

# Minerals and Waste Joint Plan

## Publication Draft Responses and Authorities Response

# February 2017

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

### **Publication draft - Summary of responses**

The Publication stage was undertaken to provide an opportunity for representations to be made regarding the legal compliance and the 'soundness' of the Minerals and Waste Joint Plan before it is submitted for Examination in Public by an independent Planning Inspector.

#### **Consultation**

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

A wide range of consultees and stakeholders were contacted either by email or letter. All consultees were sent details of the consultation along with a statement of representations procedure, response form and guidance notes.

The request for comments on the Publication draft document was publicised through a range of means consisting of:

- A promotional banner on the NYCC website providing full details of the consultation and links to all of the consultation documents;
- press release issued jointly by the three authorities;
- public notice in papers which provide geographical coverage over the plan area (York Press, Northern Echo, Yorkshire post);
- articles in the Authorities electronic newsletter 'NY NOW' and the Moors Messenger;
- posters displayed in libraries notice boards;
- Information on the North York Moors and City of York website;
- Twitter announcement by the three authorities;

#### **Responses to consultation**

A total of 1470 comments were received from 200 respondents.

The responses received are summarised in the attached report along with the Authorities response to each one. 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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

0878/0318

## Stonegrave Parish Meeting

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.

## Proposed Response and Action

*A strategic flood risk assessment has been undertaken in support of the Plan and that assessment acknowledges, and reflects, advice from the Environment Agency on the implications for climate change for flood risk. Policy D09, which applies as necessary to all forms of development, including hydrocarbons, states that applications will be determined in accordance with the sequential test and exceptions test for flood risk set out in national policy. Para. 9.76 of the supporting text refers to increased risk of flooding as a consequence of climate change and the need to take account of such information when assessing proposals in relation to flood risk.*

No change proposed

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.

## Proposed Response and Action

Noted

No change proposed

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.

## Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

4106/0636/LC.S.DTC

Support all of the Plan.

## Proposed Response and Action

Noted

No action required

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

### Proposed Response and Action

Noted

No action required

#### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### 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).

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

#### 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.

#### Proposed Response and Action

*It is considered that, in combination, the Plan, which has been subject to sustainability appraisal, sets out a balanced approach in relation to the main pillars of sustainability.*

No change proposed

3386/0117

I agree with the Policies in the Plan.

#### Proposed Response and Action

Noted

No action required

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.

#### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

4097/0501

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

#### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

### 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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

### 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.

### Proposed Response and Action



*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

Supports the Plan.

### Proposed Response and Action

Noted

No action required

4071/0021/LC.S.DTC

### York and North Yorkshire Local Nature Partnership

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'.

2317/0430

### Proposed Response and Action

Noted

No action required

### West Malton Against Fracking

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)

4087/0512

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by*

No change proposed



*District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

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).

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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).

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted*

No change proposed

*by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

4102/1191

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

### Proposed Response and Action

*The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

4084/1451

Amend the response form so that people understand it.

### Proposed Response and Action

*The response form used was based closely on the model form developed by the Planning Inspectorate for use at Publication stage*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to*

No action required

*be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

**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)

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

Parts of the plan have changed considerably without the required consultation

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

*No action required*

#### Scarborough Borough Council

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.

**0286/0202/LC.S.DTC**

### Proposed Response and Action

*Noted*

*No action required*

3861/1154

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. It is not accepted that new policy has been developed solely in conjunction with the shale gas industry. Engagement has taken place with a wide range of stakeholders during development of the Plan, as summarised in the Statement of Consultation.*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to*

No action required

*be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

### **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.

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

*No action required*

### **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.

### **Proposed Response and Action**

*The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

*No action required*

### **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).

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan*

*No action required*

*meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

4081/0219

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No changed proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required



## Stonegrave Parish Meeting

0878/0327

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

### Proposed Response and Action

*Use of the term 'will be permitted' is consistent with good practice advice that policies should be positively worded, although it is recognised that there are some circumstances where this form or words would not be appropriate and other terms are used in the Plan where it is considered this is justified*

No change proposed

## 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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

2253/1230

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

4086/0302



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

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP*

No change proposed

*contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for. Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

**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).

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

**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).

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability*

*No change proposed*

*appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

**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.

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

*No action required*

**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)

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on*

*No change proposed*

*minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

## **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.

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

*No action required*

### **Appleton-le-Moors Parish Council**

**0391/0230**

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

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

*No action required*

### **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.

## Proposed Response and Action

*Para. 1.12 acknowledges the role of mineral resources in the area in contributing to sources of energy. Para. 5.106 summarises the current Government policy position relating to hydrocarbons. However, it is important that the Plan balances the benefits of development with the need to protect the environment and local communities.*

No change proposed

### Natural England

0119/0650/1.015

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

## Proposed Response and Action

Noted

No action required

### Natural England

0119/0651/1.016

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

## Proposed Response and Action

Noted

No action required

## 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.

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

*both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

**0306/1350/2.010/LC.S.DTC**

**Redcar & Cleveland Council**

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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required.*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**



Noted

No action required

## 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...'

## Proposed Response and Action

*Para. 2.26 is intended to provide a general overview of national policy in relation to highly protected areas. More specific information on the position regarding aggregates in protected areas is provided in para. 5.7 to 5.9*

No change proposed

## 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.

## Proposed Response and Action

*It is acknowledged that landscape and heritage assets may be relevant in some cases to the purpose of designating land in the green belt (for example protecting the character and setting of the historic City is the primary purpose of the York Green Belt). It is therefore agreed that reference should be made in this para. to the fact that harm to assets which contribute to the purposes of designation of a particular would also equate to harm to the green belt. It is also agreed that it should be clarified that, under national policy, inappropriate development is by definition harmful to the green belt.*

*Revise text of para. 2.26 to refer to the potential for harm to assets relevant to the purpose of green belt designation to equate to harm*

*to the purposes of green belt designation.  
Insert new text in para. 2.26 to clarify that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances.*

### **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...."

### **Proposed Response and Action**

*It is agreed that the text should be amended to more accurately reflect the national policy requirement*

*Revise text of para. 2.26 to reflect that national policies requires that landbanks of non-energy minerals are provided, as far as practicable, outside National Parks, AONBs, World Heritage sites, Scheduled Monuments and Conservation Areas*

**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.

### **Proposed Response and Action**

*Whilst this concern is noted it is considered that the assessment used to identify waste capacity requirements is in line with relevant national and local targets*

*No change proposed*

**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.

### **Proposed Response and Action**

*This would be an issue to be addressed through the development process taking into account relevant policies in the development plan*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Noted*

*No action required*

### **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.

### **Proposed Response and Action**

*It is agreed that the Plan should be modified in line with the suggested modification.*

*Revise text of para. 2.54 to replace reference to DEFRA with the Marine Management Organisation, to correct a factual error. Include reference to the scope of coverage or relevant marine plans.*

### **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..."

### **Proposed Response and Action**

*It is agreed that the text should be revised to clarify this point*

*Revise para. 2.68 to clarify that glass grade silica sand resources exist in the Joint 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: Rerword to read 'SOME OF THESE IMPORTS, OTHER THAN CLEAR GLASS GRADE SILICA SAND, CANNOT BE PROVIDED FROM WITHIN THE PLAN AREA...'

**Proposed Response and Action**

*It is agreed that the text of para. 2.68 should be revised to refer to the potential for clear glass grade silica sand to be supplied from within the Plan area, to more accurately reflect the nature of the resources in the Plan area*

*Revise para. 2.68 4th sentence to indicate that some of these imports, other than clear glass grade silica sand cannot be provided from within the Plan area as technically suitable resources do not exist.*

**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.

**Proposed Response and Action**

*It is agreed that the text should be revised to refer to silica sand as a mineral of national importance*

*Revise para. 2.88 to indicate that silica sand is a mineral of national importance, rather than national significance*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## Nottinghamshire County Council

2765/0113/2.089

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

### Proposed Response and Action

*Noted*

*No action required*

## Doncaster Metropolitan Borough Council

0095/0108/2.089/DTC

Doncaster MBC has been consulted regularly throughout the process.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

3386/0118/3.004

It is important that environmental issues are addressed.

**Proposed Response and Action**

*Noted. A range of relevant environmental issues are addressed in the Plan.*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**004: Vision**

**NYCC Highways**

1153/0486/4.001

The Vision is supported.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Other than aggregate minerals, the various other types of minerals worked or potentially worked in the Plan area are not specifically referenced in the vision, although the vision does reference the important role of the Plan area in the supply of a range of minerals. Para. 3.4 relating to issues and challenges acknowledges the potential for both positive and negative impacts of exploiting unconventional hydrocarbons and this is considered to represent a balanced approach.*

*No change proposed*

**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.

### Proposed Response and Action

*Other than aggregate minerals, the various other types of minerals worked or potentially worked in the Plan area are not specifically referenced in the vision, although the vision does reference the important role of the Plan area in the supply of a range of minerals. Para. 3.4, relating to issues and challenges, acknowledges the potential for both positive and negative impacts of exploiting unconventional hydrocarbons and this is considered to represent a balanced approach.*

No change proposed

#### Highways England

0112/0271/4.001/S

Generally supports the vision.

### Proposed Response and Action

Noted

No action required

#### 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.

### Proposed Response and Action

*Safeguarding of specific infrastructure such as wharfs and rail heads is referred to in Objective 3, which supports the vision. The vision is an overarching statement of the purpose of the Plan and it is not appropriate to include too much detail.*

No change proposed

#### 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.

### Proposed Response and Action

Noted

No action required

#### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### 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.

### Proposed Response and Action

*Safeguarding of specific infrastructure such as wharfs and rail heads is referred to in Objective 3, which supports the vision. The vision is an overarching statement of the purpose of the Plan and it is not appropriate to include too much detail.*

No change proposed

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Policies I01 and D03 encourage the use of alternatives to road for the transport of minerals and waste. However, in view of the limited opportunities for delivery of modal shift in minerals and waste transport in the Plan area, it is not considered appropriate to introduce a sequential test*

*No change proposed*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

**3386/0116/4.002**

I agree with the Objectives.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### Highways England

**0112/0276/4.002/S**

Generally support the objectives.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### NYCC Highways

**1153/1275/4.002**

Objective 3 is supported.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## NYCC Highways

1153/1276/4.002

Objective 5 is supported.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Whilst this comment is noted, and the explanation to the objective notes that identification of strategically important sites and areas will be the priority, it is considered that such an approach would not be consistent with national planning policy relating to achieving sustainable development. This indicates that authorities should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the local plan and, in relation to the rural economy, support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

**NYCC Highways**

**1153/1277/4.002**

Objective 8 is supported.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Whilst the greater overall extent of potash and polyhalite resources is noted, the approach in the Plan of identifying those resources which expected to be of most significance in the foreseeable future is considered to represent a proportionate approach and reflects that the potential for sterilisation through surface development within the National Park, which overlies the majority of the resource, is relatively low.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Potash is the generic term for potassium bearing minerals. Within the Plan area it takes the form of sylvinite, which can be processed to create 'muriate of potash', and polyhalite, which although lower in terms of potassium content, also includes other important plant nutrients, particularly sulphur. Polyhalite is covered by the generic term potash so is not required to be referenced separately. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the Plan area, where existing extraction takes place. The reference on the Policies Map should be changed to 'potash and salt'*

*Revise reference to potash on Policies map to potash and salt*

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.

### Proposed Response and Action

*The need to provide strong protection to the environment is one of the overarching objectives of the Plan and is reflected in the policies, including the development management policies in Chapter 9.*

*No change proposed*

## 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.

### Proposed Response and Action

*Whilst this is noted, national policy clarifies that the planning system plays three roles in delivering sustainable development; an economic role, a social role and an environmental role. National planning policy supports the development of minerals resources of national and local importance because of their value in supporting the economy and other relevant matters. It is recognised that this can sometimes generate tensions with other elements of sustainability.*

*No change proposed*

## 007: Aggregate Supply

0204/0025

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

## Proposed Response and Action

*Noted. This is reflected in the vision and objectives for the Plan.*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

### Ryedale District Council

**0116/1009/M01/S**

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

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

## 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'.

**Proposed Response and Action**

*National policy states that Plans can be reviewed in whole or in part to respond flexibly to changing circumstances. National Planning Practice Guidance indicates that "... to be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand." It is considered that use of the phrase "mid-term review" provides appropriate flexibility, recognising that the actual trend in demand for sand and gravel is not known with certainty and will be kept under review via a Local Aggregates Assessment.*

No change proposed

**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.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

Noted

No action required

**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...."

## Proposed Response and Action

*National policy states that Plans can be reviewed in whole or in part to respond flexibly to changing circumstances. National Planning Practice Guidance indicates that "... to be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand." It is considered that use of the phrase "mid-term review" provides appropriate flexibility, recognising that the actual trend in demand for sand and gravel is not known with certainty and will be kept under review via a Local Aggregates Assessment.*

No change proposed

### 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....'

## Proposed Response and Action

*Whilst the concern about the timescale for review is noted, national policy does not specifically require a review every 5 years. It is considered that the positive and flexible approach to aggregates provision in the Plan, alongside the commitment in the Policy to maintain a minimum 7 year landbank for crushed rock, and the specific reference in para. 4.11 to the fact that a review of relevant policies and any further requirement for site allocations or areas carried out as necessary, provides sufficient reassurance that a review will be undertaken, whilst retaining a degree of flexibility as to the specific timing.*

No change proposed

### 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.

## Proposed Response and Action

Noted

No action required

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.'

**Proposed Response and Action**

*It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 7 year landbank'.*

*No change proposed*

**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.

### Proposed Response and Action

*It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 7 year landbank'.*

No change proposed

### 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 ...".

### Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016. Notwithstanding this, Policy M10 (which is cross-referenced in para .5.46) provides appropriate flexibility to permit further working of crushed rock in the form of extensions to existing sites, subject to relevant criteria being met and this provides further potential for suitable proposals for working of Jurassic limestone to be permitted.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst the Southern Magnesian Limestone ridge is important for its historic landscapes and designated and undesignated heritage assets, this is specifically acknowledged in the text at para. 5.29 and in Policy D08 and its supporting text at para. 9.65. It is not agreed that the requirement for Magnesian Limestone crushed rock is not supported by evidence. This is set out in the LAA which has itself been endorsed by the Aggregates Working Party for Yorkshire and the Humber. Information on aggregates supply and demand constraints*

No change proposed

*and issues beyond the boundary of the Plan area has been taken into account in preparing the LAA and 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.

**Proposed Response and Action**

*It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 10 year landbank'.*

*No change proposed*

**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....'

**Proposed Response and Action**

*National policy states that Plans can be reviewed in whole or in part to respond flexibly to changing circumstances. National Planning Practice Guidance indicates that "... to be effective plans need to be kept up-to-date. Policies will age at different rates depending on local circumstances, and the local planning authority should review the relevance of the Local Plan at regular intervals to assess whether some or all of it may need updating. Most Local Plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand." It is considered that use of the phrase "mid-term review" provides appropriate flexibility, recognising that the actual trend in demand for sand and gravel is not known with certainty and will be kept under review via a Local*

*No change proposed*



**Historic England**

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.

**Proposed Response and Action**

*Whilst this concern is noted, it is considered that a policy supporting the continued availability of Magnesian Limestone is appropriate. Resources of crushed rock are not uniformly distributed across the Plan area and can only be worked where they occur. The geological characteristics of Magnesian Limestone which lead to the formation of the topographical feature known as the Southern Magnesian Limestone Ridge also make it suitable for use as aggregate, although it is not always suitable for higher quality end uses in the way that Carboniferous Limestone generally is. An objective of the Plan is to seek a good match between locations of supply of minerals and the locations where minerals are used. Maintaining availability of supply of Magnesian Limestone would help to ensure that a supply of crushed rock is maintained in a part of the County where Carboniferous Limestone is not present, thus helping to maintain local sources of supply, as well as providing availability of aggregate for some end uses for which Carboniferous Limestone may be over-specified. Allocations for further working of Magnesian Limestone over the plan period have been assessed, including in relation to impact on the heritage assets and no-overriding concerns have been identified in respect of the specific locations proposed. Development management policy D08 sets out specific protection to the historic environment and states that particular regard will be had to the benefits of conserving the character of the Southern Magnesian Limestone Ridge. This would provide an additional safeguard, ensuring that unacceptable impacts do not arise, when specific proposals are under consideration via a planning application.*

*No change proposed*

**W Clifford Watts & Co Ltd**

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 ..."

### Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016. Notwithstanding this, Policy M10 (which is cross-referenced in para .5.46) provides appropriate flexibility to permit further working of crushed rock in the form of extensions to existing sites, subject to relevant criteria being met and this provides further potential for suitable proposals for working of Jurassic limestone to be permitted.*

No change proposed

#### W Clifford Watts & Co Ltd

1157/1021/M06/LC.U.DTC

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.

### Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016. Notwithstanding this, Policy M10 (which is cross-referenced in para .5.46) provides appropriate flexibility to permit further working of crushed rock in the form of extensions to existing sites, subject to relevant criteria being met and this provides further potential for suitable proposals for working of Jurassic limestone to be permitted.*

No change proposed

#### Historic England

0120/0042/M06/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.

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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that a policy supporting the continued availability of Magnesian Limestone is appropriate. Resources of crushed rock are not uniformly distributed across the Plan area and can only be worked where they occur. The geological characteristics of Magnesian Limestone which lead to the formation of the topographical feature known as the Southern Magnesian Limestone Ridge also make it suitable for use as aggregate, although it is not always suitable for higher quality end uses in the way that Carboniferous Limestone generally is. An objective of the Plan is to seek a good match between locations of supply of minerals and the locations where minerals are used. Maintaining availability of supply of Magnesian Limestone would help to ensure that a supply of crushed rock is maintained in a part of the County where Carboniferous Limestone is not present, thus helping to maintain local sources of supply, as well as providing availability of aggregate for some end uses for which Carboniferous Limestone may be over-specified. Allocations for further working of Magnesian Limestone over the plan period have been assessed, including in relation to impact on the heritage assets and no-overriding concerns have been identified in respect of the specific locations proposed. Development management policy D08 sets out specific protection to the historic environment and states that particular regard will be had to the benefits of conserving the character of the Southern Magnesian Limestone Ridge. This would provide an additional safeguard, ensuring that unacceptable impacts do not arise, when specific proposals are under consideration via a planning application.*

No change proposed

### Historic England

0120/0043/M06/S

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.

### Proposed Response and Action

Noted

No action required

### Minerals Products Association

0115/0664/M06/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 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 is 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."

### Proposed Response and Action

*Whilst the concern about the timescale for review is noted, national policy does not specifically require a review every 5 years. It is considered that the positive and flexible approach to aggregates provision in the Plan, alongside the commitment in the Policy to maintain a minimum 10 year landbank for crushed rock, and the specific reference in para. 4.11 to the fact that a review of relevant policies and any further requirement for site allocations or areas carried out as necessary, provides sufficient reassurance that a review will be undertaken, whilst retaining a degree of flexibility as to the specific timing. It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 10 year landbank'.*

No change proposed

### Minerals Products Association

0115/0684/M06/LC.U.DTC

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.

### Proposed Response and Action

*It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 10 year landbank'. It is agreed that it would be appropriate to refer separately to maintaining a separate landbank of Magnesian Limestone throughout the plan period, to clarify the intended approach. It is not considered necessary to refer, in the second para. of the Policy, to sourcing crushed rock from outside the National Parks and AONBS as*

*Revise Policy M06, first para. to clarify that a 10 year landbank for Magnesian Limestone will be maintained throughout the*

*far as practicable as it is not expected that there will be a need to seek to develop resources in these protected areas during the plan period in order to maintain the landbank and the policy as currently worded provides greater clarity on the approach the relevant Mineral Planning Authorities intend to take.*

*plan period.*

#### **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.'

#### **Proposed Response and Action**

*Taking into account the existence of significant resources in the Plan area outside National Parks and AONBs it is not considered that there will be a need to source aggregate from such areas in order to maintain landbanks over the Plan period. The Policy as currently worded therefore provides a clear statement of the local position on this matter.*

*No change proposed*

#### **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.'

#### **Proposed Response and Action**

*It is considered that there is no material difference between maintenance of a minimum landbank of 10 years as stated in the policy, and maintenance of 'at least a 10 year landbank'.*

*No change proposed*

#### **Minerals Products Association**

**0115/0665/5.035/LC.U.DTC**

Amend text to include reference to Jurassic Limestone.

### Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016.*

*No change proposed*

**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

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*



## 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).

### Proposed Response and Action

*Following further discussion with Historic England, it is agreed that a minor revision to the boundary of allocation MJP21 (as shown on a plan provided by Historic England) should be proposed to help reduce the potential for impact on the Grade II Listed stable block to Killerby Hall. It is also agreed that a revision should be made to the boundary of the proposed allocation MJP17 to reduce the potential for impact on listed buildings at Rudd Hall and Gyll Hall. Historic England has now confirmed that initial concerns regarding allocation MJP33 have been resolved.*

*Revise boundaries of allocations MJP17 and MJP21 to reduce potential for impact on listed buildings*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

3824/0127/M07

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

### Proposed Response and Action

*The need to ensure that unacceptable impacts on the public rights of way network would not arise is a requirement of Policy D02, which applies where relevant to all proposals. Impact on the PROW network has also been taken into account in the site assessment process*

*No change proposed*



for allocated sites.

#### 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.

#### Proposed Response and Action

Noted

No action required

#### 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.

#### Proposed Response and Action

Noted

No action required

#### 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.

#### Proposed Response and Action

Noted

No action required

#### 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.

#### Proposed Response and Action

Noted

No action required

#### 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.

## Proposed Response and Action

*Noted. This site is not allocated in the Plan.*

*No action required*

### 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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate. Land containing the proposed allocation falls within an Area of Search for sand and gravel identified via Policy M07 in order to allow some flexibility in provision in the latter part of the plan period. This provides an opportunity to identify an acceptable area for working should it be necessary*

*No change proposed*

### 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)."

#### Proposed Response and Action

*It is agreed that reference could be made, in the development requirements criteria accompanying allocation MJP06, to a requirement for a comprehensive archaeological assessment to ensure that the need for this is clearly identified at the outset of the development process. Reference to the generic good practice advice contained in the Managing Landscape Change Study is already provided in the justification for Policy D08 dealing with the historic environment and it is not considered necessary to refer to it in a site specific context.*

*Add additional bullet point to the Development requirements criteria accompanying allocation MJP06 to state: 'Applications should be informed by a comprehensive archaeological assessment'.*

#### Highways England

The site is not a concern to Highways England.

0112/1251/MJP06/S

#### Proposed Response and Action

*Noted*

*No action required*

#### Ministry of Defence / Defence Infrastructure Organisation

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.

0114/0009/MJP06

#### Proposed Response and Action

*The proposed development of site MJP06 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

#### Tarmac

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.

0317/0550/MJP07/LC.S

#### Proposed Response and Action

*Whilst this is noted, it is important to recognise the important constraints that exist in this location and the need to ensure that an appropriate balance is reached between extraction of the resource and protection of the environment*

*No change proposed*

## 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.

### Proposed Response and Action

*The proposed development of site MJP07 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## Highways England

0112/1252/MJP07/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

## 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."

### Proposed Response and Action

*It is agreed that reference could be made, in the development requirements criteria accompanying allocation MJP07, to a requirement for a comprehensive archaeological assessment to ensure that the need for this is clearly identified at the outset of the development process. Reference to the generic good practice advice contained in the Managing Landscape Change Study is already provided in the justification for Policy D08 dealing with the historic environment and it is not considered necessary to refer to it in a site specific context.*

*Add additional bullet point to the Development requirements criteria accompanying allocation MJP07 to state: 'Applications should be informed by a comprehensive archaeological assessment'. And, revise final bullet point of the Development requirements criteria to make reference to re-connecting the henges to their landscape setting.*

#### Highways England

The site is not a concern to Highways England.

