate the delivery of sustainable economic growth and we are therefore supportive of the general principle of taking a positive approach that reflects the presumption in favour of sustainable minerals and waste development as promoted by the National Planning Policy Framework, and so support this policy

0231/1444/D01/U

The policy wording requires tightening up. The policy proposes a presumption in favour of granting permission unless 'any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits'. The unqualified use of 'benefits' is vague and does not accord with policy.

Suggested modification

Should be reworded to 'any adverse impacts of granting permission would [significantly and demonstrably outweigh the benefits] BE DETRIMENTAL TO THE SUSTAINABILITY OF THE PLAN AREA.'

037: Development Management Criteria

Stonegrave Parish Meeting

0878/0337/D02

Suggested modification: Part 1): Replace '..will be permitted where it can be demonstrated that there will be no unacceptable impacts..' with '..WILL BE PERMITTED ONLY WHERE IT CAN BE DEMONSTRATED THAT THERE WILL BE NO ADVERSE IMPACTS..'.

Highways England

0112/0886/D02/S

Generally supportive of this policy.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0495/D02/U.DTC

The policy does not appear to identify the amenity of residents as a potential receptor of impacts of development proposals. The need to assess possible impacts upon residents should be identified within the policy alongside businesses etc.

In providing a definitive list of the possible types of impacts the policy does not provide for impacts which may yet be identified, or impacts that result from technologies' or processes that currently unknown or deployed.

Suggested Modification:

The Policy should provide for the full range of receptors and other impacts, that may result from minerals and waste developments, including dwellings and occupants. A 'catch all' bullet point which provides for effects or impacts that are yet unknown.

Highways England

0112/0887/D03/S

Welcome that the criteria in the Policy ensures that where proposals give rise to significant movements on the road network that appropriate consideration is given to its impact on the network, the ability of the network to support additional capacity and where adverse impacts arise, mitigation of the impacts would be delivered. We also welcome the inclusion of the requirement for a transport assessment to be provided in support of proposals.

We note that the policy includes the requirement that 'Where access infrastructure improvements are needed to ensure that the requirements above can be compiled with, information, nature, timing and delivery of these should be included within proposals'. In line with Circular 02/13: Planning and the Strategic Road Network, Highways England usually considers that any capacity enhancements, including new or improved infrastructure required to facilitate the delivery of the Plans development, should be identified upfront during the preparation of the Plan. This provides the best opportunity to consider the Plans overall development aspirations and potential cumulative impacts that could result from specific sites, and negates the need to consider new proposals for infrastructure improvements at the planning application stage, which doesn't allow for the forward planning of infrastructure, particularly where timing, delivery and funding could affect development viability. However, based on the findings of our accompanying assessment and that there is no identified requirement for any physical works affecting the Strategic Road Network that the Policy approach is sufficiently appropriate.

Historic England

0120/0063/D03/S

We support the approach to minerals transportation set out in this policy.

Egdon Resources (UK) Limited

0150/0838/D03/LC.U.DTC

Part 2)

There is no justification for a green travel plan for hydrocarbon development. The use of road transport is needed owing to the nature of the proposal. The target reservoir can only be accessed from certain areas. Instead, a more important criterion which should be included in the Policy is that the proposed site location is within proximity of the main highway network using roads which avoid residential areas wherever possible. The site would not be accessible by members of the public and therefore a green travel plan is not appropriate for this form of development. Are green travel plans required for other industrial applications?

Suggested Modification

Amend 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.

038: Protection of Important Assets

Howardian Hills AONB

0113/0545/9.021

To aid consistency and support policy provision the purposes of AONB designation should be included, as the purposes of National Park designation is detailed in para 9.19. So as not to unwittingly undermine either the designation or the evidence for the policy provision the text, taken from 'Areas of Outstanding Natural Beauty: A Policy Statement, Countryside Commission, CCP 352, 1992' should be added in full and not paraphrased or summarised.

Suggested modification: After para 9.21 add the following text 'THE PRIMARY PURPOSE OF DESIGNATION IS TO CONSERVE AND ENHANCE NATURAL BEAUTY. IN PURSUING THE PRIMARY PURPOSE OF DESIGNATION, ACCOUNT SHOULD BE TAKEN OF THE NEEDS OF AGRICULTURE, FORESTRY AND OTHER RURAL INDUSTRIES AND OF THE ECONOMIC AND SOCIAL NEEDS OF COMMUNITIES. PARTICULAR REGARD SHOULD BE PAID TO PROMOTING SUSTAINABLE FORMS OF SOCIAL AND ECONOMIC DEVELOPMENT THAT IN THEMSELVES CONSERVE AND ENHANCE THE ENVIRONMENT. RECREATION IS NOT AN OBJECTIVE OF DESIGNATION, BUT THE DEMAND FOR RECREATION SHOULD BE MET SO FAR AS THIS IS CONSISTENT WITH THE CONSERVATION OF NATURAL BEAUTY AND THE NEEDS OF AGRICULTURE, FORESTRY AND OTHER USES'.