0112/1254/MJP14/S

### Proposed Response and Action

*Noted*

*No action required*

#### Natural England

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.

0119/0645/MJP14

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that there is a relevant distinction to be made between the level of assessment required at a strategic level and that required in connection with a planning application. The key sensitivities and development requirements accompanying the allocation in the Plan identify impacts on SSSIs and the need to ensure that these are addressed. It is considered that this provides an adequate safeguard at a strategic level.*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted. This is reflected in the development requirements criteria accompanying the allocation*

*No action required*

### 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.

## Proposed Response and Action

*The proposed development of site MJP14 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

### 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...!'

## Proposed Response and Action

*It is agreed that the potential for improved habitat connectivity should be referred to in the development requirements for allocation MJP17*

*Revise final bullet point of the development requirements for MJP17 (Appendix 1) to refer to opportunities for habitat creation and improved connectivity*

### 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).

## Proposed Response and Action



*Following further discussion with Historic England, it is agreed that a revision to the boundary of allocation MJP21 (as shown on a plan provided by Historic England) should be proposed to help reduce the potential for impact on the Grade II Listed Rudd Hall and Gyll Hall.*

*Revise boundary of allocations MJP21 to reduce potential for impact on listed buildings*

#### **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.

#### **Proposed Response and Action**

*The proposed development of site MJP17 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*Noted*

*No action required*

#### **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.

#### **Proposed Response and Action**

*Noted*

*No action required*

#### **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.

#### **Proposed Response and Action**

*It is agreed that the potential for improved habitat connectivity should be referred to in the development requirements for allocation MJP21*

*Revise final bullet point of the development requirements for*

*MJP21 (Appendix 1) to refer to opportunities for habitat creation and improved connectivity*

## 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).

## Proposed Response and Action

*Following further discussion with Historic England, it is agreed that a minor revision to the boundary of allocation MJP21 (as shown on a plan provided by Historic England) should be proposed to help reduce the potential for impact on the Grade II Listed stable block to Killerby Hall.*

*Revise boundary of allocation MJP21 Land at Killerby to provide a greater stand-off to the listed stable block at Killerby Hall*

## 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.

## Proposed Response and Action

*The proposed development of site MJP21 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

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).

**Proposed Response and Action**

*Following further discussion Historic England has now confirmed that their concerns regarding this allocation are resolved*

*No change proposed*

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.

**Proposed Response and Action**

*It is agreed that reference to the River Swale should be made in the proforma to site allocation MJP33 to reflect the proximity of the site to the River*

*Insert additional text in the 'key sensitivities and development requirements section' relating to site allocation MJP33 in Appendix 1 to refer to the site*

*being immediately adjacent to the River Swale*

### Highways England

0112/1253/MJP33/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*The proposed development of site MJP33 is for minerals extraction and development with a height exceeding 91.4m above ground level is not involved. The need for consideration of the site's location within a birdstrike safeguarding zone is already reflected in the development requirements criteria accompanying the allocation.*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted. This site is not allocated in the Plan.*

*No action required*

#### Hambleton District Council

**0053/0207/MJP43**

(Discounted Site)

The exclusion of this site is supported.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted. This site is not allocated in the Plan.*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**Plasmor Ltd**

0057/0643/M08/S.DTC

The approach in Policy M08 is supported.

**Proposed Response and Action**

*Noted*

*No action required*

**Ryedale District Council**

0116/1010/M08/S

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

**Proposed Response and Action**

*Noted*

*No action required*

**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.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action



*It is not agreed that the requirement for Magnesian Limestone crushed rock is not supported by evidence. This is set out in the Plan at paras. 5.28 and 5.29 and in the LAA and which has itself been endorsed by the Aggregates Working Party for Yorkshire and the Humber. Information on aggregates supply and demand constraints and issues beyond the boundary of the Plan area has been taken into account in preparing the LAA and the Plan.*

No change proposed

**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.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

Noted

No action required

**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.

### Proposed Response and Action

*Whilst these concerns are noted, the development requirements criteria accompanying the allocation identify these matters and they would need to be assessed in detail through a planning application if specific proposals are brought forward. The development management policies in Chapter 9 of the Plan provide a range of policies requiring these and other relevant matters to be addressed. Whilst it is accepted that there is no overriding need for the minerals resource in this site, in terms of the overall availability of crushed rock within the Plan area, it is not considered that there is sufficient justification to discount the site from allocation based on a strategic level assessment.*

No change proposed

### 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.

### Proposed Response and Action

*Noted*

No action required

### Highways England

0112/1260/MJP10/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

No action required

### 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.

### Proposed Response and Action

*Noted*

No action required

## Highways England

0112/1259/MJP11/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*The proposed development of site MJP11 is for minerals extraction and development with a height exceeding 15.2m above ground level is not involved. Open water restoration is not proposed and the need for further consideration of the site's location within a birdstrike safeguarding zone is therefore unnecessary.*

*No change proposed*

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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

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.

### Proposed Response and Action

*Whiles this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

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

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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

**Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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.

**Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**



*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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, infect 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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

#### Barneys

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

**4129/1035/MJP12/LC.U**

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

#### Massers Photo Shop

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

**4130/1036/MJP12/LC.U**

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

## 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

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

## 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

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

## 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).

## Proposed Response and Action

*Noted. However, as the site is not allocated in the Plan it is not considered necessary to revise the reasons for discounting it at this stage.*

No action required

**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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

**4109/0736/MJP12/LC.U**

**R & G Thompson**

(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.

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

**1157/1022/MJP12/LC.U.DTC**

**W Clifford Watts & Co Ltd**

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 Magnesian 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.

## Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016. Notwithstanding this, Policy M10 (which is cross-referenced in para .5.46)*

No change proposed

*provides appropriate flexibility to permit further working of crushed rock in the form of extensions to existing sites, subject to relevant criteria being met and this provides further potential for suitable proposals for working of Jurassic limestone to be permitted.*

**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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### 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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

**3019/0701/MJP12/LC.S.DTC**

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.

### **Proposed Response and Action**

*Noted*

*No action required*

### **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.

### **Proposed Response and Action**

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

## 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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

No change proposed



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.

### Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

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.

### Proposed Response and Action

*Noted*

*No action required*

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.

### Proposed Response and Action

*Noted*

*No action required*

Highways England

0112/1266/MJP24/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

**Doncaster Metropolitan Borough Council**

**0095/0109/MJP28**

We support the inclusion of Barnsdale Bar MJP28.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**Highways England**

**0112/1261/MJP29/S**

The site is not a concern to Highways England.

**Proposed Response and Action**

*Noted*

*No action required*

**Doncaster Metropolitan Borough Council**

**0095/0110/MJP29**

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

**Proposed Response and Action**

*Noted*

*No action required*

**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.....

### Proposed Response and Action

*The provision for aggregates made in the Plan reflects the North Yorkshire sub-region Local Aggregates Assessment, which was endorsed by the Yorkshire and the Humber AWP in September 2016. Notwithstanding this, Policy M10 (which is cross-referenced in para .5.46) provides appropriate flexibility to permit further working of crushed rock in the form of extensions to existing sites, subject to relevant criteria being met and this provides further potential for suitable proposals for working of Jurassic limestone to be permitted.*

No change proposed

#### 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.

### Proposed Response and Action

Noted

No action required

## 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.

### Proposed Response and Action

*It is agreed that the Plan should be modified in line with the suggested modification.*

*Revise text of para. 5.55 to replace reference to DEFRA with the Marine Management Organisation, to correct a factual error.*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Whilst this is noted it is considered that such an approach would not be an appropriate requirement to impose on an individual applicant as relevant baseline health information would be likely to be needed over a wide geographical area and over a substantial time period. Policy Do2 requires it to be demonstrated that there would be no unacceptable impact on local communities, including as a result of impact on public health*

*No change proposed*

#### 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.

### Proposed Response and Action

*Policy D04 provides positive support for extraction of the silica sand at Blubberhouses Quarry, subject to criteria. However, as it is expected that proposals for extraction will comprise major development there will be a need for the major development test to be satisfied. It is considered that a detailed planning application remains the appropriate mechanism for demonstrating compliance with the test.*

*No change proposed*

#### Natural England

**0119/0647/MJP15**

Note that MJP15 - Blubberhouses has been discounted.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*As a matter of principle it is not considered appropriate to 'allocate' sites the development of which would constitute major development within the AONB. Policy M12 provides support for the principle of working the site subject to criteria. However, as noted in para. 5.67 the acceptability of future development in such a location can only be established via determination of a planning application*

*No change proposed*

#### 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.

### Proposed Response and Action

*It is considered that the information in para. 5.66 remains factually correct*

*No change proposed*

#### 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.

### Proposed Response and Action

*As a matter of principle it is not considered appropriate to 'allocate' sites the development of which would constitute major development within the AONB. Policy M12 provides support for the principle of working the site subject to criteria. However, as noted in para. 5.67 the acceptability of future development in such a location can only be established via determination of a planning application*

*No change proposed*

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).

**Proposed Response and Action**

*It is agreed that para. 5.68 should be re-drafted to more accurately reflect para. 146 of the NPPF.*

*Revise para. 5.68 to indicate that a landbank of at least 10 years' reserves of silica sand should be maintained for individual sites*

**NYCC Highways**

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.

**Proposed Response and Action**

*It is agreed that the text should be revised to reflect this matter*

*Revise text of para. 5.72 to make specific reference to strategic significance of A59 Kex Gill, the ongoing investigations and the need for a solution.*

## 013: Clay

### Plasmor Ltd

0057/0642/M13/S.DTC

The approach in Policy M13 is supported.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*



## Highways England

0112/1257/MJP45/S

The site is not a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## Long Marston Parish Council

0752/0289/MJP52

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

### Proposed Response and Action

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. Detailed consideration of this would need to be given via determination of a planning application if specific proposals come forward.*

*No change proposed*

## 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).

### Proposed Response and Action

*Strategic level traffic and flood risk assessments have already been carried out and the need for site specific flood risk assessment and to address specific access considerations as part of any planning application are identified in the Development requirements criteria accompanying this allocation.*

*No action required*

## 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that relevant matters have been identified in the key sensitivities and development requirements sections of the text accompanying allocation MJP52 in Appendix 1 and could be addressed as appropriate should specific proposals come forward.*

No change proposed

3697/0175/MJP52

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

### Proposed Response and Action

*Noted*

No action required

4078/0122/MJP55

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

### Proposed Response and Action

*Whilst this concern is noted the impact of the proposed site on the capacity of the road network has been considered as part of the site assessment process with no overriding concerns noted. More detailed consideration of traffic impacts would be required through submission of a planning application before any development could take place.*

No change proposed

### 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.

### Proposed Response and Action

*Noted*

No action required

### 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...'

### Proposed Response and Action

*It is agreed that it would be appropriate to refer to the fact that the York to Selby cycle path is also designated as a SINC. The development requirements for this site identified in Appendix 1 already refer to an need for mitigation of ecological issues and for an appropriate restoration scheme using opportunities for habitat creation and is it not considered that further reference to this matter is required*

*Revise the text in Appendix 1 relating to key sensitivities for allocation MJP55 to make reference to the York-Selby cycle path SINC*

**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.

### Proposed Response and Action

*Whilst these concerns are noted, relevant issues have been taken into account in the assessment of the site and at this strategic level no overriding concerns have been identified.*

*No change proposed*

### Highways England

The site is not a concern to Highways England.

**0112/1258/MJP55/S**

### Proposed Response and Action

*Noted*

*No action required*

### Escrick Parish Council

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.

**0537/0584/MJP55/LC.U.DTC**

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

### Proposed Response and Action

*Policy M13 already states that development within this preferred area will only be permitted where they are required to maintain an adequate longer term supply of clay to the Plasmor Blockworks site and para. 5.77 of the justification refers to significant constraints in the area and that it is not expected that development of the whole of the preferred area would be acceptable under the Policy. It is considered that this provides adequate safeguards to ensure that the extent of any future working is acceptable*

No change proposed

#### Plasmor Ltd

0057/0638/MJP55/S.DTC

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

### Proposed Response and Action

Noted

No action required

## 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.

### Proposed Response and Action

*Whilst this is noted para. 5.84 as currently worded does not specifically state that the need to meet demand for small scale extraction of building stone for the repair of historic assets is only a matter to be addressed through policy. Therefore no change is required.*

No change proposed.

#### 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).

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a*

*No change proposed*

*national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

### **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.

### **Proposed Response and Action**

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact.*

*No change proposed*

**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.

### **Proposed Response and Action**

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations.*

*No change proposed*

**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.

### **Proposed Response and Action**

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment, taking into account also the role of other relevant regulators*

*No change proposed*

## 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.

### Proposed Response and Action

*Whilst this is noted, the potential for forms of hydrocarbon development new to the Plan area, in combination with the highly sensitive environment covered by areas licences for hydrocarbons exploration and development, means that it is appropriate to address this issue in a comprehensive way in the Plan.*

No change proposed

4153/1304

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

## 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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant*

No change proposed



*policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

### **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.

### **Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

### **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.

### Proposed Response and Action

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively.*

No change proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

### Proposed Response and Action

*National policy requires that this issue be addressed in the Plan. The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy.*

No change proposed

2966/0540

### Green Party

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

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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

3821/0134

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

3971/0419

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### Frack Free Harrogate District

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.

4082/0367/U

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

## 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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. The potential for cumulative impact is specifically addressed in Policy M17.*

No change proposed

## 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.

### Proposed Response and Action

*National policy requires that this issue be addressed in the Plan. The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy.*

No change proposed

4153/0705

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability*

No change proposed



*appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

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

**3971/0420**

### **Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

*No change proposed*

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

### 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### Stillington Parish Council

0874/0388

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

### Proposed Response and Action

*This is primarily a matter for other regulators. Para. 5.151 states that the MPAs will seek to work effectively with other regulatory bodies to ensure a robust approach is taken to protection of the environment and local amenity.*

No change proposed

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.

### Proposed Response and Action



*Whilst this concern is noted it is considered that, in combination, the policies provide a robust approach to protection of the environment and local communities.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### Stillington Parish Council

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

0874/0387

### Proposed Response and Action

*Monitoring of the operational stage is a matter to be addressed through development management procedures.*

No change proposed

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.

### Proposed Response and Action

*There is no basis in national policy or guidance to give specific protection to areas which may potentially be designated as AONB in the future. It is acknowledged in response to other representations on Policy M16 that it would be appropriate to make reference in supporting text to local landscape designations, including parts of the Wolds, contained in the Ryedale Local Plan and this would help*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be*

*provide recognition of the landscape significance of this area.*

*given to policies protecting locally designated landscapes identified through other elements of the development plan.*

**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.

**Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

*No change proposed*

**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.

**Proposed Response and Action**

*This is not accepted. Engagement has taken place with a wide range of stakeholders during development of the Plan, as summarised in the Statement of Consultation.*

*No action required*

**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.

**Proposed Response and Action**

*Whilst this concern is noted, the Plan sets out a wide range of policy to protect the environment and local communities from impacts associated with fracking. These would operate in association with protections administered by other relevant regulators.*

*No change proposed*

**3997/0742/U**

**United Kingdom Onshore Oil and Gas (UKOOG)**

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.

**Proposed Response and Action**

*Whilst this is noted national policy requires planning authorities to distinguish between the three phases of development (exploration, appraisal and production). Guidance also indicates that Plans should cover a 15 year period, resulting in a need to ensure that the potential for production is addressed in the Joint Plan. The plan acknowledges uncertainty about the potential future development of any shale gas industry in the area and the potential need for review on this issue in para. 4.11.*

No change proposed

### **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.

### **Proposed Response and Action**

*Whilst this concern is noted, the text of the Plan acknowledges (e.g. para.4.11 3rd bullet and para. 5.134) that there is significant uncertainty over the future development of any shale gas industry and other industry representations on the Plan suggest an approach of only planning for an exploration phase at this stage. It is considered necessary for the Plan to address the potential for all three main stages of development (exploration, appraisal and production) in order to be consistent with national planning policy and ensure a comprehensive approach bearing in mind the timeframe of the Plan. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on*

No change proposed

*minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

3997/0740/U

#### **United Kingdom Onshore Oil and Gas (UKOOG)**

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.

#### **Proposed Response and Action**

*Whilst para. 5.127 acknowledges, in the context of the justification for Policy M16 part d) that equipment associated with shale gas development may only be present on site for relatively short periods, or intermittently, it is agreed that it would be appropriate to make a more general reference, in the introductory part of the hydrocarbons section, to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity*

*Revise text of para. 5.111 to refer to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity*

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

3966/0152

#### **Proposed Response and Action**

*Noted. This is reflected in the text of the Plan at para. 5.93*

*No change proposed*

#### **Stillington Parish Council**

0874/0385

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

#### **Proposed Response and Action**

*Policy M17 4 ii requires that proposals use information from baseline monitoring to ensure robust assessment and, where necessary, mitigation of impacts.*

*No change proposed*

#### **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.

## Proposed Response and Action

*Whilst para. 5.127 acknowledges, in the context of the justification for Policy M16 part d) that equipment associated with shale gas development may only be present on site for relatively short periods, or intermittently, it is agreed that it would be appropriate to make a more general reference, in the introductory part of the hydrocarbons section, to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

*Revise text of para. 5.111 to refer to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

**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.

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

## 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.

## Proposed Response and Action

*Whilst this concern is noted, the text of the Plan acknowledges (e.g. para.4.11 3rd bullet and para. 5.134) that there is significant uncertainty over the future development of any shale gas industry and other industry representations on the Plan suggest an approach*

*No change proposed*

*of only planning for an exploration phase at this stage. It is considered necessary for the Plan to address the potential for all three main stages of development (exploration, appraisal and production) in order to be consistent with national planning policy and ensure a comprehensive approach bearing in mind the timeframe of the Plan. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

#### **Stillington Parish Council**

**0874/0384**

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

#### **Proposed Response and Action**

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations. The role of other regulators is also important and national planning policy states that planning authorities should assume that these other regimes will operate effectively. Para. 5.151 states that the MPAs will seek to work effectively with other regulatory bodies to ensure a robust approach is taken to protection of the environment and local amenity.*

*No change proposed*

**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.

#### **Proposed Response and Action**

*The policies for hydrocarbon development in Chapter 5 are considered to represent a robust yet balanced approach reflecting the wide range of relevant issues requiring consideration. The policies have been developed in response to earlier consultation during development of the Plan.*

*No change proposed*

**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.

#### **Proposed Response and Action**

*Whilst this is noted, in combination the policies in the Plan will enable relevant issues to be addressed and it is not considered necessary to refer to this specific matter in the Plan*

*No change proposed*

**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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national*

No change proposed



*policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

4079/0130

The policies do not apply the precautionary principle to proposals.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

### 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### Thirsk and Malton MP

1363/0169



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

## Proposed Response and Action

Noted

No action required

### 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

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

## Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment, including pollution. The role of other regulators is also significant in this respect and national policy and guidance states that planning authorities should assume that controls applied by other regulators will operate effectively*

No change proposed

### 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.

## Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

### 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.

## Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

4096/0450/U

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

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity and the environment*

No change proposed

3861/1159

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

### Proposed Response and Action

*Whilst this concern is noted, Policy D07 provides protection to biodiversity, in line with national policy and guidance*

No change proposed

3861/1156

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

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for robust protection to the environment and local communities*

No change proposed

3857/0728/U

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

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes*

*York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*identified through other elements of the development plan.*

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.

### Proposed Response and Action

*Noted. It is considered that, in combination, the policies provide for a high degree of protection to the environment and local communities*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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'.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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

### Proposed Response and Action

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations.*

No change proposed

### Wenningdale Climate Action Network (WeCan)

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate*

No change proposed



*change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

**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.

**Proposed Response and Action**

*Whilst this is noted, Yorkshire Water has not expressed concern on this matter in response to consultation on the Plan*

No change proposed

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.

2786/1243

**Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

**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.

**Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted*

No change proposed

*by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

0878/0314

### Stonegrave Parish Meeting

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.

### Proposed Response and Action

*Policy D04, which would apply where relevant to all proposals, provides further guidance on the circumstances in which development may be acceptable in National Parks and AONBs in line with national planning policy. It is not considered appropriate to provide a 3.5km buffer around other categories of designations, taking into account the alternative purposes underpinning these designations.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide robust protection for the environment and local communities.*

No change proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it*

No action required



*should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

**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.

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

*No action required*

## 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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity and the environment, taking into account also the role of other relevant regulators*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

## 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.

### Proposed Response and Action

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact.*

No change proposed

3862/0291

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

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

4102/1195

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity*

*Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

### 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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

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

2256/0182

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design,*

No change proposed

*construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

**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)

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

**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.

### **Proposed Response and Action**

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

*No action required*

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

No change proposed

### 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.

### Proposed Response and Action

*This is not agreed. The text of the Plan (e.g. para. 5.112 and 5.114-5.118) address the relationship between planning and other relevant regulatory regimes. Consultation has taken place during preparation of the Plan. Planning and other regulatory regimes operate in a complementary way and matters regulated by other organisations may also give rise to land use issues relevant to the Plan.*

No change proposed

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.

#### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

4098/0499

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

#### Proposed Response and Action

*Whilst this is noted, national planning policy requires that minerals plans address the potential for conventional and unconventional hydrocarbons*

No change proposed

2256/0177

The Polices have changed considerably without the required consultation

#### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

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.



## Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No change proposed

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.

## Proposed Response and Action

*This is not accepted. Engagement has taken place with a wide range of stakeholders during development of the Plan, as summarised in the Statement of Consultation.*

No action required

### 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.

## Proposed Response and Action

*Whilst this is noted, the potential for forms of hydrocarbon development new to the Plan area, in combination with the highly sensitive environment covered by areas licences for hydrocarbons exploration and development, means that it is appropriate to address this issue in a comprehensive way in the Plan.*

No change proposed

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.

## Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide robust protection for the environment and local communities*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*It is considered that the policies in the Plan provide a balanced approach, providing robust protection against impacts from hydrocarbon development whilst providing flexibility for development in appropriate locations. Consultation has taken place throughout preparation of the Plan as set out in the Statement of Consultation.*

No change proposed

4089/0393

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

### Proposed Response and Action

*National policy and guidance requires that this issue is addressed in minerals plans.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Whilst the NPPF requires that policies should distinguish between the three main phases of hydrocarbon development (exploration, appraisal and production) it does not specify that this should be through the presentation of separate policies. In practice, and as noted in para. 5.107 of the Plan, the distinction between these main phases, in terms of the nature of the development that may be involved, may not always be clear cut. For example, hydraulic fracturing may be associated with each of the main phases and there can be considerable overlap in activities taking place at exploration and appraisal phases. When applying policy to the determination of a particular planning application, the topic based approach utilised in the publication policies, which include reference where relevant to differences in approach for the three main stages, is considered to remain appropriate.*

No change proposed

4086/0303

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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

### 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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary.*

No action required

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).

### Proposed Response and Action

*National planning policy requires that local plans for minerals address the potential for hydrocarbon development, notwithstanding the resolution by City of York Council. Policies for hydrocarbon development within the whole of the Joint Plan area are being included within the Minerals and Waste Joint Plan and would operate alongside the City of York Plan as part of the overall development plan for the area.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment. Policy M17 specifically requires that development would be permitted where there would be no unacceptable cumulative impact*

No change proposed

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.