Minerals Products Association

0115/0679/D04/LC.U.DTC

Part 1 of this policy goes further than the NPPF (para 116) in that it says proposals 'will be refused' rather than 'should be refused'. This policy doesn't make explicit reference to the cost of developing elsewhere outside designated areas. This economic consideration is an important element of sustainability.

Suggested Modification: deletions in [brackets] Additions in CAPTIALS

rewrite the first paragraph to state that development 'SHOULD' be refused not '[will]'.
Rewrite part 1) c) [Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met THE COST OF, AND SCOPE FOR, DEVELOPING ELSEWHERE OUTSIDE THE DESIGNATED AREA, OR MEETING THE NEED FOR IT in some other way;

Part 1)a) exceeds National Policy requirements relating to the national considerations. There is no definition of 'national need' or 'national economy' in the glossary of the Plan.

Suggested modification: New text IN CAPITALS deletions in [brackets]

Reword as follows; The need for the development, [which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy] INCLUDING IN TERMS OF ANY NATIONAL CONSIDERATIONS;

There appears to be an error in the drafting of the policy in the last sentence in the final paragraph which states; "Appropriate and practicable compensation will be required for any avoidable effects which cannot be mitigated." As currently drafted the sentence makes no sense making the policy ineffective.

Suggested Modification:
Change the word 'avoidable' to 'UNAVOIDABLE'.

Sirius Minerals

4067/0568/D04/U

Support is expressed for this policy only insofar as it reflects the approach set out in the NPPF.

Clauses a - d under Part 1 of this policy appears to broadly reflect the three criteria set out in paragraph 116 of the NPPF, but with wording differences which have implications for the interpretation of the policy. It is not felt that this policy needs to alter, or elaborate on, the wording that is already set out in the NPPF regarding the 'Major Development Test'. Any alteration to the already rigorous NPPF wording will render it inconsistent with national planning policy.

Since the Preferred Options stage additional text has been included into Part 1 of this policy, which seeks to add additional requirements for mitigation and 'appropriate and practicable compensation'. The inclusion of this additional text is considered unnecessary and unjustified. The extent to which detrimental effects on 'the environment, the landscape and recreational opportunities' can be moderated is already set out in the 'Major Development Teat' in paragraph 116 of the NPPF, while 'conservation of wildlife and cultural heritage' is similarly a requirement set out in the NPPF paragraph 115.

Given the already effective and sufficient policy protection afforded to National Parks and the ambiguous nature of what 'appropriate and practicable compensation' could entail, it is felt that the altered/additional wording should not be included as it is imprecise.

The draft policy D04 is inconsistent with the Major Development Test as set out in paragraph 116 of the NPPF and is imprecise. If this point is not addressed then this element of the Plan will be unsound.

Suggested modifications

Under Part 1, the criteria against which major developments should be assessed in National Parks and AONBs should reflect the Major Development Test criteria set out in

paragraph 116 of the NPPF. The additional paragraph added under the criteria listed in Part 1 of this policy should be removed.

Hanson UK

1102/0635/D04/U

Part 1): The first sentence of this part goes further than the NPPF which at para 116 states 'Planning permission should be refused for major developments in these designated areas'. The use of the word 'should' in the NPPF signifies a suggestion and not a directive as alluded to by the use of the word 'will' in Policy D04. Parts a) - d) reasonably reflect NPPF para 116, although there is no explicit reference to the cost of developing elsewhere outside designated areas. This aspect (economic) is an important element of the three pillars of sustainability.

Suggested modification to Part 1) of D04: Amend to read '...Areas of Outstanding Natural Beauty SHOULD be refused except...'

Historic England

0120/0064/D04/S

We support the approach to development which might affect the landscapes of the National Parks and AONBs.

Egdon Resources (UK) Limited

0150/0839/DO4/LC.U.DTC

Part 3)

The concept of the setting of the Designated Areas, namely the National Park and the AONBs, need to be explained in clearer terms in both the policy and the supporting text. There is no legal or national policy in relation to the setting of the National Parks unlike Listed Buildings and Conservation areas.

Suggested Modification

Amend 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.

Egdon Resources (UK) Limited

0150/0837/9.027

The concept of the setting of the Designated Areas, namely the National Park and the AONBs, need to be explained in clearer terms in both policy and the supporting text. There is no legal or national policy in relation to the setting of the National Parks unlike Listed Buildings and Conservation Areas. We consider that the issue is whether or not the scale, nature and location of the proposal will have a significant adverse impact upon the landscape where the development lies outside but near to Designated Areas. It is appropriate that proposals outside but close to the boundary of the Designated Area such as the National Park should be assessed against their impact upon the Area in question. However, this should be restricted to the visibility of the proposed development from public viewpoints. The criterion should not be extended to an assessment of the special qualities of the Designated Area.

Suggested Modification

Amend 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.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0496/D05/U.DTC

Part 1- this policy only refers to the York and West Yorkshire Green Belts. There is no account made for green belts which may be adopted during the Plan period. The policy miss-interprets national green belt policy. The Policy currently allows for mineral development within the green belt if it can be demonstrated that the openness is preserved, and in the case of proposals within the York Green Belt, the historic character and setting of the city are preserved. Para 90 of the NPPF makes it clear that

minerals developments are appropriate in green belt if the proposal preserves the openness and does not conflict with the purpose of the green belt. The Purposes are set out in Para 80 of the NPPF and provide a far wider ranging set of circumstances. It is considered that the five purposes reflect the fundamental aim of including land within the green belt, its openness.

Part 2- There is a mis-interpretation of national policy. The policy currently states in relation to the application of the Very Special Circumstances "... will only be permitted in very special circumstances, which must be demonstrated by the applicant, in which harm by reason of inappropriateness, or any other harm, is clearly outweighed by other considerations." This wording fails to reflect the NPPF that very special circumstances are required to outweigh BOTH harm by reasons of inappropriateness, and other harms.

The rationale behind the methodology of identifying the series of developments which are considered 'appropriate development within the green belt' is unclear, there range and scope is far beyond that identified within the NPPF.

Suggested Modification:

The policy should be able to be applied to proposals in any area of green belt in the Plan area at the time of determination.

Reword the policy to ensure that Very Special Circumstances are required to outweigh all harms that result from the proposal, the current wording does not do this.

The list of development identified as 'appropriate development within the green belt' should be removed and replaced with the definition within the NPPF Para 90.

Historic England

0120/0065/D05/S

The York Green Belt is different from the West Yorkshire Green Belt insofar as it is one of only six Green Belts in England whose primary purpose is to safeguard the character and setting of a historic city. The Policy makes it clear to the users of the document that the purpose (and hence considerations) for developments affecting the West Yorkshire and York Green Belt are substantially different.

Harworth Estates (UK Coal Operations Ltd)

0127/0582/D05/U

The policy wording goes beyond national policy as neither the NPPF nor the National Planning Policy for Waste define uses that are considered to be appropriate within Green Belts, nor is a requirement placed on local plan makers to define such uses. National policy states that an LPA should regard the construction of new buildings as inappropriate in the Green Belt unless it meets one of the defined exceptions. The policy wording is more restrictive than the exceptions in NPPF paragraph 89 including bullet point 6 and infers that only the uses listed will be considered appropriate in Green Belt areas, which is therefore in conflict with national policy and hence unsound and so it is recommended that the final paragraph of Part 2 of Policy D05 be removed, so deletion of [The following forms of waste development ... established waste sites in the Green Belt].

Historic England

0120/0066/9.029/S

The York Green Belt is different from the West Yorkshire Green Belt insofar as it is one of only six Green Belts in England whose primary purpose is to safeguard the character and setting of a historic city. The Policy and supporting text makes it clear to the users of the document that the purpose (and hence considerations) for developments affecting the West Yorkshire and York Green Belt are substantially different.

Historic England

0120/0067/D06/S

We support the approach to the protection of the landscape of the Plan area that is set out in Policy D06. The range and variety of different landscapes across the plan area makes a huge contribution to the distinctive character of the County, to the quality of life of its communities, and are one of the reasons why the area has so many visitors. It is important, therefore, that the Joint Plan ensures that the qualities of all these landscapes (not simply those which are identified as being of national importance) are not harmed through inappropriate mineral or waste developments. This Policy will help to deliver that part of Objective 9 relating to the protection of the landscapes of the

plan area.

Husthwaite Parish Council

0631/1331/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

Oulston Parish Meeting

0680/1310/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

South Hambleton Shale Advisory Group

4158/0891/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

Crayke Parish Council

0496/1317/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

Coxwold Parish Council

0493/1324/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

Helmsley Town Council

0603/1338/D06/U.DTC

There is a need to eliminate small inconsistencies and ambiguities. Words such as 'inappropriate' and 'unacceptable' are imprecise and subjective, and therefore capable of ambiguous interpretation and application. It would be preferable and more objective to use 'effective' and 'adverse.'

Suggested modification.

Policy D06 1) line 3, 2) line 4 and 3) line 3 replace 'unacceptable' with 'ADVERSE'

Natural England

0119/0648/9.043

Natural England welcomes the reference to Landscape Character Assessment in the supporting text for policy D06 Landscape.

Yorkshire Wildlife Trust

0128/0926/D07/LC.U.DTC

Support the overall intention of the Policy to ensure a net gain for biodiversity. However, it is essential that there is consistency in measuring any net gain for biodiversity as without accurate reporting prior to development and consistent measuring of impacts there could be drawn out discussions based on opposing opinions. A consistent standard of ecological survey must be required for mineral sites in order to ensure that there is an objective baseline so that impacts on biodiversity are correctly assessed and net gains can be shown. Recommend that BS42020 is quoted as being the standard expected by the authority for ecological surveys. In order to objectively assess net ecological impacts, as required by the NPPF, it is vital that a fair, robust mechanism for measuring these impacts is applied. To ensure they are consistently quantified, the application of the Defra and NE endorsed Biodiversity Impact Assessment Calculator (or an agreed updated version) will be required for all development with negative impacts on biodiversity.