### Proposed Response and Action

*In combination, a range of policies in the Plan provide protection from water pollution and flooding, alongside the controls of other relevant regulators*

No change proposed

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

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### Barugh (Great & Little) Parish Council

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control*

No change proposed



*regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

### 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.

### Proposed Response and Action

Noted

No change proposed

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its*

No action required



*submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

3954/1082

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No action required

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted*

No change proposed

*by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

#### **Stonegrave Parish Meeting**

0878/0326

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

#### **Proposed Response and Action**

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

#### **Appleton-le-Moors Parish Council**

0391/0231

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

#### **Proposed Response and Action**

*Noted. This is reflected in the text of the Plan at para. 5.93*

No change proposed

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.

#### **Proposed Response and Action**

*Whilst this concern is noted, Government planning policy does not distinguish between differing end uses for gas*

No change proposed

#### **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.

#### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, national planning policy indicates that planning authorities should assume that other regulatory regimes will operate effectively. Matters relating to availability of insurance are outside the scope of the Plan.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### **Scarborough Borough Council**

0286/0203

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

### **Proposed Response and Action**

Noted

No action required

### 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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, including Policy D06 relating to landscape in Chapter 9 provide a robust approach to protection of landscape and other potential impacts*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### 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.

### Proposed Response and Action

*This is not accepted. Engagement has taken place with a wide range of stakeholders during development of the Plan, as summarised in the Statement of Consultation.*

No action required

#### 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.

### Proposed Response and Action

*Whilst this is noted national policy requires planning authorities to distinguish between the three phases of development (exploration, appraisal and production). Guidance also indicates that Plans should cover a 15 year period, resulting in a need to ensure that the potential for production is addressed in the Joint Plan. The plan acknowledges uncertainty about the potential future development of any shale gas industry in the area and the potential need for review on this issue in para. 4.11.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, the Policies in the Plan, in combination with the requirements of other regulatory processes provide a basis for ensuring that this matter is addressed when proposals come forward.*

No change proposed

2256/0178

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

### Proposed Response and Action

*Noted. This is reflected in the text of the Plan at para. 5.93*

No change required

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. Whilst the comments relating to the status of national Government announcements are noted, there is a need to have regard to these and it is not agreed that these should be given very little weight.*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the reference in Para. 5.94 to Government awarding PEDLs should be replaced with a reference to the Oil and gas Authority*

*Revise text of 5.94 (line one) to replace reference to Government with Oil and Gas*

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.

**Proposed Response and Action**

*This distinction is reflected where necessary in the policies for hydrocarbons*

No change proposed

**Oil and Gas Authority**

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.

**Proposed Response and Action**

*Noted*

No change proposed

**Zetland Group**

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

**Proposed Response and Action**

*The para. refers to gas...including shale gas and therefore does not give undue emphasis to shale gas. However, it remains the case that the potential for shale gas development remains a new and potentially significant form of development for the area and that the reference in the para. as currently worded is appropriate*

No change proposed

**Third Energy Limited**

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

**Proposed Response and Action**

*The para. refers to gas... including shale gas and therefore does not give undue emphasis to shale gas. However, it remains the case that the potential for shale gas development remains a new and potentially significant form of development for the area and that the reference in the para. As currently worded is appropriate.*

No change proposed

**Zetland Group**

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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that the potential introduction of this form of development to the area, and the level of public interest in the issue, justifies use of the term 'significant challenge'*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that the potential introduction of this form of development to the area, and the level of public interest in the issue, justifies use of the term 'significant challenge'*

No change proposed

#### 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'.

### Proposed Response and Action

*Para 4.11 (which is cross-referenced from para. 5.96) identifies a number of reasonably foreseeable circumstances which could lead to a need to review of the Plan, and that a review will be initiated where justified by significant new evidence. This is considered a reasonable and proportionate approach, taking into account the range of uncertainties that exist around future development of shale gas resources.*

No change proposed

Review of policy after the event is not appropriate.

4085/0341/5.096

### Proposed Response and Action

*It is a requirement of national policy that plans are kept under review and it needs to be acknowledged that there are range of uncertainties about future development of shale gas in the area*

No change proposed

## 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

4085/0342/5.098

This incident highlights the potential risks with fracking.

### Proposed Response and Action

*Noted. A number of policies in the Plan, including D09, provide protection to ground and surface water. Other regulatory regimes are also relevant*

*No change proposed*

## 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### **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.

### **Proposed Response and Action**

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### **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.

### **Proposed Response and Action**

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

*be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

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.

### Proposed Response and Action

*The potential need for multiple well pads is already reflected elsewhere in the text of the Plan, for example para. 5.133 and it is not considered necessary to refer to it specifically in 5.101*

No change proposed

### 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.

### Proposed Response and Action

*Reference to the grant of permission for hydraulic fracturing of an existing well at Kirby Misperton is included in the text to help illustrate that there is an expectation that proposals for such development in the Plan area are likely to come forward. However, it is acknowledged that further exploration is required before commercial viability of any resources can be determined. Industry itself has acknowledged uncertainty in this matter.*

No change proposed

4085/0343/5.105

Fracking will lead to commercialisation of the countryside.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the Policies provide a robust basis for protection of the environment and local communities*

No change proposed

### 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.

### Proposed Response and Action

*Reference to the grant of permission for hydraulic fracturing of an existing well at Kirby Misperton is included in the text to help illustrate that there is an expectation that proposals for such development in the Plan area are likely to come forward. However, it is acknowledged that further exploration is required before commercial viability of any resources can be determined. Industry itself has acknowledged uncertainty in this matter.*

No change proposed

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.

**Proposed Response and Action**

*Whilst this concern is noted, there are inevitably a significant number of uncertainties about the future development of shale gas in the area. In combination, the policies in the Plan provide a robust approach to protection.*

No change proposed

The climate change impacts of fracking are not adequately addressed.

**Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

**Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate*

No change proposed



*change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

#### **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.

#### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development.*

*No change proposed*

#### **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."

#### Proposed Response and Action

*Whilst this is noted, and it is agreed that the policies in the development represent the starting point for the determination of planning applications, the primacy of the development plan in the process, relative to other material considerations, is already clarified earlier in the Hydrocarbons section of the Plan in Para. 5.94 and it is not considered necessary to re-state this in para. 5.106*

No change proposed

4096/0454/5.106/U

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

#### Proposed Response and Action

*In combination, the policies in the Plan provide a robust approach to protection, recognising also the role of other regulatory regimes.*

No change proposed

#### 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.

#### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, the text of the Plan (e.g. para. 5.106) acknowledges national Government support in principle for this form of development and contains flexibility to allow development to come forward in a range of locations. However, it is also appropriate to recognise in the Plan that the area subject to PEDLs contains a wide range of constraints which need to be reflected in planning for hydrocarbons.*

No change proposed

### Oil and Gas Authority

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.

### Proposed Response and Action

*Whilst this is noted the reference in Para. 5.106 is to Government Planning Practice Guidance on unconventional hydrocarbons rather than to licencing requirements*

No change proposed

### Ryedale Liberal Party

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.

### Proposed Response and Action

*It is considered that the suggested approach would lack flexibility to reflect a wide range of potential circumstances that could apply to a specific proposal in the Plan area*

No change proposed

### Third Energy Limited

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.

## Proposed Response and Action

*It is agreed that the text of para. 5.107 (first bullet) should be revised for clarity to indicate that drilling activity itself is similar regardless of whether conventional or unconventional hydrocarbon sources are the target but that there may be differences in the specific scale, nature or duration of other associated activities.*

*Revise text of para. 5.107 1st bullet to indicate that drilling activity itself is similar regardless of whether conventional or unconventional hydrocarbon sources are the target but that there may be differences in the specific scale, nature or duration of other associated activities.*

**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.

## Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

## 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.

### Proposed Response and Action

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

4108/1135/5.107

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.

## Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

### 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.



## Proposed Response and Action

*The potential need to refracture existing wells is referred to in para. 5.107 (2nd bullet) in the context of the appraisal phase of development, as well as in para. 5.133 in the context of the potential for cumulative impact. However, it is agreed that it would also be appropriate to make reference to this in para. 5.107 (3rd bullet) in the context of production. It is also acknowledged that some aspects of hydrocarbon development activity can give rise to the potential for longer term impacts. Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan.*

*Revise text in para. 5.107 3rd bullet to refer to a potential need for refracturing of existing wells as part of the production phase of development.*

### 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.

## Proposed Response and Action

*Whilst the text as currently worded should be intended to acknowledge that, in some circumstances, more intrusive elements of development may only be present for short time periods it is accepted that this may not always be the case. For clarity the text could be revised to reflect this.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

4107/1144/5.107

Exploratory drilling would lead to night time noise levels 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.

## Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice*



*However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which*

Guidance

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.

### Proposed Response and Action

*Whilst this concern is noted, this is outside the scope of the Plan*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the text of para. 5.107 (first bullet) should be revised for clarity to indicate that drilling activity itself is similar regardless of whether conventional or unconventional hydrocarbon sources are the target but that there may be differences in the specific scale, nature or duration of other associated activities.*

*Revise text of para. 5.107 1st bullet to indicate that drilling activity itself is similar regardless of whether conventional or unconventional hydrocarbon sources are the target but that there may be differences in the specific scale, nature or duration of other associated activities.*

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

#### 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.'

### Proposed Response and Action

*Monitoring and management of sites once planning requirements for restoration and aftercare have been discharged is a matter for other regulators. Planning requirements for decommission and restoration of hydrocarbons sites are addressed in Policy M18 2)*

No change proposed

#### 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'.

### Proposed Response and Action

*Figure 13 is sourced directly from the national Planning Practice Guidance*

No change proposed

4096/0456/5.109/U

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

### Proposed Response and Action

*Whilst this concern is noted, it is considered that the Plan needs to retain appropriate flexibility given the range of uncertainties that exist about how any shale gas industry may develop. The requirement in Policy M18 1) i) for submission of a waste water management plan provides an opportunity for further consideration of relevant matters at planning application stage.*

*No change proposed*

#### 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.

### Proposed Response and Action

*This is a matter for other regulators*

*No change proposed*

**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'.

### Proposed Response and Action

*Noted*

*No change proposed*

#### 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.

### Proposed Response and Action

*National policy and guidance requires that planning authorities should assume that other regulatory regimes will operate effectively.*

*No change proposed*

#### 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...'

### Proposed Response and Action

*Whilst this concern is noted, specific regulation of the contents of fracking fluid and the permitting of waste water management is a matter for other regulators and national policy states that planning authorities should assume other regulatory regimes will operate effectively. It is considered that, in combination, the policies in the Plan set out a robust approach to addressing relevant land use planning issues*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the MPA cannot insist that that applicants comply with the industry charter for community engagement. The purpose of referring to this in the Plan is to send a signal to applicants that the MPA will be looking to industry to meet their own stated obligations in this respect. However, Policy D02 of the Plan, relevant to all proposals, states that applicants are encouraged to conduct early and meaningful engagement with local communities in line with Statements of Community Involvement prior to submission of an application and to reflect the outcome of those discussions in the design of proposals as far as practicable. This is supported by reference in the text at para. 9.12, emphasising the importance of early communication in line with existing Statements of Community Involvement. This approach is in line with the requirements of the NPPF (para. 189).*

No change proposed

4096/0457/5.110/U

What happens with contractors who are not members of UKOOG?

### Proposed Response and Action

*Policy D02 2), which applies to all proposals encourages early and meaningful engagement with local communities in line with Statements of Community Involvement*

*No change proposed*

**0128/0933/5.111/LC.U.DTC**

### **Yorkshire Wildlife Trust**

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.

### **Proposed Response and Action**

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

### **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.

### **Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*No change proposed*

**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.

## Proposed Response and Action

*Regulation of fracking is the responsibility of a number of other regulatory regimes. National Planning Policy states that planning authorities should assume that these other regimes will operate effectively*

No change proposed

### Zetland Group

2145/0254/5.112/U

This paragraph is not justified and should be deleted.

## Proposed Response and Action

*This is not agreed. It is considered that the text, together with other relevant paras. including 5.110, 5.111 and 5.114-5.118 provides an appropriate summary of the position relating to impacts and the role of the planning system and other regulatory bodies.*

No change proposed

### Third Energy Limited

2762/1394/5.112/U

This paragraph is not justified and should be deleted.

## Proposed Response and Action

*This is not agreed. It is considered that the text, together with other relevant paras. including 5.110, 5.111 and 5.114-5.118 provides an appropriate summary of the position relating to impacts and the role of the planning system and other regulatory bodies.*

No change proposed

### 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]'

## Proposed Response and Action

*Whilst this concern is noted the text reflects the stated position of Public Health England*

No change proposed

### 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.

## Proposed Response and Action

*This is not agreed. It is considered important that the Plan sets out a high degree of protection recognising constraints within the Plan area*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to make reference in this para. To the role of the Environment Agency as a regulator relevant to the management and disposal of returned water and NORM. However, National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*Revise text of para. 5.112 to refer to the role of the Environment Agency as a regulator relevant to the management and disposal of returned water and NORM.*

### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to make reference in this para. To the role of the Environment Agency as a regulator relevant to the management and disposal of returned water and NORM. However, National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*Revise text of para. 5.112 to refer to the role of the Environment Agency as a regulator relevant to the management and disposal of returned water and NORM.*

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.

### Proposed Response and Action



*Noted. This matter is outside the scope of the Plan*

*No change proposed*

**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.

**Proposed Response and Action**

*It is agreed that the reference to DBEIS in para. 5.116 should be replaced with a reference to the Oil and Gas Authority to ensure the text is factually correct*

*Replace reference to DBEIS in para. 5.116 with reference to the Oil and Gas Authority*

**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.

**Proposed Response and Action**

*It is considered that para. 5.117 remains factually correct in relation to the role of DBEIS in control of seismic risks*

*No change proposed*

**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.

**Proposed Response and Action**

*It is considered that para. 5.117 remains factually correct in relation to the role of DBEIS in control of seismic risks.*

*No change proposed*

**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.

**Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other*

*No change proposed*

regimes.

**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.

**Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

**United Kingdom Onshore Oil and Gas (UKOOG)**

3997/0747/5.118/U

This para. seems to contradict 5.112.

**Proposed Response and Action**

*It is agreed that para. 5.118 could be reworded to more clearly express that mineral planning authorities do not need to focus on the control of processes or emissions themselves where these are subject to approval under pollution control regimes.*

*Revise para. 5.118 to clarify that mineral planning authorities do not need to focus on the control of processes or emissions themselves where these are subject to approval under pollution control regimes.*

**Third Energy Limited**

2762/1368/5.118/U

This para. seems to contradict 5.112.

**Proposed Response and Action**

*It is agreed that para. 5.118 could be reworded to more clearly express that mineral planning authorities do not need to focus on the control of processes or emissions themselves where these are subject to approval under pollution control regimes.*

*Revise para. 5.118 to clarify that mineral planning authorities do not need to focus on the control of processes or emissions themselves where*

*these are subject to approval under pollution control regimes.*

## 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

## 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124. Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would*

*underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*involve substantially lower volumes and pressures. Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

#### **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.

#### **Proposed Response and Action**

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

**4096/0459/5.119/U**

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

#### **Proposed Response and Action**

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement*

*Revise text of par. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

*for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

#### **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.

#### **Proposed Response and Action**

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of par. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

#### **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.

#### **Proposed Response and Action**

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures*

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

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### Third Energy Limited

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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### Third Energy Limited

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.



## Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### 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.

## Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of par. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### 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.

## Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with*



*unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures*

#### **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.

#### **Proposed Response and Action**

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

#### **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."

## Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

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..'

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

*continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

4087/0517/M16

### West Malton Against Fracking

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

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

### West Malton Against Fracking

4087/0522/M16

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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

No change proposed

### 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.

### Proposed Response and Action

Noted

No action required

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 wasting and the potential for contamination of water resources.

## Proposed Response and Action

Noted

No action required

### 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,.....

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

## 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.

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

## Proposed Response and Action



*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate form of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, Policy M16 d) i) provides policy to protect against impacts outside but near to National Parks and would operate in association with Policy D04 Part 3) to further protect the setting of such areas.*

No change proposed

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.

### Proposed Response and Action

*Whilst this is noted, requirements for Environmental Impact Assessment is subject of specific legislation and guidance*

No change proposed

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.

### Proposed Response and Action



*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### 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.

### Proposed Response and Action

*There is no basis in national policy or guidance to give specific protection to areas which may potentially be designated as AONB in the future. It is acknowledged in response to other representations on Policy M16 that it would be appropriate to make reference in supporting text to local landscape designations, including parts of the Wolds, contained in the Ryedale Local Plan and this would help provide recognition of the landscape significance of this area.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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

4092/0413/M16

### Proposed Response and Action

*Conservation areas form one of a range of heritage assets. Policy D08 of the Plan provides protection to all heritage assets, including their setting, and this provides an appropriate mechanism for protection of such areas.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this is noted, requirements for Environmental Impact Assessment is subject of specific legislation and guidance*

*No action required*

**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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

## 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.'

### Proposed Response and Action

*Whilst this concern is noted, licensing and planning are separate processes. The potential for an established well or well pad to be used for other forms of hydrocarbons development is demonstrated by recent proposals in the Plan area for hydraulic fracturing of a well located on a well pad originally developed for conventional hydrocarbons. There is therefore the potential for a different range or scale of relevant planning issues to arise which would appropriately be addressed through policies in the Plan.*

No change proposed

## 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.

### Proposed Response and Action

*The planning system is concerned with the use and development of land. The definition of development (s.55 of the Town and Country Planning Act 1990 is '...the carrying out of building, mining, engineering and other operations, in, on, over or under land, or the making of any material change in the use of buildings or other land.' National planning policy and guidance further confirms that material planning considerations may include matters such as land stability, geological structure and surface and groundwater issues, as well as other issues which may be impacted indirectly by development taking place beneath the surface of land.*

No change proposed

## 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.

### Proposed Response and Action

*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

### 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.

### Proposed Response and Action

*The planning system is concerned with the use and development of land. The definition of development (s.55 of the Town and Country Planning Act 1990 is ‘..the carrying out of building, mining, engineering and other operations, in, on, over or under land, or the making of any material change in the use of buildings or other land.’ National planning policy and guidance further confirms that material planning considerations may include matters such as land stability, geological structure and surface and groundwater issues, as well as other issues which may be impacted indirectly by development taking place beneath the surface of land.*

No change proposed

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”.

4111/1113/M16

### Proposed Response and Action

*The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF. Policy Do7 requires consideration to be given to any impact risk zones identified by Natural England in relation to SSSIs, providing to help provide protection resulting from development outside the designated boundary*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted, the text of the Plan acknowledges (e.g. para.4.11 3rd bullet and para. 5.134) that there is significant uncertainty over the future development of any shale gas industry and other industry representations on the Plan suggest an approach of only planning for an exploration phase at this stage. It is considered necessary for the Plan to address the potential for all three main stages of development (exploration, appraisal and production) in order to be consistent with national planning policy and ensure a comprehensive approach bearing in mind the timeframe of the Plan. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

2253/1238/M16

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

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

### 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.

### Proposed Response and Action

*The proposed 3.5km buffer zone is considered to represent a justifiable distance which provides an appropriate and proportionate degree of protection. A buffer zone of 100km would be unrealistic and include a substantial area of land outside the area covered by the Joint Plan.*

No change proposed

4086/0304/M16

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

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

#### **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.

#### **Proposed Response and Action**

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. Policy D06 states that all landscapes will be protected from the harmful effects of development.*

No change proposed

4086/0308/M16

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

#### **Proposed Response and Action**

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

#### **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'.

#### **Proposed Response and Action**

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively.*

No change proposed

#### **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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

### 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'.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development*

*Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

plan.

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.

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

## 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.

### Proposed Response and Action

*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate form of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility.*

No change proposed

## 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).

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development. The Policy also indicates that, for proposals which may impact on a National park or AONB, a very high level of protection to landscape will be required. Additionally, Policy D04 proposals for development outside National parks and AONBs will not be permitted where it would have a harmful effect on the setting of the designated area. Policy M17 2), which applies to all parts of the Plan area in the context of hydrocarbons development, provides protection from cumulative impact. It is considered that, in combination, these Policies provide for robust protection to the landscape. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### 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.

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

#### Proposed Response and Action

*The buffer zone reflects the sensitivity of the setting of nationally designated landscapes, reflecting national planning policy and is based on typical planning practice relating to landscape and visual impact assessment for EIA purposes. The purpose of the buffer zone is not to prevent development in any circumstances in such areas but to help ensure that a robust approach to assessment is carried out and to help provide a basis for resisting proposals which would result in unacceptable harm to the special qualities of such designated areas or are incompatible with their statutory purposes, as stated in the Policy. Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development. The Policy also indicates that, for proposals which may impact on a National park or AONB, a very high level of protection to landscape will be required. Additionally, Policy D04 proposals for development outside National parks and AONBs will not be permitted where it would have a harmful effect on the setting of the designated area. Policy M17 2), which applies to all parts of the Plan area in the context of hydrocarbons development, provides protection from cumulative impact. It is considered that, in combination, these Policies provide for robust protection to the landscape. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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,

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest. The planning system is concerned with the use and development of land. The definition of development (s.55 of the Town and Country Planning Act 1990 is ‘..the carrying out of building, mining, engineering and other operations, in, on, over or under land, or the making of any material change in the use of buildings or other land.’ National planning policy and guidance further confirms that material planning considerations may include matters such as land stability, geological structure and surface and groundwater issues, as well as other issues which may be impacted indirectly by development taking place beneath the surface of land.*

*No change proposed*

**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.

**Proposed Response and Action**

*It is not agreed that, as a form of minerals extraction, hydrocarbon development falls outside the definition of appropriate development in the green belt, provided they preserve openness and do not conflict with the purposes of including land within it. Further guidance the authorities will take to proposals for hydrocarbon development tin the green belt is provided in para. 9.31, which relates to Policy D05 dealing with minerals and waste development in the green belt.*

*No change proposed*

**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.

**Proposed Response and Action**

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

**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.

**Proposed Response and Action**

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

**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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

#### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan. With regard to encouraging the sharing of infrastructure between operators, this is referred to in para. 5.140 and 5.141 and would be delivered through the development management process, including pre-application discussions, having regard to the requirements of the development plan but, at this early stage in the development of the industry in this area, would need to be addressed on a site by site basis.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

### 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.

### Proposed Response and Action

*Heritage Coast is nationally defined but not statutorily protected areas. Whilst it is acknowledged that some areas of Heritage Coast also fall within the National Park, other areas do not and therefore do not receive the protection of National park designations. Heritage Coast is also defined for particular purposes, which are important in their own right. Para. 5.130 clarifies the purposes of Heritage Coast definition and it is considered important to recognise the potential overlap between PEDLs and areas of heritage Coast by including relevant policy in the Plan.*

No change proposed

### Appleton-le-Moors Parish Council

0391/0240/M16

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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes*

York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.

identified through other elements of the development 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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be*

*landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### **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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP*

*No change proposed*

*contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

### 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.

### Proposed Response and Action

*The purpose of the buffer zone is not to prevent development within it, other than development which would cause unacceptable harm to the special qualities of the designated area being protected, or would be incompatible with their statutory purpose, rather to ensure that careful assessment of these matters is undertaken through the planning process. The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

### 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.

### Proposed Response and Action



Noted

No change proposed

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.

### Proposed Response and Action

Noted

No action required

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”.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

No action required

2256/0192/M16

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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation,*

No change proposed



where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations

**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.

**Proposed Response and Action**

Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.

Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

**Proposed Response and Action**

National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are

No change proposed

*themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means. Areas which protect the historic character and setting of York are defined through the local plan for York.*

### 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'.

### Proposed Response and Action

*Whilst this concern is noted, licensing and planning are separate processes. The potential for an established well or well pad to be used for other forms of hydrocarbons development is demonstrated by recent proposals in the Plan area for hydraulic fracturing of a well located on a well pad originally developed for conventional hydrocarbons. There is therefore the potential for a different range or scale of relevant planning issues to arise which would appropriately be addressed through policies in the Plan.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP*

No change proposed

*contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

4102/1199/M16

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

### Proposed Response and Action

*This is not agreed. Policy M16 d) i) provides protection to the setting of National Parks and AONBs and this is supported by Policy D04 Part 3). Policy D07 4) also requires consideration not be given to any relevant Impact Risk Zones identified by Natural England in relation to designated SSSIs. In combination it is considered that this provides adequate protection*

No change proposed

### Wenningdale Climate Action Network (WeCan)

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

4093/1225/M16

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

*continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

2762/1369/M16/U

### Third Energy Limited

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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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'.

## Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination the policies provide a robust approach to protection of the environment and local amenity*

*No change proposed*

### 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.

## Proposed Response and Action

*It would not be practicable to define in the Policy all the circumstances which may constitute unacceptable harm. The degree of harm arising from a development proposal will depend on a wide range of factors and the local context and can only be judged on a case by case basis taking into account all relevant policies in the development plan and other material considerations. However, the term is intended to convey that there could be circumstances arising where the degree of harm that would be caused is not sufficient to justify withholding permission. Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*



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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan. With regard to encouraging the sharing of infrastructure between operators, this is referred to in para. 5.140 and 5.141 and would be delivered through the development management process, including pre-application discussions, having regard to the requirements of the development plan but, at this early stage in the development of the industry in this area, would need to be*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan*



addressed on a site by site basis.

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No response required

## 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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

No change proposed

## Thirsk and Malton MP

1363/0170/M16

Fully support the inclusion of the 3.5km buffer around the 'protected areas'.

### Proposed Response and Action

Noted

No action required

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

## Egdon Resources (UK) Limited

0150/0812/M16/LC.U.DTC

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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest, whilst providing for a greater degree of flexibility in other locations.*

No change proposed

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

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M16 and M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity*

No change proposed

### 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.

### Proposed Response and Action

*Policy D08, which applies to all proposals where relevant, provides protection to heritage assets and gives specific recognition to the significance of the Vale of Pickering*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan set out a robust approach to the protection of the environment and local communities, acknowledging also the role played by other regulatory bodies*

No change proposed

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

### 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

### Proposed Response and Action

*Policy M16 a) provides a degree of flexibility for appropriate forms of hydrocarbon development in National Parks and AONBs. However, such areas are subject to a very high degree of policy protection at national level and it is necessary to reflect this in the Policy by applying a more restrictive approach to forms of development which are likely to give rise to a higher degree of adverse impact. The Policy is therefore considered to present a reasonable balance on this issue.*

*No change proposed*

**3861/1157/M16**



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

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

Noted

No action required

### 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.

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

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.

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused.*

*No change proposed*

### Zetland Group

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.

### Proposed Response and Action

*Heritage Coast is nationally defined but not statutorily protected areas. Whilst it is acknowledged that some areas of Heritage Coast also fall within the National Park, other areas do not and therefore do not receive the protection of National park designations. Heritage Coast is also defined for particular purposes, which are important in their own right. Para. 5.130 clarifies the purposes of Heritage Coast definition and it is considered important to recognise the potential overlap between PEDLs and areas of heritage Coast by including relevant policy in the Plan.*

*No change proposed*

Strongly support Part b i)

### Proposed Response and Action

*Noted*

*No action required*

### Zetland Group

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.

### Proposed Response and Action

*The purpose of the buffer zone is not to prevent development within it, other than development which would cause unacceptable harm to the special qualities of the designated area being protected, or would be incompatible with their statutory purpose, rather to ensure that careful assessment of these matters is undertaken through the planning process. The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy*

*No change proposed*

*approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

**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.

### **Proposed Response and Action**

*Whilst this is noted, it is considered that the wording of Policy M16 d) i) already provides sufficient scope for a range of matters to be factored into consideration of any impacts from proposals located within the buffer zone. In relation to impact on SSSIs, para 5.125 indicates the need to take into account the presence of any impact risk zones for SSSIs, as identified by Natural England, and that this provides sufficient basis for consideration of issues where a development is proposed in proximity to a SSSI, as these are designated for a wide range of reasons*

*No change proposed*

**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.

### **Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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.

### Proposed Response and Action

*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate for of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting*

*D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*locally designated landscapes identified through other elements of the development 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.

### **Proposed Response and Action**

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

**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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for. Requirements for EIA are subject of specific regulations and guidance and it would not be appropriate to address this directly in Policy.*

No change proposed

#### 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.



## Proposed Response and Action

*This is not agreed. The Plan acknowledged in para. 5.106 the supportive national Government policy position in relation to this form of development. However, Government policy statements also indicate that this should be delivered in a sustainable way. It is therefore important that the Plan addresses potential impacts in a robust and comprehensive way*

No change proposed

4154/0589/M16

Section b) ii) 'Lack of harm' is not positive planning. Positive planning is a requirement of the NPPF.

## Proposed Response and Action

*This is not agreed. The Policy needs to balance a high level of protection with appropriate flexibility for development*

No change proposed

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.

## Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes*

York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.

identified through other elements of the development 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.

#### Proposed Response and Action

The Plan needs to set out a balance between protection of the environment and local communities and provision of appropriate flexibility for development to take place in suitable locations. It is not necessary to ensure that all individual development proposals enhance the environment. It is also a function of the Plan to set out a positive approach to development requirements

No change proposed

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.

#### Proposed Response and Action

It is considered that, in combination, the polices in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.

No change proposed

#### 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.

#### Proposed Response and Action

National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are

No change proposed

*themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means. Areas which protect the historic character and setting of York are defined through the local plan for York.*

#### **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.

#### **Proposed Response and Action**

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

#### **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.

## Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

### 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.

## Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on*

*No change proposed*

*minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

#### **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.

#### **Proposed Response and Action**

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest, whilst providing for a greater degree of flexibility in other locations.*

*No change proposed*

**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.

#### **Proposed Response and Action**

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach. Policy D07, applying to all forms of development, provides further protection for biodiversity.*

*No change proposed*

**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.

#### **Proposed Response and Action**



*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan. With regard to encouraging the sharing of infrastructure between operators, this is referred to in para. 5.140 and 5.141 and would be delivered through the development management process, including pre-application discussions, having regard to the requirements of the development plan but, at this early stage in the development of the industry in this area, would need to be addressed on a site by site basis.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### 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.

### Proposed Response and Action

*The planning system is concerned with the use and development of land. The definition of development (s.55 of the Town and Country Planning Act 1990 is ‘..the carrying out of building, mining, engineering and other operations, in, on, over or under land, or the making of any material change in the use of buildings or other land.’ National planning policy and guidance further confirms that material planning considerations may include matters such as land stability, geological structure and surface and groundwater issues, as well as other issues which may be impacted indirectly by development taking place beneath the surface of land*

No change proposed

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

Noted

No action required

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a*

No change proposed

*national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for. It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

#### **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.

#### **Proposed Response and Action**

*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

#### 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 character and setting of York'

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

#### 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.

#### Proposed Response and Action

*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate form of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility.*

No change proposed

#### 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'.

#### Proposed Response and Action

*The requirement in Policy D09 to provide a very high level of protection to principal aquifers will apply to all proposals where applicable, including hydrocarbons, and therefore will operate in conjunction with Policy M16. It is not therefore considered necessary to refer to principal aquifers specifically in M16.*

No change proposed

#### 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

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

**3886/1120/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.

#### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### Zetland Group

2145/0604/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'.

#### Proposed Response and Action

*Whilst this concern is noted, licensing and planning are separate processes. The potential for an established well or well pad to be used for other forms of hydrocarbons development is demonstrated by recent proposals in the Plan area for hydraulic fracturing of a well located on a well pad originally developed for conventional hydrocarbons. There is therefore the potential for a different range or scale of relevant planning issues to arise which would appropriately be addressed through policies in the Plan.*

No change proposed

Part b)

3886/1121/M16



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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

**4153/1305/M16**

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 AD 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 EXTENT OF LONG TERM OPERATIONS.'

### Proposed Response and Action

*Policy D02 relating to local amenity and cumulative impacts states that development will be permitted where there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space. It is considered that this, together with other relevant policies in the plan setting out protection to the environment and local communities sets out a robust approach to protection*

*No change proposed*



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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that the inclusion of Part b) iii) of M16 helps provide clarity to users of the Plan in terms of the relationship between the key spatial principles applying to hydrocarbon development and other elements of policy addressing hydrocarbons.*

No change proposed

### 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.

### Proposed Response and Action

*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

### 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'.

### Proposed Response and Action

*Managing the implications of development on and from flooding is addressed in Policy D09, which refers to application of the sequential and exceptions tests as referred to in national policy. These do not preclude the potential for this form of development in all areas at risk of flooding. The Plan needs to be read as a whole and it is not considered necessary to refer to this specifically in Policy M16.*

No change proposed

## 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'.

### Proposed Response and Action

*National policy and guidance requires that planning authorities should assume that other regulatory regimes will operate effectively. It is noted in the Plan that matters subject of specific controls by other regulatory bodies can also give rise to land use issues which it is also appropriate to address through planning and the Plan identifies a range of criteria relevant to this*

*No change proposed*

## 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.

### Proposed Response and Action

*Protection of SSSIs as a result of development arising outside it is provided via part 4 of Policy D07, which is cross-referenced in the para. 5.125 of the supporting text to Policy M16. The Plan needs to be read as a whole and it is not considered necessary to refer to this specifically in M16.*

*No change proposed*

## 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'.

## Proposed Response and Action

*Whilst this concern is noted, licensing and planning are separate processes. The potential for an established well or well pad to be used for other forms of hydrocarbons development is demonstrated by recent proposals in the Plan area for hydraulic fracturing of a well located on a well pad originally developed for conventional hydrocarbons. There is therefore the potential for a different range or scale of relevant planning issues to arise which would appropriately be addressed through policies in the Plan.*

No change proposed

### 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...'

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

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

3821/0143/M16

## Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can*

No change proposed

*be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations.*

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations. Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

Noted

No action required

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'.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

**3954/1089/M16**

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

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

**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.

#### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### 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'.

#### Proposed Response and Action

*Whilst this concern is noted, licensing and planning are separate processes. The potential for an established well or well pad to be used for other forms of hydrocarbons development is demonstrated by recent proposals in the Plan area for hydraulic fracturing of a well located on a well pad originally developed for conventional hydrocarbons. There is therefore the potential for a different range or scale of relevant planning issues to arise which would appropriately be addressed through policies in the Plan.*

No change proposed

#### 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.

#### Proposed Response and Action



*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

#### **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.

#### **Proposed Response and Action**

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

#### **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.

#### **Proposed Response and Action**

*Para. 5.1-6 of the supporting text reflects the national Government position, which is supportive of the principle of hydrocarbon development, including shale gas. Whilst this support is acknowledged, it is necessary to also recognise the overlap between PEDL areas and a wide range of other planning and land use constraints, which it is appropriate to address in the Plan.*

No change proposed

**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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

#### 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.

### Proposed Response and Action

*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate form of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility.*

No change proposed

#### 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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

#### 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".

### Proposed Response and Action

*Whilst this is noted, such an approach would not provide a reasonable degree of flexibility in the Plan.*

No change proposed

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.

### Proposed Response and Action

*The text of Policy M17 2) ii) already states that the number of well pads and/or the number of individual wells will be limited to ensure that unacceptable cumulative impact does not arise. It is not considered appropriate to specify that a low density will be required in particular areas, as this would not provide sufficient flexibility to address local circumstances*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is appropriate for the policies to set out a hierarchical approach to protection taking into account the nature of development expected and the purposes/significance of the designation. Whilst Policy M16 sets out a presumption against hydraulic fracturing in National Parks it does not preclude appropriate form of hydrocarbon development in such areas. It is necessary to apply the policies in the Plan as a whole and, in combination, it is considered that the policies it contains provide for a high level of protection whilst balancing this with appropriate flexibility.*

No change proposed

Part b)

3966/0156/M16

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### Zetland Group

This Policy is not effective and could be simplified to provide clarity as to the applicable principles to each hydrocarbon development type.

2145/0600/M16/U

### Proposed Response and Action

*Development of unconventional hydrocarbons may require use of a range of techniques and the specific techniques used will depend on a range of factors. These could include; the type of unconventional resource being developed (for example some activities associated with underground coal gasification will require different processes to those associated with development of shale gas); the specific geology and technical considerations and; commercial factors. In terms of land use planning issues, it is considered that relevant distinctions can be drawn between the specific nature and/or scale of activities associated with certain stages of development for conventional hydrocarbons and those used for unconventional hydrocarbons. These differences may include the potential requirement for a larger number of well pads and individual wells, the volume and pressures of fluids used for any hydraulic fracturing processes and the specific requirements for any related plant and equipment and for the management of any related wastes. It is agreed that it would be appropriate to revise the definitions in para, 5.119 d), e) and g) to provide additional clarity on these matters.*

*Revise text of para. 5.119 d), e) and g) to clarify further the nature of conventional and unconventional hydrocarbons and related development activity.*

3954/1085/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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

#### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

4142/1075/M16

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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy*

No change proposed



*D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

#### 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'

#### Proposed Response and Action

*Policy D08 already states that proposals will be permitted where it can be demonstrated that they will conserve and where practicable enhance heritage assets, including their setting. It is considered that this provides sufficient protection where development is proposed in proximity to a scheduled monument.*

No change proposed

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.

3954/1084/M16

#### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*



*determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

**3844/0227/M16**

There should be far greater protection for the Vale of Pickering and AONBs.

### **Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

*No change proposed*

**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.

### **Proposed Response and Action**

*Whilst the proposal for an increased buffer distance around national parks, together with a duffer for villages and schools is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

*No change proposed*

**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.

### **Proposed Response and Action**

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

**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.

**Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

**Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

No change proposed

**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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other organisations. It is considered that the changes to the policies are evolutionary. The purpose of publishing the Plan prior to its submission for Examination in Public is to provide an opportunity for representations to be made on soundness and whether the Plan meets the legal tests relevant to the preparation of Plans, including the Duty to Cooperate. It is important that parties invited to make representations at this stage are aware of the purpose of Publication, to help ensure that their representations are effective. However, it should be noted that the tests of soundness themselves are very broad in scope and this presents an opportunity for representations to be made on a wide range of relevant matters, including building on responses made to earlier consultations where appropriate.*

No change proposed

#### 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be*

No change proposed

*statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

3966/0161/M16

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

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

*No change proposed*

### 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."

### Proposed Response and Action

*A range of types of designated assets are subject to the cross-reference in Policy M16 Part b) ii) including those relating to landscape, biodiversity and groundwater. The modification proposed in the representation uses terminology which is applicable specifically to heritage assets and is not readily transferable to the other categories of asset referred to. The Policy already requires that significant harm to these assets is not caused. More detailed policy protection for heritage assets, including their significance, is provided via Development management Policy D08, which is in line with national policy and guidance. All proposals for hydrocarbon development would need to demonstrate compliance with this Policy, which is also cross-referenced in Policy M16 via the indicated 'Key links to other relevant policies and objectives'.*

No change proposed

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

### 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...

### Proposed Response and Action

*Whilst this concern is noted, it is not considered appropriate to apply a buffer zone to other forms of designation in the same way as to National Parks and AONBs, taking into account the different purposes of designation.*

*No change proposed*

**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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

**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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

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.

### Proposed Response and Action

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

4087/0505/5.121

#### West Malton Against Fracking

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.

### Proposed Response and Action

*Whilst this is noted it is considered that the para. as currently worded more appropriately reflects the national policy position.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*The paragraph, or the policy to which it relates, does not introduce any specific requirement to demonstrate that all options outside a National Park have been considered, although the Policy does reflect the presumption against major development in National Parks, which is a requirement of national policy*

*No change proposed*

**4096/0460/5.121/U**

It is not sufficiently clear whether conventional drilling will be allowed in National Parks.

### **Proposed Response and Action**

*Policy M16 a) allows the potential for conventional drilling in National Parks although where such drilling would comprise major development then it would also need to satisfy the requirements of Policy D04 relating to Development affecting the North York Moors National Park and AONBs*

*No change proposed*

### **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.

### **Proposed Response and Action**

*It is considered that Policy M16 already provides sufficient clarity that surface development involving hydraulic fracturing in the National Park will not be permitted*

*No change proposed*

### **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.

### Proposed Response and Action

*Use of the word 'generally' in para. 5.121 does not override the requirement for development to meet other policy rests in the Plan but acknowledges that there could be circumstances where other material considerations justify an alternative approach. The text of the Plan needs to be read as a whole*

No change proposed

#### 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.

### Proposed Response and Action

*The purpose of this para.is to illustrate other regulatory context against which the local planning policy is prepared. It is acknowledged in para.4.11 that there may be a need to review the approach towards hydrocarbon development. To further clarify this matter it would be appropriate to revise para. 4.11 to refer to the potential impact of further regulatory changes in this respect.*

*Revise text of para. 4.11, 3rd bullet, c) to refer also to other significant regulatory changes relevant to the development of local planning policy.*

#### 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.

### Proposed Response and Action

*The purpose of this para.is to illustrate other regulatory context against which the local planning policy is prepared. It is acknowledged in para.4.11 that there may be a need to review the approach towards hydrocarbon development. To further clarify this matter it would be appropriate to revise para. 4.11 to refer to the potential impact of further regulatory changes in this respect.*

*Revise text of para. 4.11, 3rd bullet, c) to refer also to other significant regulatory changes relevant to the development of local planning policy.*

#### 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.

### Proposed Response and Action

*It is agreed that the text of para. 5.122 should be revised to reflect the current position*

*Revise text of para. 5.122 to refer to the current position with regard to surface protection measures*

**Ryedale Liberal Party**

**3846/0974/5.122/LC.U.DTC**

This paragraph is incomprehensible and therefore ineffective.

**Proposed Response and Action**

*It is agreed that the text of para. 5.122 should be revised to reflect the current position*

*Revise text of para. 5.122 to refer to the current position with regard to surface protection measures*

**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.

**Proposed Response and Action**

*The purpose of this para.is to illustrate other regulatory context against which the local planning policy is prepared. It is acknowledged in para.4.11 that there may be a need to review the approach towards hydrocarbon development. To further clarify this matter it would be appropriate to revise para. 4.11 to refer to the potential impact of further regulatory changes in this respect.*

*Revise text of para. 4.11, 3rd bullet, c) to refer also to other significant regulatory changes relevant to the development of local planning policy.*

**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.

**Proposed Response and Action**

*The purpose of this para.is to illustrate other regulatory context against which the local planning policy is prepared. It is acknowledged in para.4.11 that there may be a need to review the approach towards hydrocarbon development. To further clarify this matter it would be appropriate to revise para. 4.11 to refer to the potential impact of further regulatory changes in this respect*

*Revise text of para. 4.11, 3rd bullet, c) to refer also to other significant regulatory changes relevant to the development of local planning policy.*

**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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures*

#### 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

#### 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

#### 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures*

## 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures.*

## 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.

### Proposed Response and Action

*The Infrastructure Act defines Associated hydraulic fracturing for the purpose of implementing restrictions through the oil and gas licensing regime and related processes. It is not a definition contained in planning legislation or national planning policy. In terms of land use planning matters, it is considered that potentially significant planning issues and impacts could arise where fracking is proposed, particularly for development of shale gas, using volumes of fracture fluid below that used to define associated hydraulic fracturing in the Infrastructure Act and it is therefore important that the potential for this is addressed in the Plan. It is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures and this should be clarified in para. 5.124*

*Revise text of para. 5.124 to clarify that it is not the intention of the Plan to unreasonably restrict activity typically associated with production of conventional resources, such as well stimulation techniques where any fracturing activity would involve substantially lower volumes and pressures*

## 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that the para. provides an appropriate and balanced summary of the current legislative and regulatory position on relevant matters*

No change proposed

#### 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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

#### 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.

### Proposed Response and Action

*The effectiveness of recent legislation in providing effective protection in the context of development of shale gas has not yet been demonstrated. National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means.*

No change proposed

#### 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.

### Proposed Response and Action

*The effectiveness of recent legislation in providing effective protection in the context of development of shale gas has not yet been demonstrated. National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest. Whilst national policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap*

No change proposed

*between the Plan and matters subject of specific control through other regimes*

**2762/1356/5.125/U**

### **Third Energy Limited**

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.

### **Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*No change proposed*

### **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

### **Proposed Response and Action**

*Appraisal and production of hydrocarbons is development of an industrial character likely to impact on the special qualities of the National Park/AONB. What constitutes major development is a matter for the decision maker in the context of the need to provide a very high level of protection to these designated areas.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*The Plan takes the position that all hydrocarbon development within National parks/AONBs is major development because of its industrial character and potential for impact on the special qualities of the National Park/AONB. What constitutes 'major development' is a matter for the decision maker.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

### 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.

### Proposed Response and Action

*The Plan takes the position that all hydrocarbon development within National parks/AONBs is major development because of its industrial character and potential for impact on the special qualities of the National Park/AONB. What constitutes 'major development' is a matter for the decision maker.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this comment is noted the Infrastructure Act and associated secondary legislation are distinct from a local plan prepared under planning legislation. In relation to local plans, national policy in the NPPF states that, whilst they should plan positively for development and infrastructure required in the area, they should also identify land where development would be inappropriate, for example because of its environmental or historic significance. It is considered that the Joint Plan appropriately reflects important issues and constraints in the area that require protection in the public interest.*

No change proposed

#### Ryedale Liberal Party

If it is National Park it is wrong in terms of National Policy

3846/0975/5.127/LC.U.DTC

### Proposed Response and Action

*It is considered that Policy M16 is already sufficiently clear that surface development involving fracking will not be supported in the National park. It is considered that there may be circumstances where lateral drilling under a National Park , from a surface location outside it, may be acceptable and it is appropriate to acknowledge this in the Policy*

No change proposed

4096/0461/5.127/U

This paragraph should make reference to the flaring of gas.

### Proposed Response and Action

*Whilst it is acknowledged that flaring of gas could have an impact on National Parks/AONBs when carried out in proximity to their boundary, it is not considered necessary to refer to this specifically in the text as this already refers to the need to give consideration to the nature of the proposed development, which could include whether or not flaring is involved.*

No change proposed

2762/1409/5.127/U

#### Third Energy Limited

With reference to 'relatively short periods', the short term duration needs more emphasis i.e. a matter of weeks.

### Proposed Response and Action

*Whilst para. 5.127 acknowledges, in the context of the justification for Policy M16 part d) that equipment associated with shale gas development may only be present on site for relatively short periods, or intermittently, it is agreed that it would be appropriate to make a more general reference, in the introductory part of the hydrocarbons section, to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

*Revise text of para. 5.111 to refer to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

### **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.

### **Proposed Response and Action**

*Whilst the text as currently worded should be intended to acknowledge that, in some circumstances, more intrusive elements of development may only be present for short time periods it is accepted that this may not always be the case. For clarity the text could be revised to reflect this.*

*Revise para. 5.127 to indicate that in some circumstances drilling equipment may be present over more extended time periods.*

### **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 tempered 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.