Suggested modification to Policy D07: Add the following text 'TO ENSURE THEY ARE CONSISTENTLY QUANTIFIED, THE APPLICATION OF THE DEFRA AND NE ENDORSED BIODIVERSITY IMPACT ASSESSMENT CALCULATOR (OR AS UPDATED) WILL BE REQUIRED FOR ALL DEVELOPMENT WITH NEGATIVE IMPACTS ON BIODIVERSITY. PROPOSALS WILL BE EXPECTED TO SHOW A NET GAIN IN ECOLOGICAL UNITS FOLLOWING DEVELOPMENT'. Add the following text 'ECOLOGICAL IMPACTS WILL BE QUANTIFIED BY UTILISING THE BIODIVERSITY IMPACT ASSESSMENT CALCULATOR (BIAC). DEVELOPMENT MUST DEMONSTRATE A NET GAIN IN ECOLOGICAL UNITS. ECOLOGICAL INFORMATION MUST BE SUPPLIED IN ACCORDANCE WITH BS 42020 2013 (OR AN UPDATED VERSION).'

Nawton Parish Council

0787/1214/D07

The MWJP must ensure that there is no impact on local wildlife, so as to accord with conservation objectives as offsetting has been shown as an unsatisfactory solution to problems, and the MWJP should maintain the unique environment that is a key economic asset for the area. Offsetting is an unsound approach which cannot work given the proposed density of wells.

RSPB North

1112/0653/D07/LC.S

Part 5): We support the new text in the Policy, namely '..supporting the development of resilient ecological networks..'. This new text reflects the requirements of para 109, 114 and 117 in the NPPF.

4152/0716/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

3886/1126/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

The 3.5km buffer for AONBs and National Parks should also be applied to SSSIs.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

Friends of the Earth - Yorkshire & Humber and the North East

2753/0993/D07

On land outside of designations, the extent of habitat loss as a result of well pads required for development is also expected to be large. Policy D07 currently mentions the potential for biodiversity offsetting in some instances, which is not considered acceptable for fracking developments. The aims of the biodiversity policies within the Plan should be more ambitious in their role of protecting generic habitats and wildlife. Suggesting buffer zones for nationally protected sites, as in M16, could be one way forward, but more consideration in terms of cumulative impacts and biodiversity could also be included, as in M17. These changes would ensure that the policy is better aligned with the aims of national policy and guidance.

3966/0160/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

4152/0714/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

Stonegrave Parish Meeting

0878/0338/D07

The term 'adverse' is stronger and less subjective than the term 'unacceptable'.

Suggested modification: Part 1) and 3): Replace '..unacceptable..' with '..ADVERSE..'

3966/0162/D07

In non-designated areas, the policy wording should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

Section 6) makes reference to offsetting. The policy is supported in principle and it is acknowledged that biodiversity offsetting may be required in exceptional circumstances, Tarmac would like to emphasise that due consideration should be given to the overall net gain in biodiversity reclamation. Whilst a quarry operation may result in the loss of biodiversity during operations, quarrying itself can attract biodiversity as well as having the ability to provide enhancements through restoration. As such it may not be appropriate to provide biodiversity offsetting elsewhere.

Mineral extraction can only take place where the minerals exist in economic quantities, and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself through restoration schemes. 'Losses' may be temporary but net gain can generally be delivered through restoration.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. The requirement to provide compensation gains elsewhere may well require third party involvement/land and not be in the control of the developer.

Biodiversity is a cross boundary issue so it is not appropriate to restrict any compulsory gains to within the mineral or waste planning authority area in which the loss has occurred. It is considered that the Policy is ineffective.

Suggested modification

Suggest that offsetting is either relegated to the supporting text of the Plan or the reference is heavily modified to reflect what the minerals industry is already doing, which does not seem to be acknowledged in the supporting justification to the policy.

2253/1237/D07

The policy is not legally compliant as it does not conform with Section 40 of the Natural Environment & Rural Communities Act 2006. To comply with this delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

Biodiversity off-setting is not an appropriate solution to impacts on protected species. This approach is unsound and should be removed from the Plan.

2256/0193/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

2256/0191/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the

impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife. Furthermore, the Policy should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

4142/1076/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

4107/1148/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

Tarmac

0317/0552/D07/LC.U

Section 1) appears to afford the same level of protection to all designations, in contrast to the policy guidance in paragraph 113 of the NPPF, that states that there should be distinctions between sites of different levels of importance and the protection afforded to them.

Internationally important sites (as covered by the Habitats and Birds Directives) should be afforded the highest levels of protection, followed by SSSIs/NNRs, then County Wildlife Sites. As Policy D07 1) appears to apply the same level of protection to all designations and is thus not compliant with National Policy and is therefore considered to be unsound.

Suggested modification

Policy D07 1) should make reference to the protection of biodiversity and geodiversity in general with the subsequent parts of the policy, Policy D07 2-4 applying the relevant levels of protection in accordance with the NPPF.

Frack Free Ryedale

3684/0269/D07/U

The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. This is inconsistent with NPPF paragraph 14.

Suggested modification:

Re-word the policy to state "mineral developments which would have an unacceptable impact on the SSSI or a network of SSSIs would not be permitted.

3954/1088/D07

The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife. Furthermore, the Policy should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result.

3954/1090/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

4092/1178/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

3821/0144/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on a protected area. This approach is unsound and should be removed from the Plan.

3821/0142/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

4092/1176/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

West Malton Against Fracking

4087/0523/D07

Part 6) Biodiversity off-setting is not an appropriate solution to impacts on protected area. This approach is unsound and should be removed from the Plan.

4142/1074/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy-“...where the benefits of the development would clearly outweigh the impact or loss”.

4111/1112/D07

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

4107/1146/D07

Part 4) The inclusion of designated wildlife sites, such as Sites of Special Scientific Interest (SSSIs), Special Protection Areas, Special Areas of Conservation and Ramsar Sites, as protected areas in which fracking is prohibited is welcomed.

West Malton Against Fracking

4087/0521/D07

Part 3) The wording of this policy provides too much flexibility for developments to impact on SSSIs where the benefits of the development are considered to outweigh the impacts. Furthermore, noise, light and air pollution near to but outside the protected area could have devastating impacts on wildlife.

Suggested Modification:

Delete the following text from the policy- "...where the benefits of the development would clearly outweigh the impact or loss".

Friends of the Earth - Yorkshire & Humber and the North East

2753/0992/D07

The current policy should be more explicit in its requirements to demonstrate that significant effects to biodiversity and habitat impacts will not result. D07 currently states that mineral developments which would have an unacceptable impact on notified special features of a SSSI or broader impact on a network of SSSIs will only be permitted '...where the benefits of the development would clearly outweigh the impact or loss.' This policy approach is too open worded and could be overruled by the ministerial statement on shale gas and oil. While Policy M16 aims to add an additional layer of protection for national sites, there is still the potential for impact on the objectives of these sites as their setting has not been considered within the policy. The recent fracking decision in Nottinghamshire has demonstrated that such designations should be afforded more protection from such development, even when they benefit from private covenants and separate protection under the Wildlife and Countryside Act 1981. PPG reinforces this point stating that ' Particular consideration should be given to noisy development affecting designated sites.

York Green Party

2224/0919/D07/U

D07 (3) fails to meet the need to secure SSSIs by not giving sufficient protection to secure them from unreasonable development.

Modification

D07 (3) ...aged or veteran trees, [will only be permitted where the benefits of the development would clearly outweigh the impact or loss] WILL BE REFUSED EXCEPT IN EXCEPTIONAL CIRCUMSTANCES AND WHERE IT CAN BE DEMONSTRATED IT IS IN THE PUBLIC INTEREST. THE DEMONSTRATION OF EXCEPTIONAL CIRCUMSTANCES AND PUBIC INTEREST WILL REQUIRE JUSTIFICATION BASED ON THE FOLOWING:

- A) THE NEED FOR THE DEVELOPMENT, WHICH WILL USUALLY INCLUDE A NATIONAL NEED FOR THE MINERAL OR THE WASTE FACILITY AND THE CONTRIBUTION OF THE DEVELOPMENT TO THE NATINLA ECONOMY ; AND
- B) THE IMPACT OF PERMITTING IT, OR REFUSING IT, UPON THE LOCAL ECONOMY; AND
- C) WHETHER THE DEVELOPMENT CAN TECHNICALLY AND VIABLY BE LOCATED ELSEWHERE OUTSIDE THE DESIGNATED AREA, OR THE NEED FOR IT CAN BE MET IN SOME OTHER WAY; AND
- D) WHETHER ANY DETRIMENTAL EFFECT ON THE ENVIRONMENT, THE LANDSCAPE, AND RECREATIONAL OPPORTUNITIES, CAN BE MODERATED TO A LEVEL WHICH DOES NOT SIGNIFICANTLY COMPROMISE THE REASON FOR DESIGNATION

Minerals Products Association

0115/0680/D07/LC.U.DTC

Part 1 of the policy as worded appears to afford the same level of protection to all designations. NPPF (para 113) is clear that there should be a distinction between sites of different levels of importance and protection should be commensurate with this. National Policy means that internationally important sites receive highest level of protection, followed by SSSIs/NNR, then County Wildlife Sites.

Part 5 reflects national policy.

Suggested Modification:

Part 1 should be amended by the deletion of "..., including on statutory....species" retaining "having taken into account...measures".