### **Proposed Response and Action**



*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst para. 5.127 acknowledges, in the context of the justification for Policy M16 part d) that equipment associated with shale gas development may only be present on site for relatively short periods, or intermittently, it is agreed that it would be appropriate to make a more general reference, in the introductory part of the hydrocarbons section, to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

*Revise text of para. 5.111 to refer to the fact that hydrocarbons development typically involves temporary and intermittent phases of more intense activity and that at production stage there is likely to be a lesser degree of activity.*

### 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.

### Proposed Response and Action

*The buffer zone is not an indirect extension of the boundary of the National Park or AONB and it does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In*

No change proposed



*particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

2762/1379/5.128/U

### Third Energy Limited

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.

### Proposed Response and Action

*The buffer zone is not arbitrary but based on established landscape and visual impact assessment in terms of the height of infrastructure, distance from it and its potential visual impact. The buffer zone has national policy support in principle in terms of the legal duty on authorities to have regard to the impacts of development on nationally designated landscapes, even outwith their boundaries and the importance of the setting of such areas is recognised in national Planning Practice Guidance.*

No change proposed

### 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.

### Proposed Response and Action

*The buffer zone does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

No change proposed

### 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.

### Proposed Response and Action

*The buffer zone is not arbitrary but based on established landscape and visual impact assessment in terms of the height of infrastructure, distance from it and its potential visual impact. The buffer zone has national policy support in principle in terms of the legal duty on authorities to have regard to the impacts of development on nationally designated landscapes, even outwith their boundaries and the*

No change proposed

*importance of the setting of such areas is recognised in national Planning Practice Guidance.*

#### **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.

#### **Proposed Response and Action**

*The buffer zone is not arbitrary but based on established landscape and visual impact assessment in terms of the height of infrastructure, distance from it and its potential visual impact. The buffer zone has national policy support in principle in terms of the legal duty on authorities to have regard to the impacts of development on nationally designated landscapes, even outwith their boundaries and the importance of the setting of such areas is recognised in national Planning Practice Guidance.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*The buffer zone does not preclude development taking place within it. It provides a specific policy approach to development within the zone in recognition of the significance of such areas. In particular, the buffer zone reflects the sensitivity of the setting of nationally designated landscapes, as recognised in national planning policy, and the legal duty on relevant authorities to have regard to the purposes for which they are designated. National Planning Practice Guidance states that this Duty is relevant in considering development proposals that are situated outside a National Park or AONB, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*Para. 5.129 emphasises the reasons why it is important to protect the historic character and setting of York. It is recognised that the area does not have the same degree of statutory protection as the national park or AONB, but the significance of York within the Plan area and beyond justifies a robust approach to protection through policy in the Plan.*

*No change proposed*

#### **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.

### Proposed Response and Action

*National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means. Areas which protect the historic character and setting of York are defined through the local plan for York.*

No change proposed

#### 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:

### Proposed Response and Action

*The permission for development at the North Selby Mine site has now been implemented and it is considered appropriate to maintain the allocation in the Plan to help ensure continued availability of opportunities for delivery of waste management capacity*

No change proposed

#### 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.

### Proposed Response and Action

*National planning policy (NPPF para. 157) states that local plans should identify land where development would be inappropriate, for instance because of its' environmental or historic significance. Restrictions introduced through the Infrastructure Act 2015 are themselves not national planning policy and it is appropriate that the Plan provides local strategic planning guidance on relevant planning matters. The Plan does not introduce new designations, but sets out the local approach to development within relevant areas already identified for protection through other means. Areas which protect the historic character and setting of York are defined through the local plan for York.*

No change proposed

#### 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.

### Proposed Response and Action

*Heritage Coast is nationally defined but not statutorily protected areas. Whilst it is acknowledged that some areas of Heritage Coast also fall within the National Park, other areas do not and therefore do not receive the protection that National park designations. Heritage Coast is also defined for particular purposes, which are important in their own right. Para. 5.130 clarifies the purposes of Heritage Coast definition and it is considered important to recognise the potential overlap between PEDLs and areas of heritage Coast by including relevant policy in the Plan.*

No change proposed

#### 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.

### Proposed Response and Action

*Heritage Coast is nationally defined but not statutorily protected areas. Whilst it is acknowledged that some areas of Heritage Coast also fall within the National Park, other areas do not and therefore do not receive the protection that National park designations. Heritage Coast is also defined for particular purposes, which are important in their own right. Para. 5.130 clarifies the purposes of Heritage Coast definition and it is considered important to recognise the potential overlap between PEDLs and areas of heritage Coast by including relevant policy in the Plan.*

No change proposed

#### 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.

### Proposed Response and Action

*With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network..*

*Revise the reference to highway safety in the supporting text to Policy M17 (at para. 5.131) to indicate the need to consider impacts on all users of the highway including non-motorised users.*

#### 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.

## Proposed Response and Action

*The supporting text to M17 1) iii) recognises (at para. 5.132) that a range of factors could impact on the identification of routes for pipelines, including land ownership considerations and economic considerations as well as environmental constraints. However, taking into account the range of important environmental assets and other constraints within that part of the Plan area currently covered by PEDLs, it is considered necessary to include a policy objective which seeks to direct pipelines to routes which help minimise impacts. This does not impact on the use of the EIA process, including through the consideration of alternatives, to assess impacts in an objective way.*

No change proposed

### 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.'

## Proposed Response and Action

*Whilst the proposal for a 1 km separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

### 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.

## Proposed Response and Action

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

No change proposed

### 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'.

## Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

#### **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.

#### **Proposed Response and Action**

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

#### **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.

#### **Proposed Response and Action**



*Whilst these concerns are noted it is considered that, in combination, the policies set out a robust approach to protection of the environment and local communities, taking into account also the role of other relevant regulators*

*No change proposed*

**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.

**Proposed Response and Action**

*Procedural requirements relating to Environmental Impact Assessment are subject to specific legislative requirements and guidance and it is not considered appropriate to address this matter directly in policy in the Plan*

*No change proposed*

**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'.

**Proposed Response and Action**

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise.*

*No change proposed*

**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 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.'

### Proposed Response and Action

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application.*

*No change proposed*

#### 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

### Proposed Response and Action

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the Policies set out a robust approach to protection taking into account also the role of other relevant regulators, particularly the Environment Agency*

*No change proposed*

#### 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.

### Proposed Response and Action

*Whilst the proposal for a 1 km separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

*No change proposed*

#### 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.'

### Proposed Response and Action

*Whilst this comment is noted, the circumstances in which Environmental Impact Assessment is required is established in national regulations and it would not be appropriate to make this a specific requirement of the policy. Para. 5.152 indicates that EIA will be required if significant environmental effects are likely and it is considered that this is likely to apply to proposals involving hydraulic fracturing.*

*No change proposed*

#### 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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air*

*and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*quality, particularly in locations where air quality management zones have been identified, may also be required*

#### **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.'

#### **Proposed Response and Action**

*A number of regulatory bodies would have a role in regulating this form of development.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Whilst the text as currently worded should be intended to acknowledge that, in some circumstances, more intrusive elements of development may only be present for short time periods it is accepted that this may not always be the case. For clarity the text could be revised to reflect this.*

*Revise para. 5.127 to indicate that in some circumstances drilling equipment may be present over more extended time periods.  
Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

#### **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, car 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'

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

#### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to replace the reference to 'planned' with 'permitted' to facilitate interpretation and application of the Policy.*

*Revise text of para. 2) ii) a) of M17 to replace reference to 'planned' with 'permitted'.*

#### 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise.*

No change proposed

### 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.

### Proposed Response and Action

*The potential for hydraulic fracturing for shale gas to require large volumes of water, together with the rural nature of the road network over much of the Plan area, means that it is appropriate to prioritise delivery of water to well sites by alternative means. Such an approach would also be generally consistent with national planning policy relating to sustainable transport.*

No change proposed

### 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to*

No change proposed

*play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

## **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.

## Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

### 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.

## Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development.*

*No change proposed*

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.

## Proposed Response and Action



*Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a larger separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Whilst this is noted, it is considered that such an assessment would be routinely required as part of most proposals for minerals or waste development*

*No change proposed*

### 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'.

## Proposed Response and Action

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise.*

*No change proposed*

### 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

## Proposed Response and Action

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy.*

*No change proposed*

### 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 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 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.'

### Proposed Response and Action

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment, including pollution. The role of other regulators is also significant in this respect and national policy and guidance states that planning authorities should assume that controls applied by other regulators will operate effectively*

No change proposed

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other*

appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for. Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate.

elements of the development plan.

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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development 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.

**Proposed Response and Action**

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may be relevant.*

*No change proposed*

**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.

**Proposed Response and Action**

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will*

*No change proposed*

*operate effectively. It is not considered appropriate to specify that EIA should always be required as this is subject of specific legislation and guidance*

**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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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...'

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations*

*No change proposed*



## 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]'.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations*

No change proposed

## 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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

No change proposed

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.

0230/0846/M17

### Proposed Response and Action

*Whilst this is noted it is considered that such an approach would not be an appropriate requirement to impose on an individual applicant as relevant baseline health information would be likely to be needed over a wide geographical area and over a substantial time period. Policy M17 4) ii) already requires that proposals should refer to relevant data from baseline monitoring and other available information to ensure that robust assessment is undertaken*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this concern is noted, there is potential for development involving fracking to require substantial volumes of water. Transport of water by road has the potential to give rise to significant adverse impacts, particularly taking into account the nature of the road network in what is a highly rural area. It is therefore appropriate that the Plan supports the reduction in need for such transport and such an approach is generally consistent with national planning policy.*

No change proposed

### 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

### Proposed Response and Action

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue.*

No change proposed

### 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".

### Proposed Response and Action

*The supporting text to M17 1) iii) recognises (at para. 5.132) that a range of factors could impact on the identification of routes for pipelines, including land ownership considerations and economic considerations as well as environmental constraints. However, taking into account the range of important environmental assets and other constraints within that part of the Plan area currently covered by PEDLs, it is considered necessary to include a policy objective which seeks to direct pipelines to routes which help minimise impacts. This does not impact on the use of the EIA process, including through the consideration of alternatives, to assess impacts in an objective way.*

No change proposed

### 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.

### Proposed Response and Action

*This is not agreed. Cumulative impact can arise as a result of a number of developments taking place simultaneously, or as a result of a prolonged sequence of development in an area, or a combination of the two. Whilst it is acknowledged that a range of site-specific circumstances will exist and the degree of cumulative impact arising in relation to any particular proposal will need to be judged on a case by case basis, it is appropriate to acknowledge in the Plan that there is potential for proposals to come forward for development of a number of well pads in a PEDL area, either sequentially or simultaneously, and therefore it is appropriate to include relevant policy in the Plan to provide guidance on the local approach to addressing this issue.*

No change proposed

### 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.

#### Proposed Response and Action

*Whilst it is acknowledged that applications need to be determined on their own merit, the starting point in rejecting such a determination is the consistency of the application with the development plan. The proposed approach to development of a PEDL area gives rise to considerations relevant to strategic land use planning, which are appropriately addressed in the Plan. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

#### Proposed Response and Action

Noted

No action required

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.

#### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

The Plan should insist on baseline monitoring of air, water etc.

### Proposed Response and Action

*Policy M17 4 ii requires that proposals use information from baseline monitoring to ensure robust assessment and, where necessary, mitigation of impacts.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is important that the Plan provides for a high degree of protection to local communities and the environment, taking into account the degree of uncertainty over the potential scale and distribution of hydrocarbon development that could come forward, both within existing PEDLs and new PEDLs announced under the 14th onshore licencing round.*

*No change proposed*

#### 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.

## Proposed Response and Action

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

No change proposed

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....

## Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection. Policy D07 requires consideration to be given to any relevant Impact Risk Zones, identified by Natural England in relation to SSSIs when development which could impact on a SSSI is being assessed and it is considered that this approach provides adequate protection. Requirements for EIA are subject of specific legislation and guidance and it is not considered appropriate to make this a specific policy requirement*

No change proposed

0150/0802/M17/LC.U.DTC

**Egdon Resources (UK) Limited**

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.

### Proposed Response and Action

*Whilst it is considered important that the Policy gives priority to development of such land as this is generally consistent with national planning policy requirements, it is acknowledged that opportunities for this are likely to be limited and the Policy therefore acknowledges that there may be circumstances where development of agricultural land is required. It is considered that this approach provides a degree of flexibility whilst maintaining consistency with national policy.*

No change proposed

2808/0381/M17

Part 3): Fracking will cause a decline in tourism, which is a very important part of the local economy.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations*

No change proposed

#### Harrogate Friends of the Earth

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*It is agreed that it would be helpful to clarify the footnote by stating that the term local community includes residential areas and residential institutions*

*Revise footnote to Policy M17 1) i) a) to make specific reference to residential areas*

#### 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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M16 and M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity, taking into account also the role of other relevant regulators*

*No change proposed*

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air*



and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.

quality, particularly in locations where air quality management zones have been identified, may also be required.

#### 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'.

#### Proposed Response and Action

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise.*

*No change proposed*

#### Crayke Parish Council

0496/1319/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'.

#### Proposed Response and Action

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise.*

*No change proposed*

#### Crayke Parish Council

0496/1320/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

## Proposed Response and Action

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy.*

No change proposed

### Crayke Parish Council

0496/1321/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.'

## Proposed Response and Action

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application.*

No change proposed

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.'

### Proposed Response and Action

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application.*

*No change proposed*

The 500m setback distance should be a 'minimum setback distance'. Sites would be visible from elevated locations and 500m is inadequate. 500m is inadequate in terms of public health studies from the US are indicating greater distances around 600m although this is yet to be scientifically determined.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

### 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.

### Proposed Response and Action

*This is not agreed. Cumulative impact can arise as a result of a number of developments taking place simultaneously, or as a result of a prolonged sequence of development in an area, or a combination of the two.*

No change proposed

### 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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M16 and M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity, taking into account also the role of other relevant regulators*

No change proposed

### 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 from the states. The proposed buffer of 3.5 should be absolute and not dependent on visibility from the protected area.

### Proposed Response and Action

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

### Gilling East, Cawton, Coulton & Grimstone Parish Council

0573/1208/M17

The Precautionary Principle should be applied.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

### **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 nature 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

### **Proposed Response and Action**

*Whilst this concern is noted, the variable nature of the road network in the Plan area means that it would not be appropriate to exclude all B roads from consideration as in some cases they may have the potential to provide suitable access routes. The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

### **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.'

### Proposed Response and Action

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application.*

*No change proposed*

#### 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

### Proposed Response and Action

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for robust protection of the environment and local communities, including in relation to potential impact from traffic and from cumulative impact*

No change proposed

#### 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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*



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'.

**Proposed Response and Action**

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise.*

*No change proposed*

**Harrogate Friends of the Earth**

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

**Proposed Response and Action**

*Whilst this concern is noted it is considered that, in combination, the policies provide for robust protection to the environment and local communities*

*No change proposed*

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.

**Proposed Response and Action**

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No action proposed*

## 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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

**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.

### Proposed Response and Action

*Whilst this is noted it is considered important to retain some flexibility in the Policy reflecting the wide range of locational circumstances that exist in the Plan area. The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

#### **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

#### **Proposed Response and Action**

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control*

*No change proposed*

*regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

### **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.

### **Proposed Response and Action**

*Whilst this is noted there is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.

0391/0237/M17

#### Appleton-le-Moors Parish Council

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.

#### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is not considered appropriate to specify that there should be no exceptions to within the 500m distance identified in Policy M17 Part 4 i) as there is the potential for local circumstances such as topography to be of relevance. Such an approach is more in line with national planning practice guidance, which requires more flexibility on this matter.*

No change proposed

#### 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 from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

#### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other*

No change proposed

*regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

#### **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.

#### **Proposed Response and Action**

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*



## 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'.

### Proposed Response and Action

*Whilst it is acknowledged that an overall scheme of production in a PEDL area may not be known, particularly in advance of exploration activity, it is important that the Plan addresses matters relevant to strategic land use planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

## 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

No change proposed

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

No change proposed

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.

### Proposed Response and Action

*Whilst it is acknowledged that applications need to be determined on their own merit, the starting point in rejecting such a determination is the consistency of the application with the development plan. The proposed approach to hydrocarbons development gives rise to considerations relevant to strategic land use planning, which are appropriately addressed in the Plan.*

No change proposed

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.

### Proposed Response and Action

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations*

*account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*where air quality management zones have been identified, may also be required.*

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment, taking into account also the role of other regulatory bodies*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No action proposed

4092/0414/M17

Part 4) i): Insufficient protection is provided to the health of local residents as a result of hydraulic fracturing.

### Proposed Response and Action

*This is not accepted. Whilst national planning policy and guidance conforms that health is an issue which should be addressed in planning, this needs to be considered in the context of advice from Public Health England which indicates that the risks to public health from exposure to emissions from shale gas extraction are low if operations are properly run and regulated. National planning policy also requires that planning authorities should assume that other regulatory regimes will operate effectively. Nevertheless, Policy M17 4 ii requires proposals for fracking to be accompanied by a Health Impact Assessment and this provides a mechanism to help ensure that relevant matters are considered and addressed.*

No change proposed

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.

### Proposed Response and Action

*Whilst this is noted it is considered that, in combination, the policies in the Plan set out a robust approach to protection of local communities. Matters relating to devaluation of property and provision of compensation are outside the scope of the Plan.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment, taking into account also the role of other regulatory bodies*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment. Impact on any specific communities would be a matter to be addressed through the development management process.*

No change proposed

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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

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.

### Proposed Response and Action

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice*



*However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

Guidance

### 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.

### Proposed Response and Action

*It is considered that such an approach would lack appropriate flexibility*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

### 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

...

#### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network. It is considered that the requirement via part i) a) of the Policy (3rd line) that routing on traffic should not give rise to unacceptable impact on local communities, means that it is not necessary to refer to this again later in the same part of the Policy. With regard to part iii of the Policy, it is not accepted that the reference to a requirement for undergrounding of pipelines is undeliverable. There have been previous instances of the grant of consent in the area for this form of development, demonstrating that there may be circumstances where it can be acceptable. It is not considered practicable to state explicitly the number of well pads that may be acceptable in terms of cumulative impact as this can only be judged in the context of local circumstances, which are likely to vary. It is considered that the policy and supporting justification provide sufficient guidance to enable this to be applied as necessary. Whilst it is accepted that some impacts could be of longer term duration, the reference to short duration and intermittent impacts in para. 5.145 is in the context of the potential for avoidance of such impacts through timing of the development to avoid particular periods. This opportunity would not be expected to exist for longer term impacts and therefore the suggested modification would not be appropriate in the context of this paragraph. Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Polices M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection. With regard to baseline*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*monitoring, Policy M17 part 4 ii) requires use of relevant data from baseline monitoring to ensure robust assessment of impacts and provision of mitigation where necessary. This could include baseline information relating to matters such as noise where relevant. Para. 5.149 indicates that air quality monitoring plans should include parameters to be monitored. Enforcement would be a matter to be addressed through development management procedures where necessary.*

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is not considered appropriate to specify that there should be no exceptions to within the 500m distance identified in Policy M17 Part 4 i) as there is the potential for local circumstances such as topography to be of relevance. Such an approach is more in line with national planning practice guidance, which requires more flexibility on this matter.*

No change proposed

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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

### 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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

*No change proposed*

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development.*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

No change proposed

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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density*

would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.

and/or number of well pads may be appropriate

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations.*

No change proposed

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 from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

4087/0524/M17

**West Malton Against Fracking**



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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide robust protection to the environment and local communities taking into account also the role of other regulators. At this very early stage in development of any industry it is recognised that there is significant uncertainty about the scale of development that could come forward and the potential need for review of the Plan is acknowledged in para. 4.11*

No change proposed

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

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

2256/0188/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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is not considered appropriate to specify that there should be no exceptions to within the 500m distance identified in Policy M17 Part 4 i) as there is the potential for local circumstances such as topography to be of relevance. Such an approach is more in line with national planning practice guidance, which requires more flexibility on this matter.*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the polices in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively.*

No change proposed

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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No change proposed

4099/0531/M17

All applications for unconventional hydrocarbon development should require an Environmental Impact Assessment.

### Proposed Response and Action

*The circumstances in which EIA may be required is set out in relevant Regulations and it is not appropriate to set out an alternative approach in the Plan*

No change proposed

4099/0532/M17

The precautionary principle should be applied, especially in relation to water contamination, health and air quality.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this is noted it is considered that, in combination, the policies provide for a high degree of protection to the environment and local communities. Whilst the proposal for an increased buffer distance is also noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*There is a need to recognise that a range of circumstances may be relevant and, particularly in the early stages of development in any given area, full knowledge of all relevant opportunities and constraints will not exist. A degree of flexibility will therefore be important.*

No change proposed

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.

### Proposed Response and Action

*Policy M17 4i identifies a 500m separation distance where surface development is only likely to be permitted in exceptional circumstances. It needs to be recognised that a range of site specific circumstances are likely to exist and therefore the Policy needs to retain some flexibility*

No change proposed

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'.

### Proposed Response and Action

*It is considered that the Policy as currently worded already provides a clear signal that the mineral planning authorities will be expecting proposals to be located where there is not a need to supply water by road transport.*

No change proposed

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?

### Proposed Response and Action

*It needs to be acknowledged that development may be acceptable even where some degree of cumulative impact would arise. The purpose of the policy is to ensure that where such impact would reach a level where it is considered unacceptable, permission may be refused on this basis*

No change proposed

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'.

### Proposed Response and Action

*There is a need to recognise that a range of circumstances may be relevant and, particularly in the early stages of development in any given area, full knowledge of all relevant opportunities and constraints will not exist. A degree of flexibility will therefore be important.*

No change proposed

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 3 miles 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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No change proposed*

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.

### Proposed Response and Action

*Whilst the proposal for a greater separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

*No change proposed*

Suggested modification: Part 4): Add text '..PROHIBIT FRACKING WITHIN THE DISTANCE OF ONE MILE FROM ANY SETTLEMENT..'

### Proposed Response and Action

*Whilst the proposal for a 1 mile separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity*

No change proposed

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*



*of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

#### **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.

#### **Proposed Response and Action**

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations. Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

*No change proposed*

**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.'

#### **Proposed Response and Action**

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

*No change proposed*

#### **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.

## Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No action proposed

### 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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network. It is considered that the requirement via part i) a) of the Policy (3rd line) that routing on traffic should not give rise to unacceptable impact on local communities, means that it is not necessary to refer to this again later in the same part of the Policy. With regard to part iii of the Policy, it is not accepted that the reference to a requirement for undergrounding of pipelines is undeliverable. There have been previous instances of the grant of consent in the area for this form of development, demonstrating that there may be circumstances where it can be acceptable. It is not considered practicable to state explicitly the number of well pads that may be acceptable in term of cumulative impact as this can only be judged in the context of local circumstances, which are likely to vary. It is considered that the policy and supporting justification provide sufficient guidance to enable this to be applied as necessary. Whilst it is accepted that some impacts could be of longer term duration, the reference to short duration and intermittent impacts in para. 5.145 is in the context of the potential for avoidance of such impacts through timing of the development to avoid particular periods. This opportunity would not be expected to exist for longer term impacts and therefore the suggested modification would not be appropriate in the context of this paragraph. Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection. With regard to baseline monitoring, Policy M17 part 4 ii) requires use of relevant data from baseline monitoring to ensure robust assessment of impacts and provision of mitigation where necessary. This could include baseline information relating to matters such as noise where relevant. Para. 5.149 indicates that air quality monitoring plans should include parameters to be monitored. Enforcement would be a matter to be addressed through development management procedures where necessary.*

### **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.

### **Proposed Response and Action**

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is*

*No change proposed.*

provided through Policy D09 relating to the water environment, which applies to all forms of development.