Part 6 of the policy includes biodiversity offsetting. This appears to take a disproportionate role in the policy. The Minerals Product Association is of the view that the Mineral industry already demonstrates a more acceptable level of offsetting in that the vast majority of cases restoration leaves a site more biodiverse than before mineral working took place. Offsetting any impacts caused as a result of development is often achieved within the development scheme itself, i.e.. Through approved restoration schemes. 'Losses' may be temporary but net gain can generally be achieved. If Mineral development were required to offset their permanent impacts then this would increase regulatory burden.

The requirements to provide compensation gains elsewhere may well require third party involvement/land not in control of the developer. Additionally biodiversity does not respect local authority boundaries and so it may not be appropriate to restrict any compensation gains to within the mineral or waste planning authority area.

Suggested Modification:

Reference to offsetting should either be relegated to the supporting text or reference should be heavily modified it reflect what the industry is already doing, which seem unacknowledged in the supporting justification.

Historic England

0120/0068/D08/S

We support the approach that is set out in Policy D08. The Plan area has an immensely rich and diverse historic environment. Its heritage assets make an important contribution to the distinct identity of the County's towns, villages and countryside, they contribute to the quality of life of its communities, and they play a key role in encouraging people to live, visit and invest in the area. It is essential, therefore, that the Local Plan sets out a sufficiently robust Policy framework for the consideration of development proposals likely to affect this resource. We particularly welcome the identification in the Policy of those aspects of the plan area's extensive range of heritage assets which are considered to be of especial importance to the character of the County (Criterion (2)). The identification of those elements within this Policy help the decision-maker determine whether or not a particular proposal would be likely to harm one of the key attributes which contribute to the area's distinctiveness (and, therefore, ought to be weighed more heavily in the decision making process). We would fully endorse the advice in Paragraph 9.67 regarding the use of the good practice advice contained in the Managing Landscape Change Study to inform the preparation of planning applications. Evaluation of mineral and waste developments needs to be based upon a robust assessment of the likely impacts which they might have upon the environment. The Managing Landscape Change Study should assist in this process. The framework which is set out in Policy D08 and its justification provides the type of approach needed to satisfy the requirements of NPPF Paragraph 126 by helping to clearly set out how a decision-maker should react to a development proposal affecting the historic environment and will assist in the delivery of Objective 9 of the plan insofar as it relates to the historic environment.

Stonegrave Parish Meeting

0878/0339/D08

A government defined 'national need' could be interpreted as a 'substantial public benefit' which could lead to many sites for shale exploration.

Suggested modification: Part 3): Delete '..it can be shown that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or..'

039: Water Environment

Environment Agency

0121/0690/9.069/S

Satisfied that previous concerns relating to insufficient consideration of the Plan's obligations under the Water Framework Directive have been addressed in the Publication version of the Plan and that the comments raised at the Preferred Options stage have been taken into consideration. Therefore, insofar as the matters under the EA's remit are concerned, the MWJP is considered to be positively prepared, justified, effective and consistent with national policy.

Kingdom Gateway Foundation

4072/0008/9.069/U

ALSO OF THE LIKELY DETRIMENTAL CUMULATIVE ENVIRONMENTAL, AGRICULTURAL AND ECONOMIC EFFECTS OF SHALE DEVELOPMENT, ALL SHALE ACTIVITY SHOULD BE CONSIDERED 'EXCEPTIONAL CIRCUMSTANCES', AND BONDS AND FINANCIAL GUARANTEES SHOULD ALWAYS BE SOUGHT'

Historic England

0120/0069/D10/S

We support the approach which is set out in Criterion (v) of part 2 of the Policy relating to restoration proposals in the vicinity of heritage assets. In the past the potential which the restoration of mineral sites might provide in helping to deliver enhancements for the historic environment have often been ignored. This should ensure that this does not happen in future.

The Coal Authority

1111/0216/D10/LC.S.DTC

The policy is supported.

Samuel Smith Old Brewery (Cunnane Town Planning LLP)

1461/0497/D10/U.DTC

The policy provides complex guidance regarding the restoration sites. The current wording is unclear and not easy to understand.

Part 1 of the policy fails to specify that the proposals must be in compliance with development plan, or that a reasonable level of publicity and public consultation would be expected to ensure that deviations from the restoration of the site to its previous state are well understood by the public.

Criterion v) fails to reflect the overarching requirement to seek sustainable solutions to waste disposal and reclamation.

Part 2 of the policy fails to adequately reflect the green belt policies of the NPPF. Criterion i) does not reflect the aims of the NPPF in regard to restoration and preservation of BMV land.

Suggested Modification:

The policy should be simplified to ensure it is capable of being understood, interpreted and applied. Part 2 of the policy references vague tests and wording which are neither clearly defined nor accurately referenced from national policy. These should be amended to provide clear unambiguous policy text which can effectively and easily be applied. The policy should be amended to ensure that all aftercare and restoration proposals should be compliant with adopted development plan policies for the area. Criterion v) should be amended to allow the importation of material, not as a last resort, but where it can be demonstrated that a sustainable options to both restoration of a site, and the disposal of waste materials that may otherwise be disposed of via unsustainable modes.

National Policy on Green Belt should be adequately reflected.

BMV land should be preserved primarily and in the first instance for agricultural purposes, rather than being preserved and left as finite resource which is put to more profitable use.

RSPB North

1112/0654/D10/LC.S

Part 2) viii): We support the new text in the Policy, namely '..promoting the delivery of significant net gains for biodiversity and the establishment of a coherent and resilient ecological network..'. This new text reflects the requirements of para 109, 114 and 117 in the NPPF.

Tarmac

0317/0555/D10/LC.U

Part 2) viii) The 'landscape scale benefits' can often only be delivered with large areas of land which may not be under the control of the developer. As such, expectations cannot be delivered and so the policy is considered to be unsound.

Suggested modification

Delete ['..and seeking to deliver benefits at a landscape scale.']

Minerals Products Association

0115/0681/D10/LC.U.DTC

Although the principle of pre-application discussion and stakeholder involvement is supported, the compulsory engagement required by this policy goes against the NPPF (para 189) where it is clear that developers cannot be compelled to engage in this way although it is desirable and is to be encouraged.

Suggested Modification:

delete the wording related to pre-application discussion and stakeholder involvement and replace with "APPLICANTS ARE ENCOURAGED TO DISCUSS PROPOSALS AT AN EARLY STAGE WITH LOCAL COMMUNITIES AND OTHER RELEVANT STAKEHOLDERS AND WHERE PRACTICABLE REFLECT THE OUTCOME OF THOSE DISCUSSIONS IN SUBMITTED SCHEMES.

Part 2) viii) of the policy the ' landscape benefits' can only be delivered with large areas of land which may not be under control of the developer. As such expectations may be created which cannot be delivered.

Suggested Modification:

Delete the following for the sentence [, and seeking to deliver benefits at a landscape scale.]

York Green Party

2224/0918/D10/U

There is a legal duty to ensure that restoration of any site does in fact take place, and therefore Part 1 (viii) needs to be strengthened so that applicants demonstrate the ability to fund any restoration at the end of the development, for instance by placing appropriate funds into a bond, as too often it has been seen that companies wind up at the end of the profitable part of the project in order to avoid their obligations.

Modification

Add Part 1 (viii) APPLICANTS NEED TO DEMONSTRATE THE ABILITY TO FUND ANY RESTORATION AT THE END OF THE DEVELOPMENT, FOR INSTANCE BY PLACING APPROPRIATE FUNDS INTO A BOND.

Yorkshire Wildlife Trust

0128/0927/D10/LC.U.DTC

Part 2) viii): It is important when creating habitat networks that the habitats created are valuable and appropriate to the area. The habitats created should be 'habitats of principle importance' which can connect to similar areas of habitat.. For example in the River Swale corridor wetland restoration will be very valuable and will link with neighbouring habitat, woodland would not be so valuable. However, for Magnesian limestone quarries restoration to the rare Magnesian limestone grassland with appropriate management will be the most valuable restoration. Research has shown how appropriate restorations could be carried out.

Suggested modification to Policy D10 Part 2) viii): Amend to read '...including the creation of HABITATS OF PRINCIPLE IMPORTANCE, APPROPRIATE TO THE LOCAL AREA and seeking to deliver...'. Add the following text 'TO ENSURE THEY ARE CONSISTENTLY QUANTIFIED, THE APPLICATION OF THE DEFRA AND NE ENDORSED BIODIVERSITY IMPACT ASSESSMENT CALCULATOR (OR AS UPDATED) WILL BE REQUIRED FOR ALL DEVELOPMENT WITH NEGATIVE IMPACTS ON BIODIVERSITY. PROPOSALS WILL BE EXPECTED TO SHOW A NET GAIN IN ECOLOGICAL UNITS FOLLOWING DEVELOPMENT'. Add the following text 'ECOLOGICAL IMPACTS WILL BE QUANTIFIED BY UTILISING THE BIODIVERSITY IMPACT ASSESSMENT CALCULATOR (BIAC). DEVELOPMENT MUST DEMONSTRATE A NET GAIN IN ECOLOGICAL UNITS. ECOLOGICAL INFORMATION MUST BE SUPPLIED IN ACCORDANCE WITH BS 42020 2013 (OR AN UPDATED VERSION).'

Part 1) of the policy states 'Being brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions.'

We support the principles of pre-application discussions and stakeholder engagement, the compulsory engagement requirement set out in this policy goes against paragraph 189 of the NPPF, which states that development cannot be compelled to engage in this way although it is desirable and is to be encouraged. This part of the policy is unsound as it does not comply with national policy.

Suggested modification

Part 1) i) suggest the wording concerned is deleted from the policy criteria and the following wording is inserted after the end of Part 1)

'APPLICANTS ARE ENCOURAGED TO DISCUSS PROPOSALS AT AN EARLY STAGE WITH LOCAL COMMUNITIES AND OTHER RELEVANT STAKEHOLDERS AND, WHERE PRACTICABLE, REFLECT THE OUTCOME OF THOSE DISCUSSIONS IN SUBMITTED SCHEMES.'