### Wenningdale Climate Action Network (WeCan)

4093/1223/M17

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.

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

### 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to*

*No action required.*

*play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

### **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.

### **Proposed Response and Action**

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

### **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.

### **Proposed Response and Action**

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations and light intrusion.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

### **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.

#### Proposed Response and Action

*It is considered that the suggested approach would lack flexibility to reflect a wide range of potential circumstances that could apply to a specific proposal in the Plan area*

*No change proposed*

#### 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.

#### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may*



*position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*also be required.*

### **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.

### **Proposed Response and Action**

*This is outside the scope of the Plan*

*No change proposed*

**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.

### **Proposed Response and Action**

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity*

*No change proposed*

**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.

### **Proposed Response and Action**

*This concern is noted. In combination it is considered that the Policies in the Plan, including Policy D09 relating to the Water environment in Chapter 9 provide a robust approach to protection of ground and surface waters. Other regulators are also relevant to delivery of*

*No change proposed*

*protection and this is referenced in the Plan. National policy states that planning authorities should assume that other regulatory regimes will operate effectively*

**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.

### **Proposed Response and Action**

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Revise text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

**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.

### **Proposed Response and Action**

*This concern is noted. In combination it is considered that the Policies in the Plan, including Policy D07 relating to biodiversity and geodiversity in Chapter 9 provide a robust approach to protection of biodiversity*

*No change proposed*

**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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

**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.

### Proposed Response and Action

*Whilst this is noted, requirements for EIA are subject to other specific legislation and guidance and it would not be appropriate to address this issue specifically in the Plan*

*No change proposed*

Part 4) ii): Mitigation is not effective in dealing with earthquakes. A precautionary approach should be followed.

### Proposed Response and Action

*Para. 7.117 summarises the regulatory process relating to induced seismicity including mitigation measures, which is based on a precautionary approach*

No change proposed

### Frack Free Harrogate District

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

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this is noted there is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively.*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Revise text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

## 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.'

### Proposed Response and Action

*It is considered that Part 1) as currently worded provides a sufficiently robust approach to dealing with transport impacts from hydrocarbon development*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. The potential for cumulative impact is specifically addressed in Policy M17.*

No change proposed

### West Malton Against Fracking

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed



## 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

No change proposed

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).

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed



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.

### Proposed Response and Action

*The supporting text to M17 1) iii) recognises (at para. 5.132) that a range of factors could impact on the identification of routes for pipelines, including land ownership considerations and economic considerations as well as environmental constraints. However, taking into account the range of important environmental assets and other constraints within that part of the Plan area currently covered by PEDLs, it is considered necessary to include a policy objective which seeks to direct pipelines to routes which help minimise impacts. This does not impact on the use of the EIA process, including through the consideration of alternatives, to assess impacts in an objective way.*

No change proposed

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

#### **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'.

#### **Proposed Response and Action**

*It is considered that Part 3) as currently worded, which would operate alongside other relevant policies in the Plan dealing with protection of the environment and local communities, provides a sufficiently robust approach to dealing with transport impacts from hydrocarbon development*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

*No change proposed*

#### **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 THAT 750 METRES, IS REQUIRED TO PROTECT RESIDENCES, SCHOOLS, HOSPITALS, CLINICS, OTHER SOCIAL SERVICES, LIVESTOCK FARMS, HORTICULTURE NURSERIES, SENSITIVE WILDLIFE SITES ETC. WITH NO EXCEPTIONS.'

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is not considered appropriate to specify that there should be no exceptions to within the 500m distance identified in Policy M17 Part 4 i) as there is the potential for local circumstances such as topography to be of relevance. Such an approach is more in line with national planning practice guidance, which requires more flexibility on this matter.*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants.*

No change proposed

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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this would be an unreasonably stringent test.*

No change proposed

4085/0346/M17

Part 2) ii) c) and Part 3): Use of the term 'high standard' in the Policy should be clarified.

### Proposed Response and Action

*It is not practicable to specify in the Policy all relevant matters. Reference to a 'high standard' is intended to convey that in applying this and other relevant policies the objective is to deliver a high standard of protection.*

No change proposed

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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

4086/0305/M17

2) Cumulative impact is a key issue and development would, cumulatively, have a large impact on the countryside and local communities.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

*No change proposed*

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.



## Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

**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'.

## Proposed Response and Action

*It is considered that the Policy as currently worded provides an appropriate balance in allowing flexibility for development in suitable locations whilst setting out relevant criteria that would need to be met to ensure key matters are addressed*

*No change proposed*

**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.

## Proposed Response and Action

*It is agreed that it would be helpful to clarify the footnote by stating that the term local community includes residential areas and residential institutions*

*Revise footnote to Policy M17 1) i) a) to make specific reference to residential areas*

**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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is necessary to retain a degree of flexibility in the Plan, recognising the range of uncertainties that exist about future development of any shale gas industry.*

No change proposed

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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No action proposed

4085/0345/M17

Part 1) i) a): Crematoria should be included within the definition of sensitive receptors' identified in the footnote to the Policy.

### Proposed Response and Action

*Whilst this is noted the focus of the definition of sensitive receptors is on residential and other equivalent institutions and it is considered that this remains an appropriate and proportionate approach. Policy D02 applies to all proposals and provides general protection to local amenity, which would include impacts arising through development which could impact on crematoria*

No change proposed

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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

4086/0306/M17

4) Long term noise impacts would be caused by hydrocarbon development.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

#### 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 AVAILABLE FOR PUBLIC SCRUTINY. WHOLLY INDEPENDENT 'HEALTH IMPACT ASSESSMENTS' WILL INCLUDE BASELINE INFORMATION ON POSSIBLE HEALTH IMPACTS BASED ON CONCERNS/EVIDENCE AND 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants.*

No change proposed

4086/0310/M17

1) Rural roads will not cope with increased traffic associated with fracking.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment.*

No change proposed

### 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

4085/0347/M17

Use of the term 'unacceptable' throughout the Policy requires definition.

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that, in combination, the range of policies in the Plan for a high degree of protection from impacts whilst providing flexibility to enable development to take place in appropriate locations. It is not considered practicable with current knowledge to indicate a specific appropriate separation distance between well pads and such an approach would lack flexibility to deal with the wide range of locational and other relevant circumstances that could impact on an appropriate spacing.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a suitably robust approach to protection*

No change proposed

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 from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

**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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

**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.

## Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

**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.

## Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is not considered appropriate to specify that there should be no exceptions to within the 500m distance identified in Policy M17 Part 4 i) as there is the potential for local circumstances such as topography to be of relevance. Such an approach is more in line with national planning practice guidance, which requires more flexibility on this matter*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide for a high degree of protection to local communities and the environment, taking into account also the role of other regulators. National policy states that planning authorities should assume that other regulatory regimes will operate effectively*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

**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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development.*

*No change proposed*

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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### South Hambleton Shale Advisory Group

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.'

**Proposed Response and Action**

*Policy M17 4) 1) already states that hydrocarbons development will only be permitted where it would not give rise to unacceptable impact on local communities. This would apply in all circumstances regardless of distance from a receptor and would require detailed assessment on a case by case basis via a planning application*

*No change proposed*

**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.

**Proposed Response and Action**

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Polices M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

*No change proposed*

**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.

**Proposed Response and Action**

*It is not considered appropriate to impose a prohibition on fracking or other forms of development within the 3.5km buffer zone identified via Policy M16 as the degree of impact can only be fully assessed on a case by case basis as a wide range of local factors may*

*No change proposed*



be relevant.

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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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.

### Proposed Response and Action

*It is not agreed that, as a form of minerals extraction, hydrocarbon development falls outside the definition of appropriate development in the green belt, provided they preserve openness and do not conflict with the purposes of including land within it. Further guidance the authorities will take to proposals for hydrocarbon development tin the green belt is provided in para. 9.31, which relates to Policy D05 dealing with minerals and waste development in the green belt.*

*No change proposed*

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.

#### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

No change proposed

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.

#### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Requirements for EIA are subject of specific legislation and guidance and it is not appropriate to make this a specific requirement of the Plan*

No change proposed

4142/1073/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.

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

4146/0943/M17

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations, including addressing issues relevant to air quality and public health in Policy M17 4) iii)*

No change proposed

## 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.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

*No change proposed*

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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No change proposed

The Plan doesn't provide sufficient safeguards to protect the safety of other users of the road network, including non-vehicular users.

### Proposed Response and Action

*With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

No change proposed.

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

*protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

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 ...

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

*Revise text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

**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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*



*indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

#### 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.

#### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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.

#### Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond scientific doubt that there would be no impact on water supply, as this*

No change proposed



*would be an unreasonably stringent test.*

## 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.

### Proposed Response and Action

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

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 from additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the Policies provide robust protection to the environment and local communities*

*No change proposed*

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

**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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required*

**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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No change proposed*

**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.

### Proposed Response and Action

*The potential for hydraulic fracturing for shale gas to require large volumes of water, together with the rural nature of the road network over much of the Plan area, means that it is appropriate to prioritise delivery of water to well sites by alternative means. Such an approach would also be generally consistent with national planning policy relating to sustainable transport.*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to replace the reference to 'planned' with 'permitted' to facilitate interpretation and application of the Policy.*

*Revise text of para. 2) ii) a) of M17 to replace reference to 'planned' with 'permitted'.*

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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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

### Proposed Response and Action

*Whilst the proposal for an increased buffer distance around sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policies M16 and M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

No change proposed

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 form additional fracking development and that decisions on planning applications are based on a scientific certainty that all potential issues can be overcome.

### Proposed Response and Action

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively. It is not considered appropriate to specify that EIA should always be required as this is subject of specific legislation and guidance*

No change proposed

4145/0981/M17/LC.U.DTC

This repose 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.

### Proposed Response and Action

*Whilst this is noted, it remains the position that the Minerals and Waste Joint Plan is not the appropriate delivery mechanism for delivery of an independent environmental baseline monitoring study and that this would need to be pursued through other channels*

No change proposed

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.

### Proposed Response and Action

*It is considered that para. 4.11 provides adequate clarification of the potential need for review of the hydrocarbons policies in the Plan, including in relation to availability of significant new evidence on environmental, economic, amenity or public health impacts of such development. It is not considered necessary to re-state this later in the Plan.*

No change proposed

#### 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'.

### Proposed Response and Action

*Whilst it is acknowledged that an overall scheme of production in a PEDL area may not be known, particularly in advance of exploration activity, it is important that the Plan addresses matters relevant to strategic land use planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be*

No change proposed



practicable.

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.

**Proposed Response and Action**

*Whilst this is noted it is considered that, in combination, the plan sets out a robust approach to protection*

No change proposed

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.

**Proposed Response and Action**

*Whilst this concern is noted it is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations.*

No change proposed

**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.

**Proposed Response and Action**

*This is not agreed. Cumulative impact can arise as a result of a number of developments taking place simultaneously, or as a result of a prolonged sequence of development in an area, or a combination of the two.*

No change proposed

**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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No change proposed

4111/1110/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.

### Proposed Response and Action

*Specific reference is made in the supporting text (para. 5.146) to the high potential for 24 hour activity associated with some hydrocarbons operations to give rise to noise impacts. Policy M17 Part 4 i) requires that a high level of protection from noise impacts be provided. This will apply regardless of the actual separation distance between development and receptors. Para. 5.147 of the supporting text to Policy M17 clarifies that operators will as a minimum be expected to meet the suggested limits set out in national planning practice guidance. This provides flexibility to accommodate any future updates of practice guidance during the life of the Plan. However, it is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance. Part 4 i) of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

2253/1241/M17

The precautionary Principle should be applied. An Environmental Assessment should always be required to assess potential cumulative impacts.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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).

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.

### Proposed Response and Action

*Whilst these concerns are noted it is considered that, in combination, the policies set out a robust approach to protection of the environment and local communities, taking into account also the role of other relevant regulators*

No change proposed

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.

### Proposed Response and Action

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There are a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will*

No change proposed

*operate effectively.*

**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.

### Proposed Response and Action

*Policy M17 4) iii) requires submission of a Health Impact Assessment in relations to proposals involving hydraulic fracturing*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst this is noted, Yorkshire Water has not expressed concern on this matter in response to consultation on the Plan*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate.*

**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.

## Proposed Response and Action

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

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.

## Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

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.

## Proposed Response and Action

*It is not considered appropriate to specify an acceptable distance from A and B roads as this would lack flexibility to reflect the wide range of locational circumstances and the variability of the road network in the Plan area*

No change proposed

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.

### Proposed Response and Action

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively.*

No change proposed

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.

### Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

### 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.

### Proposed Response and Action

*There may be circumstances where development is considered acceptable notwithstanding that adverse effects may arise. With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy*

No change proposed

### 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

### Proposed Response and Action

*With regard to access to the road network, it is not considered appropriate to specify a maximum distance from A or B class roads, or require direct access to such roads. The varied nature of the road network means that the suitability of access can only be judged on a case by case basis, taking into account the requirements of the Policy*

No change proposed

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.



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.

### Proposed Response and Action

*Guidance encourages the use of positively worded policies where appropriate. Part 2) ii a of the Policy refers to the need to address transport impacts as part of cumulative impact and it is not considered necessary to restate this elsewhere in the Policy. The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality,*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

**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

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies. Para. 5.139 of the supporting text to Policy M17 identifies that cumulative effects may need to be considered through Environmental Impact*

*No change proposed*

*Assessment. However, as acknowledged in the text this may not be applicable in all circumstances and making this a mandatory requirement through the Policy would not be appropriate as it is a matter to be judged through the EIA scoping process in relation to a particular project.*

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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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.

### Proposed Response and Action

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

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 from 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, BUSINESS, 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'.

**Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

4105/1168/M17

**Churches Together In Settle Justice and Peace Group**

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.

**Proposed Response and Action**

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.

## Proposed Response and Action

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

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.

## Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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.

## Proposed Response and Action

*The potential for traffic to impact on air quality is most likely to occur in the form of cumulative impact from a number of developments, leading to increased overall traffic movements in an area or along certain routes, above that likely to arise in association with a single hydrocarbon development. Policy M17 2) i) a) already states that assessment of cumulative impact will need to include consideration of any associated transport impacts. This, alongside other policy in the Plan including those requiring submission of transport assessments and protecting local amenity, provide a mechanism to ensure that impacts on air quality from vehicle movements are taken into account. In addition the supporting text to Policy M17, at para. 5.149, clarifies that air quality monitoring plans for proposals involving hydraulic fracturing should include monitoring parameters relating to vehicle movements. However, in order to further clarify the position on this matter it is proposed that additional text be included in the text of para. 5.131 and 9.16 to indicate that consideration of*

*Include additional text in para. 5.131 and 9.16 to indicate that consideration of the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required.*

*the impact of vehicle movements on air quality, particularly in locations where air quality management zones have been identified, may also be required. With regard to protection of the safety of other road users, it is considered that this would fall within the scope of the requirement in Policy D03 (and also included within Policy M17 1) i) a) that the nature, volume and routing of traffic would not have an unacceptable impact on local communities, businesses and other users of the highway network. However, it is not considered necessary to include reference to the need to consider impacts on all users of the highway, including non-motorised users as these are already covered by the general reference to users of the highways network.*

#### **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.

#### **Proposed Response and Action**

*Para. 5.146 of the justification to Policy M17 states that the term sensitive receptor, used in the Policy in the context of the need to maintain adequate separation distances, includes schools and hospitals. Whilst the proposal for a 1 mile separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

*No change proposed*

**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.

#### **Proposed Response and Action**

*The Plan sets out a comprehensive range of criteria to ensure a robust approach to protection of the environment whilst providing appropriate flexibility for development in line with national policy. There is a range of relevant regulatory regimes administered by other bodies. National planning policy and guidance states that planning authorities should assume that these other regimes will operate effectively. It is not considered appropriate to specify that EIA should always be required as this is subject of specific legislation and guidance*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

Noted

No action required

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.

**Proposed Response and Action**

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would don't arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

No change proposed

**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.

**Proposed Response and Action**

*Noted. Independent baseline monitoring of a range of parameters in part of the Plan area is being carried out by BGS. Policy M17 of the Plan requires proposals involving fracking to utilise available baseline monitoring data*

No action required

**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.

**Proposed Response and Action**

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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.

### Proposed Response and Action

*Whilst the proposal for a 750m separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

#### 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 100km<sup>2</sup>. 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 km<sup>2</sup> 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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

#### 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.



## Proposed Response and Action

*The purpose of the text in paras. 5.131 to 5.152 is to provide justification for and amplification of Policy M17 and it is considered important to retain it to assist users of the Plan*

No change proposed

### 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.

## Proposed Response and Action

*It is considered appropriate to ensure that all sites are located where suitable access to A or B roads can be achieved. The Policy acknowledges that mitigation measures proposed via a transport assessment may allow suitable access to be achieved where it would otherwise give rise to unacceptable impact. This is an appropriate approach reflecting the rural nature of the area and the characteristics of the road network*

No change proposed

Clarification should be provided on who will pay for damage resulting from traffic on unsuitable roads.

4085/0349/5.131

## Proposed Response and Action

*Policy M17 1) sets out a range of policy measures to help ensure that vehicle movements could be accommodated on the road network. The potential need for remediation of damage on a case by case basis is outside the scope of the Plan*

No change proposed

### Zetland Group

2145/0617/5.132/U

This para is not relevant as the Transport Assessment will assess transport impact.

## Proposed Response and Action

*The potential for hydraulic fracturing for shale gas to require large volumes of water, together with the rural nature of the road network over much of the Plan area, means that it is appropriate to prioritise delivery of water to well sites by alternative means. Such an approach would also be generally consistent with national planning policy relating to sustainable transport.*

No change proposed

### 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.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan. With regard to encouraging the sharing of infrastructure between operators, this is referred to in para. 5.140 and 5.141 and would be delivered through the development management process, including pre-application discussions, having regard to the requirements of the development plan but, at this early stage in the development of the industry in this area, would need to be addressed on a site by site basis.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### 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.

### Proposed Response and Action

*Whilst this concern is noted, the text of para. 5.132 recognises that there are a range of factors which can impact on a developers' ability to minimise impact, including land ownership and economic factors as well as environmental constraints. Taking into account the distribution of PEDLs across rural areas and the nature of the associated road network, it is considered justified to include a presumption*

*No change proposed*

*in the Policy against the need for road transport of water, in order to help reduce overall development impacts*

**Third Energy Limited**

2762/1417/5.132/U

This para is not relevant as the Transport Assessment will assess transport impact.

**Proposed Response and Action**

*The potential for hydraulic fracturing for shale gas to require large volumes of water, together with the rural nature of the road network over much of the Plan area, means that it is appropriate to prioritise delivery of water to well sites by alternative means. Such an approach would also be generally consistent with national planning policy relating to sustainable transport.*

No change proposed

**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.

**Proposed Response and Action**

*It is considered that the para. as currently worded provides an appropriate outline of the general nature of shale gas development.*

No change proposed

**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.

**Proposed Response and Action**

*It is considered that the para., as currently worded, provides an appropriate outline of the general nature of shale gas development.*

No change proposed

**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.

**Proposed Response and Action**

*Whilst this concern is noted, it must be acknowledged that shale gas as an industry is a nascent stage in the UK. It is acknowledged that it is a role of the planning system to help manage development. As part of this process it is important that a local policy framework is in place. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

## 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..."

### Proposed Response and Action

*Providing policy protection to address cumulative impact is reflected in a number of policy elements within the hydrocarbon chapter and is given significant emphasis as it is acknowledged that it is a significant issue to address. However, it is not considered appropriate to pre-judge the degree of such impact at this stage.*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this concern is noted, it must be acknowledged that shale gas as an industry is a nascent stage in the UK. It is acknowledged that it is a role of the planning system to help manage development. As part of this process it is important that a local policy framework is in place. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

4085/0350/5.135

A reasonable balance between flexibility for development and impacts is impossible. The Plan is too pro-industry.

### Proposed Response and Action

*This is not accepted. Whilst it is acknowledged in the Plan that this is a difficult balance to reach, it is considered that in combination the policies provide flexibility for development in appropriate locations as well as providing a high level of protection to the environment and local communities*

No change proposed

## 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.

### Proposed Response and Action

*Whilst this concern is noted, it must be acknowledged that shale gas as an industry is a nascent stage in the UK. It is acknowledged that it is a role of the planning system to help manage development. As part of this process it is important that a local policy framework is in place. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

### **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.

### **Proposed Response and Action**

*Whilst this concern is noted, it must be acknowledged that shale gas as an industry is a nascent stage in the UK. It is acknowledged that it is a role of the planning system to help manage development. As part of this process it is important that a local policy framework is in place. The Plan contains a significant degree of flexibility for development to reflect a range of options. At this stage industry has not been able to point to any definitive models of development. The need for this to be informed by the outcome of any initial exploration phase is acknowledged. Para. 4.11 recognises the potential need for review of the Plan following the outcome of exploration and appraisal activity.*

No change proposed

### **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.

### **Proposed Response and Action**

*This is agreed. The text of the Plan recognises a range of uncertainty and allows appropriate flexibility for this*

No change proposed

### **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.

### **Proposed Response and Action**

*This is agreed. The text of the Plan recognises a range of uncertainty and allows appropriate flexibility for this*

No change proposed

### **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.

**Proposed Response and Action**

*The plan sets out a comprehensive policy approach to hydrocarbon development, including cumulative impact. However, this needs to be balanced with a degree of flexibility and recognition that there is uncertainty over the detail of how development may come forward. Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise.*

No change proposed

**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.

**Proposed Response and Action**

*It is agreed that it would be appropriate to replace the reference to 'planned' with 'permitted' to facilitate interpretation and application of the Policy.*

*Revise text of para. 2) ii) a) of M17 to replace reference to 'planned' with 'permitted'.*

**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.

**Proposed Response and Action**

*Whilst the suggestion that a minimum separation distance between well pads should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

*constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

**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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to replace the reference to 'planned' with 'permitted' to facilitate interpretation and application of the Policy. Cumulative impacts may arise as a result of a number of simultaneous developments in an area and/or a sequence of*

*Revise text of para. 2) ii) a) of M17 to replace reference to*



*development in an area. It is therefore considered appropriate to take into account restored hydrocarbons sites when assessing cumulative impact*

*'planned' with 'permitted'.*

**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.

### **Proposed Response and Action**

*This is clearly stated in the text of the Plan to be a guideline, reflecting uncertainty about future development issues whilst acknowledging the need to ensure that unacceptable cumulative impact is prevented*

*No change proposed*

**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.

### **Proposed Response and Action**

*The text of Policy M17 2) ii) already states that the number of well pads and/or the number of individual wells will be limited to ensure that unacceptable cumulative impact does not arise. It is not considered appropriate to specify that a low density will be required in particular areas, as this would not provide sufficient flexibility to address local circumstances*

*No change proposed*

### **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 100km<sup>2</sup> is considered inappropriate as there is no arbitrary PEDL size.

### **Proposed Response and Action**

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact.*

*No change proposed*

### **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 100km<sup>2</sup> is considered inappropriate as there is no arbitrary PEDL size.

### Proposed Response and Action

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue. It is also acknowledged that a PEDL may comprise a number of blocks or only part of a block. The text of para. 5.137 already clarifies that this will be applied pro-rata for PEDLs of less than 100km<sup>2</sup>. The text could be further clarified by revising this to refer to it being applied pro-rata for PEDLs or blocks of less than 100km<sup>2</sup>, as appropriate.*

*Revise the text of para. 5.137 to refer to the guideline of 10 well pads per 100km<sup>2</sup> being applied pro-rata per PEDL or block of less than 100km<sup>2</sup> as appropriate.*

**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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

*addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

**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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

### 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 100km<sup>2</sup> is considered inappropriate as there is no arbitrary PEDL size.