041: Sustainable Design and Construction

York Green Party

The policy fails to address several sustainability issues relating to global warming and therefore fails to meet requirements of the Climate Change Act 2008.

Development should look at the entire life-cycle of the development.

Further, there is nothing about the health of people living in the area around the proposed development.

Suggested Modification

the Policy should include the following clauses:

- xi) Development for shale gas extraction must show that across the entire life-cycle of the project that they do not lead to increase of greenhouse gas emissions including co2 and methane.
- xii) developments must show that any possible emissions (including accidental leaks) will not have any harmful effects on people living or working in the vicinity.

York Green Party

One of the Core Planning Principles in Paragraph 17 of the NPPF is to 'support the transition to a low carbon future'.

Paragraph 94 of the NPPF calls for 'proactive strategies to mitigate and adapt to climate change'

Additional clause needed:

Modification

Part 1

XI) DEVELOPMENTS FOR SHALE GAS EXTRACTION MUST SHOW THAT ACROSS THE ENTIRE LIFE-CYCLE OF THE PROJECT (EXPLORATION, DEVELOPMENT, EXTRACTION, USE AND WASTE DISPOSAL) THAT THEY DO NOT LEAD TO THE INCREASE OF GREENHOUSE GAS EMISSIONS INCLUDING CO2 AND METHANE.

XII) DEVELOPMENTS MUST SHOW THAT ANY POSSIBLE EMISSIONS (INCLUDING ACCIDENTAL LEAKS) WILL NOT HAVE ANY HARMFUL EFFECTS ON PEOPLE LIVING OR WORKING IN THE VICINITY.

Stonegrave Parish Meeting

0878/0322/9.102

The text should be revised to indicate that climate change mitigation may not be compatible with shale gas development.

042: Protection of Agricultural Land

Minerals Products Association

0115/0682/D12/LC.U.DTC

The sentence in paragraph 2 which states "development which would disturb or damage soil of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted" is a catch all and could be used to frustrate development as it could be argued that all soils contribute to ecological connectivity and carbon storage. As crafted this would not enable the plan to deliver sustainable development in accordance with the NPPF.

Suggested modification:

Delete the final sentence of the policy.

Tarmac

0317/0556/D12/LC

Policy D12 has changed significantly from the Preferred Options Stage, the first paragraph of the policy is supported.

Tarmac

0317/0557/D12/LC.U

The second sentence of the Policy is of concern. It states '...Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.'

This sentence is a 'catch all' and could be used to frustrate development in that it could be argued that all soils contribute to ecological connectivity and carbon storage. As such, the policy as currently drafted would not enable the Plan to effectively deliver sustainable development in accordance with the policies in the NPPF and is therefore considered unsound.

Suggested modification

The final sentence of the policy should be deleted.

043: Coal Mining Legacy

The Coal Authority

1111/0217/D13/LC.S.DTC

The Policy is supported.

010: A1-Site Allocations

Natural England

0119/0649/10.001

Welcome the specific references to designated sites in proximity to allocations in the site briefs in Appendix 1.

045: Appendix 1- Allocated Sites

Highways England

0112/1274/10.001/S

Highways England would prefer that sites are identified and allocated at an early stage for all categories of mineral, including recycled and secondary aggregates, marine aggregates, silica sand, hydrocarbons, carbon and gas storage, coal, potash, polyhalite and salt, gypsum, vein minerals and borrow pits, to ensure feasibility in terms of the Strategic Road Network and the ability to accommodate the development traffic. In the absence of this all planning applications should be supported by both a transport statement/transport assessment and a traffic management plan so we can comment accordingly.

011:Any Other Comments

050: Any Other Comments

Sneaton Parish Council

2242/1457

The Parish are not able to respond as the deadline is before the next parish meeting.

North Yorkshire Police

3129/1458

North Yorkshire Police have no comments to make. However, in the event of new sites being developed or proposed in relation to minerals and waste disposal, we would welcome the opportunity for early consultation in respect of designing out crime.

Commercial Boat Operators Association

2310/1459

Have no further comments to make in addition to those comments made at the previous Preferred Options Consultation.

Eskdaleside-cum-Ugglebarnby Parish Council

0538/1454

The Parish Resolved at its meeting 5/12/16 not to make any comments on the Plan.

Any Other Comments

Harrogate Borough Council

0330/1455

The Council has no comments to make on the Plan but wished to be kept informed of its progress.

West Tanfield Parish Council

0948/1456

The Plan was discussed at the Parish Council Meeting on 30/11/16. The Parish have no comments to make on the legal compliance and soundness of the Plan.

Contact us

Minerals and Waste Joint Plan, Planning Services, North Yorkshire County Council,
County Hall, Northallerton, North Yorkshire, DL7 8AH

Tel: **01609 780 780** Email: **mwjointplan@northyorks.gov.uk**