### Proposed Response and Action

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact.*

*No change proposed*

**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.

### Proposed Response and Action

*The text of Policy M17 2) ii) already states that the number of well pads and/or the number of individual wells will be limited to ensure that unacceptable cumulative impact does not arise.*

*No change proposed*

## 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'.

### Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

## Stonegrave Parish Meeting

0878/0319/5.137

Well pad density should be reduced to 40% of those envisaged to be permitted as a maximum.

### Proposed Response and Action

*Whilst this is noted it is considered that the Plan provides an appropriate balance between protection of the environment and local communities and providing flexibility for development*

*No change proposed*

## 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'

## Proposed Response and Action

*Policy D06 of the Plan states that all landscapes will be protected from the harmful effects of development, and that they will be permitted where it can be demonstrated that there will be no unacceptable impact on the quality and/or character of the landscape, having taken into account any proposed mitigation measures. This would ensure that appropriate consideration is given to impacts on landscapes within Ryedale (or elsewhere within the Plan area) which are not nationally designated for protection. Furthermore, Policy D08 specifically recognises the significance of the archaeological resource of the Vale of Pickering, the Yorkshire Wolds and the North York Moors and Tabular Hills and indicates that particular regard will be had to conserving the distinctive character and sense of place in these areas. In combination these policies will help ensure that distinctive landscape character, including historic landscape character, in Ryedale is protected where minerals or waste development is proposed. Furthermore, the Ryedale Plan itself forms a part of the statutory development plan and existing Policy SP13 of that Plan may be relevant to proposals for minerals and waste development, depending on the circumstances. However, it is agreed that it would be appropriate to make specific reference, in the supporting text to both policies M16 and D06 to the fact that areas of local landscape importance have been identified in local plans and, where these continue to form part of the development plan and are relevant to a proposal under consideration, will need to be taken into account in determining the acceptability of the proposal. This will help ensure that appropriate links are made across the separate elements of the development plan.*

*Add additional text to para. 5.130 and para. 9.42 to refer to the need for consideration to be given to policies protecting locally designated landscapes identified through other elements of the development plan.*

### 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 100km<sup>2</sup> is considered inappropriate as there is no arbitrary PEDL size.

## Proposed Response and Action

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue. It is also acknowledged that a PEDL may comprise a number of blocks or only part of a block. The text of para. 5.137 already clarifies that this will be applied pro-rata for PEDLs of less than 100km<sup>2</sup>. The text could be further clarified by revising this to refer to it being applied pro-rata for PEDLs or blocks of less than 100km<sup>2</sup>, as appropriate.*

*Revise the text of para. 5.137 to refer to the guideline of 10 well pads per 100km<sup>2</sup> being applied pro-rata per PEDL or block of less than 100km<sup>2</sup> as appropriate.*

### 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.

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

#### Habton Parish Council

The scale and density of well pads should be amended to read '10 well pads per 100 square miles'.

**0589/0543/5.137**

### Proposed Response and Action

*It is not considered that sufficient justification for this change has been put forward*

*No change proposed*

**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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density*



*different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*and/or number of well pads may be appropriate*

**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.

**Proposed Response and Action**

*It is considered that the approach expressed in para. 5.137 provides appropriate flexibility whilst, in combination, the policies provide for robust protection*

*No change proposed*

**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."

**Proposed Response and Action**

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may 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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

3699/0445/5.137/U

Suggested modification: Replace '..10 well pads per 100km2..' with '..10 WELL PADS PER 1,300 SQUARE KILOMETERS..'

### Proposed Response and Action

*Whilst this is noted it is considered that such an approach would not provide sufficient flexibility to provide for development in appropriate locations.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive development takes place.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

**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.

### **Proposed Response and Action**

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints. The need to consider transport impacts in the context of cumulative impact is addressed in Policy M17 2 ii. Transport Assessments, required by Policy M17 1) I would provide an opportunity to keep transport impacts under review as such assessments would need to reflect any changed baseline conditions, in terms of traffic volumes, as successive*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

development takes place.

## 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.

### Proposed Response and Action

*Whilst the suggestion that a minimum separation distance between well pads of at least 3 miles should be included in the Plan is noted, it is considered that such an approach would lack appropriate flexibility bearing in mind the very early stage of development of the industry in this area. It is also considered that it would not acknowledge the wide range of spatial considerations that could apply in different parts of the Plan area currently affected by PEDLs, and how these might impact on an appropriate separation distance between well sites in order to deliver the overarching objective in Policy M17 2 ii of ensuring that unacceptable cumulative impact does not arise. Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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

### Proposed Response and Action

*Where significant constraints exist in a PEDL area then the supporting text (para. 5.137) to the Policy acknowledges that a lower density of well pads may be appropriate. However, it is considered that further clarity on the approach to this matter could be provided by indicating in the supporting text that a lower density or number of well pads may be appropriate where these circumstances apply. This would ensure that an appropriate density, commensurate with preventing unacceptable cumulative impact, is maintained in residual areas of PEDLs where there are fewer constraints.*

*Add new text to para. 5.137 to indicate that where significant constraints exist a lower density and/or number of well pads may be appropriate*

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.

### Proposed Response and Action

*Whilst changes to the structure and detailed wording of some policies have been made since consultation at Preferred Options stage, these have been made in response to views expressed through consultation. This includes views received from both the public and other*

*No change proposed*

*organisations. It is considered that the changes to the policies are evolutionary. The reference in para. 5.137 is intended to provide a guide to application of the Policy, whilst the Policy itself establishes the overarching objective of preventing unacceptable cumulative impact.*

#### **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.

#### **Proposed Response and Action**

*Policy M17 of the Plan seeks to address the potential for cumulative impact but doesn't set out any absolute limit on well pad or well numbers, recognising current uncertainty about the precise development model which industry may seek to follow and that a range of local circumstances are likely to arise. The overarching objective of the policy is to prevent unacceptable cumulative impact. It is acknowledged that planning applications will need to be determined on a case by case basis and that cumulative impact may also be addressed via Environmental Impact Assessment, where this is required. However, it is considered important that the Plan sets out policy to provide a framework for addressing this potentially important issue. It is also acknowledged that a PEDL may comprise a number of blocks or only part of a block. The text of para. 5.137 already clarifies that this will be applied pro-rata for PEDLs of less than 100km<sup>2</sup>. The text could be further clarified by revising this to refer to it being applied pro-rata for PEDLs or blocks of less than 100km<sup>2</sup>, as appropriate.*

*Revise the text of para. 5.137 to refer to the guideline of 10 well pads per 100km<sup>2</sup> being applied pro-rata per PEDL or block of less than 100km<sup>2</sup> as appropriate.*

**4096/0467/5.137/U**

This shows complete disdain 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 100km<sup>2</sup> would be very difficult to accommodate. Also, the wording allows more than 10.

#### **Proposed Response and Action**

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity and the environment*

*No change proposed*

#### **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.

### Proposed Response and Action

*Whilst the role of field development plans is noted, the proposed approach to development of a PEDL area also gives rise to considerations relevant to strategic land use planning, which is a separate process. A key role of a local plan is to help ensure effective strategic planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst the role of field development plans is noted, the proposed approach to development of a PEDL area also gives rise to considerations relevant to strategic land use planning, which is a separate process. A key role of a local plan is to help ensure effective strategic planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst the role of field development plans is noted, the proposed approach to development of a PEDL area also gives rise to considerations relevant to strategic land use planning, which is a separate process. A key role of a local plan is to help ensure effective strategic planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst it is acknowledged that an overall scheme of production in a PEDL area may not be known, particularly in advance of exploration activity, it is important that the Plan addresses matters relevant to strategic land use planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst it is acknowledged that an overall scheme of production in a PEDL area may not be known, particularly in advance of exploration activity, it is important that the Plan addresses matters relevant to strategic land use planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst the role of field development plans is noted, the proposed approach to development of a PEDL area also gives rise to considerations relevant to strategic land use planning, which is a separate process. A key role of a local plan is to help ensure effective strategic planning within the relevant area. The Policy does not require such information to be provided in all circumstances, recognising that, particularly in the early stages of development in a PEDL area, sufficient information may not be available to be able to put specific proposals for development in a wider strategic context. It is therefore acknowledged in the text of the Policy and supporting text at para. 5.138 that such an approach may not always be practicable.*

No change proposed

4085/0351/5.139



EIA should be required for all shale gas applications.

### Proposed Response and Action

*Whilst this comment is noted, the circumstances in which Environmental Impact Assessment is required is established in national regulations and it would not be appropriate to make this a specific requirement of the policy. Para. 5.152 indicates that EIA will be required if significant environmental effects are likely and it is considered that this is likely to apply to proposals involving hydraulic fracturing.*

No change proposed

#### 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.

### Proposed Response and Action

*Cumulative impacts may arise as a result of a number of simultaneous developments in an area and/or a sequence of development in an area. It is therefore considered appropriate to take into account restored hydrocarbons sites when assessing cumulative impact*

No change proposed

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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity and the environment*

No change proposed

#### 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.

### Proposed Response and Action

*This is not agreed. The Plan area is highly rural with substantial environmental and other constraints. Accommodating development of industrial character in such an area will inevitably give rise to challenges in terms of managing potential issues and conflicts through the planning process.*

No change proposed

#### 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.

### Proposed Response and Action

*This is not agreed. The Plan area is highly rural with substantial environmental and other constraints. Accommodating development of industrial character in such an area will inevitably give rise to challenges in terms of managing potential issues and conflicts through the planning process.*

No change proposed

#### **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."

### Proposed Response and Action

*It is accepted that not all existing infrastructure may be suitable for use in association with hydrocarbon development, and this is reflected in the use of the terms 'suitable existing infrastructure' and 'where practicable' in the final sentence of the paragraph.*

No change proposed

4085/0352/5.141

This is not likely to be effective in encouraging co-ordination between operators.

### Proposed Response and Action

*Whilst this is noted, the early stage of development of any shale gas industry in the area means that a more comprehensive approach is not practicable at this stage. Para. 4.11 identifies a potential need for review of relevant policy areas. This is cross-referenced in para. 5.96 in the hydrocarbons section*

No change proposed

0150/0821/5.142/LC.U.DTC

#### **Egdon Resources (UK) Limited**

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.

### Proposed Response and Action

*Whilst it is considered important that the Policy gives priority to development of such land as this is generally consistent with national planning policy requirements, it is acknowledged that opportunities for this are likely to be limited and the Policy therefore acknowledges that there may be circumstances where development of agricultural land is required. It is considered that this approach provides a degree of flexibility whilst maintaining consistency with national policy.*

No change proposed

4085/0353/5.142

This is too weak in directing infrastructure to brownfield, industrial or employment land.

### Proposed Response and Action

*The policy requirement relating to this requirement is set out in Policy M17 2) v), which requires as a first priority that such development should be sited on brownfield, industrial or employment land. However, it is not considered that there needs to be some flexibility in the Policy to provide for circumstances where this is not practicable.*

No change proposed

### Third Energy Limited

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.

2762/1425/5.143/U

### Proposed Response and Action

*It is agreed that the reference to oil and gas development in para. 5.143 should be revised to hydrocarbon development, for consistency with other text references in the Plan.*

*Revise text of para. 5.143 to replace reference to oil and gas development with hydrocarbon development.*

### Zetland Group

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.

2145/0624/5.143/U

### Proposed Response and Action

*It is agreed that the reference to oil and gas development in para. 5.143 should be revised to hydrocarbon development, for consistency with other text references in the Plan.*

*Revise text of para. 5.143 to replace reference to oil and gas development with hydrocarbon development.*

4085/0354/5.144

This does not sufficiently address the long term impacts on tourism.

### Proposed Response and Action

*In combination it is considered that the policies in the Plan would operate to provide a high degree of protection to the environment, local communities and businesses and these would apply over the life of the Plan and serve to help address impacts on tourism. There is no specific evidence available on any potential long term impacts on tourism from shale gas development to justify an alternative approach.*

No change proposed

#### 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.

### Proposed Response and Action

*The text, as currently worded, is intended to acknowledge that, in some circumstances, more intrusive elements of development may only be present for short time periods and there may be potential to manage the timing of development activity to help minimise overall impacts. It is considered that this remains an appropriate approach.*

No change proposed

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.

### Proposed Response and Action

*Whilst it is accepted that some impacts could be of longer term duration, the reference to short duration and intermittent impacts in para. 5.145 is in the context of the potential for avoidance of such impacts through timing of the development to avoid particular periods. This opportunity would not be expected to exist for longer term impacts and therefore the suggested modification would not be appropriate in the context of this paragraph.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, it is considered that there would be likely to be significant difficulties in establishing sufficiently robust links between cause and effect across relatively broad environmental, social or economic effects*

No change proposed

### 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."

### Proposed Response and Action

*Whilst it is accepted that some impacts could be of longer term duration, the reference to short duration and intermittent impacts in para. 5.145 is in the context of the potential for avoidance of such impacts through timing of the development to avoid particular periods. This opportunity would not be expected to exist for longer term impacts and therefore the suggested modification would not be appropriate in the context of this paragraph.*

No change proposed

### 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.

### Proposed Response and Action

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting*

No change proposed

*point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

**2145/0625/5.146/U**

#### **Zetland Group**

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.

#### **Proposed Response and Action**

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

*No change proposed*

**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.

#### **Proposed Response and Action**

*Such an approach would not be consistent with national planning practice guidance regarding use of buffer zones*

*No change proposed*

#### **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.

#### **Proposed Response and Action**

*Whilst the proposal for an increased buffer distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection.*

*No change proposed*

#### **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'.

**Proposed Response and Action**

*Part 4 I of Policy M17 requires adequate separation distances to be maintained to ensure a high level of protection from adverse impacts and this overarching requirement would apply in all cases. The 500m distance also referred to in the Policy is considered to represent a realistic minimum distance below which it is considered there is a greater likelihood of unacceptable impacts arising and to provide clarity on the approach the MPAs intend to take. However, taking into account national guidance on use of separation distances it is considered appropriate to provide a degree of flexibility by acknowledging that there may be exceptional circumstances where a lesser distance could be appropriate. Use of the term 'exceptional' indicates that these are likely to be rare but as a wide range of local circumstances is likely to exist it is not practicable to define this in detail in the Plan. H Whilst the proposal for a 1 mile separation distance is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity.*

No change proposed

The 400m idea, even if only 'conjectured' is obscene for the people of Ryedale

4096/0469/5.146/U

**Proposed Response and Action**

*Policy M17 4i identifies a 500m separation distance where surface development is only likely to be permitted in exceptional circumstances. It needs to be recognised that a range of site specific circumstances are likely to exist and therefore the Policy needs to retain some flexibility*

No change proposed

**Third Energy Limited**

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.

2762/1384/5.146/U

**Proposed Response and Action**

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting*

No change proposed

*point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

### 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.

### Proposed Response and Action

*Matters subject of other (non-planning) regulations may also give rise to material planning matters which it is appropriate to address through the planning system. Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

No change proposed

### 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.

### Proposed Response and Action

*Protection of local amenity is an important consideration in planning. The specific characteristics of some stages of hydrocarbon development, particularly the need for 24 hour activity, combined with the highly rural nature of those parts of the Plan area covered by PEDLs, means that the potential for significant adverse impact on local amenity arises. It is therefore important that the Plan provides guidance on the approach the authorities intend to take towards addressing such potential conflict. The Policy allows flexibility where specific local circumstances may justify development in locations closer to sensitive receptors and it is considered that this represents an appropriately balanced approach.*

No change proposed

### 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.

### Proposed Response and Action

*The 500m distance is considered to represent a reasonable distance to help ensure an adequate separation between sensitive development and surface hydrocarbon development, reflecting the potential for 24 hr. activities in rural areas with relatively low background noise levels in some instances. However, the Policy also states that hydrocarbons development will be permitted in locations where it would not give rise to unacceptable impact on local communities or the public health. This element of the Policy applies regardless of the actual proposed separation distance.*

No change proposed

#### Habton Parish Council

0589/0541/5.146

There is no reference to separation distances between well pads and schools or boundaries of settlements.

### Proposed Response and Action

*Clarification of this is provided in the footnote to Policy M17 Part 1) i) a)*

No change proposed

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.

### Proposed Response and Action

*It is considered that the text as currently worded appropriately reflects the fact that impacts from lighting need to be mitigated as far as practicable*

No change proposed

#### 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...".

### Proposed Response and Action

*It is agreed that the text of para. 5.147 should be revised as suggested to more accurately reflect advice in the national Planning Practice Guidance.*

*Revise para. 5.147 to state that operators will as a minimum be expected to meet the required limits set out in the NPPF and national Planning Practice Guidance*

**4085/0357/5.148**

Induced seismicity may not necessarily be very low magnitude.

### Proposed Response and Action

*It is agreed that the text in para. 5.148 should be revised to delete reference to very low magnitude seismicity.*

*Revise para. 5.148 to delete reference to very low level seismicity.*

#### **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.

### Proposed Response and Action

*Whilst it is acknowledged that DBEIS has put in place specific measures relating to control of seismic risk, there is potential for this issue to give rise to wider considerations of local amenity which is a matter relevant to planning and therefore appropriately referenced in the Plan.*

*No change proposed*

#### **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.

### Proposed Response and Action

*Whilst it is acknowledged that DBEIS has put in place specific measures relating to control of seismic risk, there is potential for this issue to give rise to wider considerations of local amenity which is a matter relevant to planning and therefore appropriately referenced in the Plan.*

No change proposed

**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.

**Proposed Response and Action**

*Whilst it is acknowledged that DBEIS has put in place specific measures relating to control of seismic risk, there is potential for this issue to give rise to wider considerations of local amenity which is a matter relevant to planning and therefore appropriately referenced in the Plan.*

No change proposed

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.

**Proposed Response and Action**

*The control measures operated by DBEIS are designed to ensure that the potential for induced seismicity is identified and controlled at the operational stage. The Plan recognises that this issue could give rise to wider issues of local amenity and requires a high standard of protection*

No change proposed

**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.

**Proposed Response and Action**

*This requirement is not considered to be reasonable or practicable to implement for individual proposals taking into account the wide range of factors that may influence climate change.*

No change proposed

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.'

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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.

### Proposed Response and Action

*The requirements for EIA and Health Impact Assessment are separate and in the former case are subject of specific legislation, as reflected in the wording of para. 5.152*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered important that the Plan addresses potential impacts in a comprehensive way to help ensure that a robust approach to protection is in place, particularly taking into account current uncertainty over the extent to which proposals may come forward over the plan period, and of the range and extent of any associated impacts*

No change proposed

### 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'.

### Proposed Response and Action

*It is agreed that it is not necessary to refer specifically to hydraulic fracturing in this sentence as such issues may also be relevant to other forms of hydrocarbon development.*

*Revise first sentence of para. 5.149 to delete specific reference to 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'.

### Proposed Response and Action

*It is agreed that it is not necessary to refer specifically to hydraulic fracturing in this sentence as such issues may also be relevant to other forms of hydrocarbon development.*

*Revise first sentence of para. 5.149 to delete specific reference to hydraulic fracturing.*

4085/0358/5.149

There is too much uncertainty on health risks. A precautionary approach should be followed.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

## 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.

### Proposed Response and Action

*It is agreed that para. 5.151 should make reference to the Oil and Gas Authority in the context of the regulatory role of that organisation.*

*Revise text of para. 5.151 to refer to the Oil and Gas Authority.*

## 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.

### Proposed Response and Action

*It is agreed that para. 5.151 should make reference to the Oil and Gas Authority in the context of the regulatory role of that organisation.*

*Revise text of para. 5.151 to refer to the Oil and Gas Authority.*

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.

### Proposed Response and Action

*This concern is noted. In combination it is considered that the Policies in the Plan, particularly Policy M17 and the development management policies in Chapter 9 provide a robust approach to protection of local amenity and the environment*

*No change proposed*

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.

### Proposed Response and Action

*This would not be consistent with national policy*

*No change proposed*

4081/0224/M18

Shale gas companies should be obliged to pay Public Liability insurance sufficient to cover all potential disaster scenarios.

### Proposed Response and Action

*This would be outside the scope of the Plan*

*No change proposed*

**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.

### **Proposed Response and Action**

*Long term monitoring of disused wells is outside the scope of the Plan, as is the issue of staffing levels within the Health and Safety Executive*

*No change proposed*

**4086/0313/M18**

Waste water reinjection should not be supported until it is proven it can be done safely.

### **Proposed Response and Action**

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would not arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No change proposed*

**4072/0006/M18/U**

#### **Kingdom Gateway Foundation**

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.

### **Proposed Response and Action**

*Policy M18 requires demonstration of a high standard of environmental protection to be applied to proposals for management of hydrocarbons waste and the re-injection of water. Reference to application of the precautionary principle by the Environment Agency in the context of re-injection of flowback fluid is referred to in para. 5.156. It is not considered necessary to refer to the precautionary principle directly in the Policy as this would not add further clarity to the approach to be taken.*

*No change proposed*

**2762/1386/M18/U**

#### **Third Energy Limited**

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.



## Proposed Response and Action

*It is agreed that the wording of the Policy should be revised to delete reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position.*

*Revise Policy M18 2i) to delete reference to the need for decommissioning of suspended wells*

### 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).

## Proposed Response and Action

*Such an approach would not be consistent with national Planning Practice Guidance on the circumstances in which financial guaranteed can be justified and would not reflect the range of circumstances that could arise in relation to unconventional hydrocarbon development.*

*No change proposed*

### 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.

### Proposed Response and Action

*Requirements for EIA are subject of specific legislation and guidance and it would not be appropriate to make this subject of a policy requirement in the Plan. The requirement in Policy M18 for it to be demonstrated that, where off-site disposal or management is required, adequate arrangements for this can be made, together with the requirement for submission of a waste water management plan, is considered to provide adequate policy safeguards in relation to these matters*

No change proposed

### 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.

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommission and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the text should be revised to remove reference to the decommissioning of suspended wells, to help ensure consistence with other legislative processes.*

*Revise text of Policy M18 2) i) to remove reference to decommissioning of suspended*

wells.

**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.

**Proposed Response and Action**

*This is not agreed. It is considered that there is potential in the Joint Plan area for proposals to come forward which, in the context of the Plan area and bearing in mind the unproven status of commercial exploitation of shale gas in the UK, could be viewed as justifying provision of a financial guarantee.*

No change proposed

**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.

**Proposed Response and Action**

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

No change proposed

**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.

**Proposed Response and Action**

*This is not agreed. It is considered that there is potential in the Joint Plan area for proposals to come forward which, in the context of the Plan area and bearing in mind the unproven status of commercial exploitation of shale gas in the UK, could be viewed as justifying provision of a financial guarantee.*

No change proposed

**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.

## Proposed Response and Action

*Whilst this comment is noted such an approach would not be consistent with national policy and guidance*

*No change proposed*

### 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.

## Proposed Response and Action

*It is agreed that the wording of the Policy should be revised to delete reference to the need for decommissioning where wells are suspended pending further hydrocarbon development, to more accurately reflect the regulatory position*

*Revise Policy M18 2i) to delete reference to the need for decommissioning of suspended wells*

### 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.

## Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated. Separate regulatory procedures are in place in relation to monitoring and control of seismic activity.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**4086/0309/M18**

The Plan should ensure that contamination of water does not occur and applicants should demonstrate this beyond scientific doubt.

## Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would not arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No change proposed*

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.

### Proposed Response and Action

*Whilst this is noted it is considered that on-site management can be an appropriate means of dealing with waste providing it can be carried out in a way which provides a high standard of protection to the environment, as required by Policy M18 1) i). At this early stage of the industry it is not practicable to identify specific off-site locations for management as there are substantial uncertainties about the specific scale and distribution of development that could come forward. The Plan needs to retain a degree of flexibility in this respect.*

No change proposed

### 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

### Proposed Response and Action

*Whilst this is noted it is considered that the current wording is more in line with national planning guidance and provides appropriate flexibility*

No change proposed

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.

### Proposed Response and Action

*It is agreed that the text in para. 5.148 should be revised to delete reference to very low magnitude seismicity.*

*Revise para. 5.148 to delete reference to very low level seismicity.*

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.

## Proposed Response and Action

*Whilst this is noted it is not considered practicable at this very early stage in development of the industry to develop a more detailed planning policy approach in relation to management of waste water or, specifically that no waste water is to be reused without being cleaned. The role of the Environment Agency as the permitting authority for waste management is important in this respect and national planning policy indicates that planning authorities should assume that other regulatory regimes will operate effectively. The requirement for submission of a waste water management plan provides an opportunity to ensure that matters relevant to planning are addressed at a project specific level as proposals come forward*

No change proposed

### 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.

## Proposed Response and Action

*It is agreed that the text should be revised to remove reference to the decommissioning of suspended wells, to help ensure consistence with other legislative processes. National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*Revise text of Policy M18 2) i) to remove reference to decommissioning of suspended wells.*

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.

## Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced,*

*rather than 'very small scale induced seismic activity' as currently stated.*

## 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.

### Proposed Response and Action

*It is considered that the policy in M18 2) relating to financial guarantees is consistent with national guidance. It would not be appropriate to seek to apply this to every industrial project many of which would in any event fall outside the scope of the minerals and waste plan*

No change proposed

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

4085/0362/M18

Part 2): There should be greater oversight of long term consequences following decommissioning.

### Proposed Response and Action

*Long term monitoring following decommissioning and completion of satisfactory restoration of the site is outside the scope of the Plan*

No change proposed

4085/0361/M18

Part 1) ii): The potential for re-injection of waste water should not be supported in the Plan.



## Proposed Response and Action

*The Environment Agency, as the relevant regulator, has indicated that it does not consider reinjection of flowback fluid represents the Best Available Technique for managing this form of waste and is currently applying a precautionary approach. This is referenced in para. 5.156. However, the policy covers all forms of hydrocarbon development and this could include circumstances where proposals come forward for reinjection which does not involve flowback fluid arising from hydraulic fracturing activity.*

No change proposed

4096/0474/M18/U

Section 1) ii) What is the acceptable level of seismicity referred to in the last line of the paragraph?

## Proposed Response and Action

*It is not considered practicable or necessary to specify in the Policy an acceptable level of seismicity. The emphasis in the Policy is on helping to mitigate risk.*

No change proposed

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.

## Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

## 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.

## Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced,*

*rather than 'very small scale induced seismic activity' as currently stated.*

### 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.

### Proposed Response and Action

*It is agreed that the text should be revised to remove reference to the decommissioning of suspended wells, to help ensure consistence with other legislative processes.*

*Revise text of Policy M18 2) i) to remove reference to decommissioning of suspended wells.*

3971/0418/M18

The management of radioactive toxic waste from fracking has not been addressed.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

*No change proposed*

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

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.

### Proposed Response and Action

*It is agreed that the text in para. 5.148 should be revised to delete reference to very low magnitude seismicity.*

*Revise para. 5.148 to delete reference to very low level seismicity.*

Section 2) ii) This policy should specify a timescale for restoration and what happens if it is not met.

### Proposed Response and Action

*It is not considered practicable or appropriate to specify in the Policy the timescale for restoration as this may depend on the nature of the development and the site. The Policy requires that a timescale is agreed when proposals are brought forward and this will allow a specific period for restoration to be agreed on a case by case basis.*

*No change proposed*

### Third Energy Limited

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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies. This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other*

*No change proposed*

regimes.

### 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.

### Proposed Response and Action

*Although the Councils are not the permitting authority for waste, relevant land use planning issues are addressed in Policy M17 and elsewhere in the Plan, including the policies in chapters 6 and 9.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide robust protection to the environment and local communities taking into account also the role of other relevant regulators.*

No change proposed

### NC Tech Insight Ltd

4151/0955/M18

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.

### Proposed Response and Action

*It is not considered appropriate to specify this level of detail in the Plan which is focussed on land use matters. The role of other regulators is important and national policy and guidance states that planning authorities should assume these will operate effectively.*

No change proposed

### 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.

### Proposed Response and Action

*The requirement for Environmental Impact Assessment is subject of separate legislation and guidance. It is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations*

No change proposed

## 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.'

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used.*

No change proposed

## 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.'

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used.*

No change proposed

## 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'.

## Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for. It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

## 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

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used.*

No change proposed

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

3699/0441/M18/U

Part 1) i): HGV traffic associated with the need for off-site disposal of waste will lead to congestion.

### Proposed Response and Action



*Policy M17 1) requires that the transportation impacts of hydrocarbons development are addressed, including via a Transport Assessment, and this would include transport of associated waste products. Assessment of specific impacts would need to take place on a case by case basis.*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the text should be revised to remove reference to the decommissioning of suspended wells, to help ensure consistence with other legislative processes.*

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies.*

*This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

*Revise text of Policy M18 2) i) to remove reference to decommissioning of suspended wells.*

### 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'.

### Proposed Response and Action

*A range of policies in the Plan provide protection from impacts associated with hydrocarbon development and Policy M17 Part 4i, ii and iii in combination require a high level of protection from emissions to air to be provided, as well as requiring use of baseline monitoring information, where available, and other information to ensure robust assessment of proposals and, for hydraulic fracturing, provision of an air quality monitoring plan and health impact assessment. Additional protection is provided through Policy D02, which applies to all*

No change proposed

*development proposals. This requires, in relation to emissions to air, that priority is given to avoidance of adverse impacts, with use of robust mitigation measures where avoidance is not practicable. Other regulators, particularly the Environment Agency, have a role to play in the control of emissions to air. It is not considered practicable to require a baseline health impact assessment to be carried out in advance for individual proposals as such a study would need to be carried out over a wide area (beyond the scope of the Plan area) to be statistically relevant and this would be likely to represent an unreasonable burden on applicants. Whilst the proposal for a 750m separation distance from sensitive receptors is noted, it is not considered that sufficient justification for this has been provided and that Policy M17, as currently worded and alongside other relevant policy in the Plan, provides a robust basis for protection of amenity*

## 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.

## Proposed Response and Action

*Whilst concerns about pollution risks are understood, the Environment Agency is the pollution control authority with responsibility for regulating emissions to groundwater and planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively. However, it is also acknowledged that the potential for pollution is an important matter which may give rise to wider considerations relevant to land use and therefore fall within the scope of the planning system. Policy M16 Part b i) provides direct protection to the most sensitive areas of groundwater by setting out that certain forms of surface development, including those involving hydraulic fracturing, within such areas will not be permitted. The Policy Part b ii) further requires that development outside these areas will only be permitted where significant harm will not occur. Further protection is provided through Policy D09 relating to the water environment, which applies to all forms of development. However, it is not considered appropriate to require that it must be demonstrated beyond doubt that there would be no impact on water supply, as this would be an unreasonably stringent test. Guidance on the circumstances where a financial guarantee may be required is contained in para. 5.159. It is not practicable to specify in detail the circumstances where this may be necessary and this will be judged on a case by case basis.*

No change proposed

## 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...

### Proposed Response and Action

*It is considered that the Policy and supporting justification as currently worded are consistent with national Planning Practice Guidance and set out an appropriate approach to this issue*

No change proposed

#### 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

### Proposed Response and Action

*This position is understood to relate to reinjection of flowback fluid. However, there is the potential for proposals to come forward for reinjection of other forms of waste water and it is appropriate that the policy allows for this*

No change proposed

#### 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.'

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used.*

No change proposed

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.

### Proposed Response and Action

*It is agreed that the text in para. 5.148 should be revised to delete reference to very low magnitude seismicity.*

*Revise para. 5.148 to delete reference to very low level seismicity.*

### 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.

### Proposed Response and Action

*It is agreed that the text should be revised to remove reference to the decommissioning of suspended wells, to help ensure consistency with other legislative processes.*

*Revise text of Policy M18 2) i) to remove reference to decommissioning of suspended wells.*

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.

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan, particularly those relating to hydrocarbon development, present a comprehensive and robust approach to managing development proposals, giving due acknowledgement to the role played by other regulatory bodies on specific matters and the need to assume that these other regulatory regimes will operate effectively. Policy M17 2) requires that cumulative impact is considered and that development will be permitted where unacceptable cumulative impact would not arise. Collectively, these policies provide a precautionary approach to development and it is not necessary to state this specifically in the policies.*

No change proposed

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.'

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. This approach is consistent with national Planning Practice Guidance but it is not considered appropriate to make this requirement mandatory, or to specify in the Policy any particular mechanisms which must be used.*

No change proposed

### 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...'

### Proposed Response and Action

*It is considered that, in combination, the policies in the Plan provide a robust approach to protection of impacts on the environment and local communities, whilst providing appropriate flexibility for development in suitable locations*

No change proposed

### 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.

### Proposed Response and Action

*National policy is clear that local planning authorities should assume that other regulatory regimes will operate effectively and indicates that they should focus on the impact of the use, rather than the control of processes or emissions where these are dealt with under other pollution control regimes. In order to ensure that the impacts of a proposed use can be properly assessed through the planning process, it is necessary to ensure that the development plan, as the starting point for the determination of applications, contains relevant policies.*

No change proposed

*This is particularly the case where there the regulatory position is relatively complex and where important issues may arise which may be relevant to both assessing the land use impacts of a proposed use and to the detailed control of processes or emissions. It is therefore inevitable, and appropriate, that there will be a degree of overlap between the Plan and matters subject of specific control through other regimes.*

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.

### Proposed Response and Action

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. Long term monitoring following completion of restoration is outside the scope of the Plan.*

No change proposed

### 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.

### Proposed Response and Action

*It is considered that the requirement in Policy M18 1) i) for submission of a waste water management plan, and to demonstrate that, where off-site management or disposal is required, adequate arrangements can be made for this, provides sufficient protection, taking into account also the role of other regulators in this matter*

No change proposed

### 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.

### Proposed Response and Action

*This matter falls within the remit of other regulatory bodies and it would not be appropriate to include this in the Plan*

No change proposed

### 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.

### Proposed Response and Action

*Long term monitoring following decommissioning and completion of satisfactory restoration of the site is outside the scope of the Plan*

*No change proposed*

### 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'**

### Proposed Response and Action

*Taking into account the role of other regulatory regimes relevant to these matters it is considered that the current policy wording remains appropriate.*

*No change proposed*

### 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'**.

### Proposed Response and Action

*This approach would not be consistent with national policy and guidance*

*No change proposed*

### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design,*

*No change proposed*



*construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

1461/0494/M18/U.DTC

### Samuel Smith Old Brewery (Cunnane Town Planning LLP)

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.

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 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.

### Proposed Response and Action

*It is not agreed that, as a form of minerals extraction, hydrocarbon development falls outside the definition of appropriate development in the green belt, provided they preserve openness and do not conflict with the purposes of including land within it. Further guidance the authorities will take to proposals for hydrocarbon development in the green belt is provided in para. 9.31, which relates to Policy D05 dealing with minerals and waste development in the green belt.*

No change proposed

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that the Policy, in combination with other policies in the Plan, provides a robust approach to protections, taking into account also the role of other regulators*

No change proposed

0231/1440/M18/U

This policy makes several stipulations about criteria applying to hydrocarbon development. Would welcome clearer wording indication 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.

### Proposed Response and Action

*The Policies in the Plan will be applied as relevant when specific proposals come forward.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*It is not considered practicable or necessary to specify where waste is managed. The Policy states that, where off-site management is required, proposals should demonstrate that adequate arrangements can be made and this is considered to represent a proportionate approach bearing in mind the very early stages of development of the industry. A range of wastes may arise and it is not considered necessary to make specific reference to hazardous waste. Specific responsibility for permitting of waste management activity is a matter for the Environment Agency*

*No change proposed*

**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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

#### 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.

### Proposed Response and Action

*It is considered that the Policy and supporting text as currently worded are in line with national guidance*

No change proposed

#### 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'

**Proposed Response and Action**

*Policy M18 2) iii) states that provision of a financial guarantee may be needed, appropriate to the specific circumstances, in order to provide for decommissioning and restoration. Long term monitoring following completion of restoration is outside the scope of the Plan.*

No change proposed

**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.

**Proposed Response and Action**

*It is considered that the potential need for management of substantial volumes of waste water does represent a significant planning issue and that the reference in the text remains appropriate. However, it is agreed that it would be preferable to delete the word 'waste' in the first sentence of para. 5.153 and to revise the fourth sentence to refer to water constituting waste and requiring management or disposal.*

*Revise text of para. 5.153 1st and 3rd sentences to delete the word 'waste' in the first sentence and to revise the fourth sentence to refer to water constituting waste and requiring management or disposal.*

**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.

**Proposed Response and Action**

*It is considered that the potential need for management of substantial volumes of waste water does represent a significant planning issue and that the reference in the text remains appropriate. However, it is agreed that it would be preferable to delete the word 'waste' in the first sentence of para. 5.153 and to revise the fourth sentence to refer to water constituting waste and requiring management or disposal.*

*Revise text of para. 5.153 1st and 3rd sentences to delete the word 'waste' in the first sentence and to revise the fourth sentence to refer to water constituting waste and requiring management or disposal.*

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.

### Proposed Response and Action

*Para. 5.156 clarifies that reinjection of flowback fluid as a disposal method is not considered by the Environment Agency to represent Best Available Technique and is therefore not currently supported. However, this is a separate matter to the potential for on site treatment and reuse of water and it is not considered that the two statements are contradictory.*

No change proposed

#### 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.

### Proposed Response and Action

*Para. 5.153 of the supporting text to Policy M18 already indicates that a waste water management plan will need to address arrangements for the safe and sustainable transport of waste and transport assessments are required through Policy M17 Part 1. It is considered that these requirements provide sufficient scope to ensure that relevant matters are considered and addressed.*

No change proposed

#### 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.

### Proposed Response and Action

*In view of the uncertainty which exists in relation to future management of waste from any shale gas industry it is considered important to ensure that implications of off-site management requirements is properly addressed. Submission of a waste water management plan provides a mechanism for this. It is recognised that applications may also need to be accompanied by a transport assessment and that there could be some degree of overlap but this is considered reasonable bearing in mind the potential for large volumes of waste water requiring transport off site.*

No change proposed

#### 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.

### Proposed Response and Action

*In view of the uncertainty which exists in relation to future management of waste from any shale gas industry it is considered important to ensure that implications of off-site management requirements is properly addressed. Submission of a waste water management plan provides a mechanism for this. It is recognised that applications may also need to be accompanied by a transport assessment and that there could be some degree of overlap but this is considered reasonable bearing in mind the potential for large volumes of waste water requiring transport off site.*

No change proposed

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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that, in combination, the policies provide a robust approach to protection of the environment and local communities, taking into account also the role of other regulatory bodies*

No change proposed

#### Zetland Group

Overlapping responsibilities with the Environment Agency.

2145/0685/5.155/U

### Proposed Response and Action

*Management of waste may also give rise to land use planning issues which are appropriately addressed by the Joint Plan authorities, notwithstanding that the EA also pay an important regulatory role in relation to waste management*

No change proposed

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?

### Proposed Response and Action

*Policy M18 1) i) requires that proposals should demonstrate via submission of a waste water management plan, that where off-site management or disposal is required, adequate arrangements can be made. The Environment Agency is the permitting authority for waste management and disposal*

No change proposed

#### Third Energy Limited

Overlapping responsibilities with the Environment Agency.

2762/1433/5.155/U

### Proposed Response and Action

*Management of waste may also give rise to land use planning issues which are appropriately addressed by the Joint Plan authorities, notwithstanding that the EA also pay an important regulatory role in relation to waste management.*

No change proposed

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**4087/0526/5.156**

### West Malton Against Fracking

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.

### Proposed Response and Action

*It is agreed that the text in para. 5.148 should be revised to delete reference to very low magnitude seismicity.*

*Revise para. 5.148 to delete reference to very low level seismicity.*

**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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated. Separate regulatory procedures are in place in relation to monitoring and control of seismic activity.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

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.

### Proposed Response and Action

*Environmental permitting of waste water reinjection is a matter for the Environment Agency and measures to manage induced seismicity are addressed through the DBEIS traffic light system referred to in para. 5.177. National planning policy and guidance is clear that planning authorities should assume that control regimes administered by other agencies will operate effectively*

No change proposed

### Third Energy Limited

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.

### Proposed Response and Action

*It is agreed that it is not the role of the MPA to determine this. The text of para. 5.156 clarifies that the MPA will need to take into account the position of the Environment Agency, as the relevant regulator, on this matter.*

No change proposed

### Zetland Group

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.

### Proposed Response and Action

*It is agreed that it is not the role of the MPA to determine this. The text of para. 5.156 clarifies that the MPA will need to take into account the position of the Environment Agency, as the relevant regulator, on this matter.*

No change proposed

### Frack Free Ryedale

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated. Separate regulatory procedures are in place in relation to monitoring and control of seismic activity.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated. Separate regulatory procedures are in place in relation to monitoring and control of seismic activity.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

### Appleton-le-Moors Parish Council

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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

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

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**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.

### Proposed Response and Action

*It is agreed that, in the context of re-injection of water, a proposed change to the text of para. 5.156 should be made to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

*Revise para. 5.156 to refer to the potential for seismic activity (earth tremors) to be induced, rather than 'very small scale induced seismic activity' as currently stated.*

**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.

### Proposed Response and Action

*Whilst this is noted it is considered that, in combination the Policies set out a robust approach to protection, bearing in mind also the role of other regulators.*

*No change proposed*

## 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.

### Proposed Response and Action

*The reference to the range of durations that could be relevant for hydrocarbon development, in para. 5.157, is not made specifically in the context of noise but as an introduction to the need for appropriate decommissioning and restoration at the end of the process. Consistency with the PPG references to noise are therefore not relevant in this instance.*

No change proposed

## 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.

### Proposed Response and Action

*This is not agreed. The text qualifies that this is in the context of the Plan area and UK. It is further considered that there could be circumstances arising in the context of the Plan area where a requirement for a financial guarantee would be consistent with national planning guidance.*

No change proposed

## 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.

### Proposed Response and Action

*This is not agreed. The text qualifies that this is in the context of the Plan area and UK. It is further considered that there could be circumstances arising in the context of the Plan area where a requirement for a financial guarantee would be consistent with national planning guidance.*

No change proposed

## 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.

### Proposed Response and Action

*This is not agreed. It is considered that there could be circumstances arising in the context of the Plan area where a requirement for a financial guarantee would be consistent with national planning guidance.*

*No change proposed*

### **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.

### **Proposed Response and Action**

*This is not agreed. It is considered that there could be circumstances arising in the context of the Plan area where a requirement for a financial guarantee would be consistent with national planning guidance.*

*No change proposed*

### **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."

### **Proposed Response and Action**

*It is considered that the text as currently worded is consistent with national guidance on this matter.*

*No change proposed*

### **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'.

### **Proposed Response and Action**

*Taking into account that national Planning Practice Guidance states that guarantees can be justified where a novel approach or technique is used, it is considered appropriate to keep this element of the policy under review*

*No change proposed*

### **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.

### Proposed Response and Action

*This is not agreed. It is considered that there is potential in the Joint Plan area for proposals to come forward which, in the context of the Plan area and bearing in mind the unproven status of commercial exploitation of shale gas in the UK, could be viewed as justifying provision of a financial guarantee. Whilst national guidance confirms that planning authorities should assume that other regulatory controls will operate effectively, matters subject of other regulatory processes may also give rise to land use issues which are appropriately addressed in the Plan.*

No change proposed

#### Highways England

Support the requirement for the transport of carbon or gas to be via pipeline.

0112/0870/M19/S

### Proposed Response and Action

Noted

No action required

#### Crayke Parish Council

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'.

0496/1323/M19/U.DTC

### Proposed Response and Action

*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

#### Coxwold Parish Council

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'.

0493/1330/M19/U.DTC

### Proposed Response and Action



*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

### **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'.

### **Proposed Response and Action**

*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

### **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'.

### **Proposed Response and Action**

*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

### **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.

### **Proposed Response and Action**

*National Planning Policy requires that MPAs encourage underground gas and carbon storage where geological circumstances indicate its feasibility*

No change proposed

### Stonegrave Parish Meeting

0878/0335/M19

Suggested modification: iii) Replace '..unacceptable..' with '..ADVERSE..'

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

### The Coal Authority

1111/0210/M19/LC.S.DTC

This policy is supported

### Proposed Response and Action

Noted

No action required

### 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'

### Proposed Response and Action

*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

### Hustwaite 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'.

## Proposed Response and Action

*Development which gives rise to adverse impact may nevertheless be acceptable in some circumstances and the wording of the policies needs to reflect this. Acceptability of a specific proposal will need to be judge via determination of a planning application reflecting the policies in the development plan and other material considerations*

No change proposed

### 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

### Proposed Response and Action

*Coal is one of a range of minerals of national and local importance which should be planned for in Local Plans.*

*The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget.*

*No change proposed*

#### The Coal Authority

This policy is supported

**1111/0211/M20/LC.S.DTC**

### Proposed Response and Action

*Noted*

*No action required*

#### Highways England

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

**0112/0871/M20/S**

of transport or transport of spoil can take place without any unacceptable impacts where transportation by road is necessary.

### Proposed Response and Action

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Whilst this concern is noted, coal is identified in national policy as a mineral of national and local importance and it is therefore appropriate to include relevant policy in the Plan, notwithstanding the relatively low probability of proposals for further extraction coming forward*

*No change proposed*

#### 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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

*No change proposed*

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.

**Proposed Response and Action**

*Coal is one of a range of minerals of national and local importance which should be planned for in Local Plans. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development.*

No change proposed

M21 (2) fails to ensure that applications meet the requirements of the Climate Change Act 2008, 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

**Proposed Response and Action**

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on*

No change proposed

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

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.]

**Proposed Response and Action**

*Coal is one of a range of minerals of national and local importance which should be planned for in Local Plans.*

*The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK.  
Policy D04 is already considered to provide adequate protection should proposals for extraction of coal come forward in a location where it could impact on a National Park or AONB*

*No change proposed*



## The Coal Authority

1111/0212/M21/LC.S.DTC

This policy is supported

### Proposed Response and Action

Noted

No action required

## 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

### Proposed Response and Action

*Coal is one of a number of minerals identified in national planning policy as being of local and national importance that should be addressed in local plans for minerals. The Plan needs to be generally consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would be carbon neutral or lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy, including Policy D11 Sustainable design, construction and operation of development, which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development.*

No change proposed

## 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

### Proposed Response and Action

*The criteria are not applicable to all applications, for example there is no overlap between National Park/AONB and greenbelt designation in the Plan area therefore the Policy as currently worded is considered appropriate*

No change proposed

## 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.'

### Proposed Response and Action

*The national planning guidance states that what constitutes major development in NPs and AONBs is a matter for the decision maker and therefore it is considered appropriate to define this.*

No change proposed

*The policy clarifies the MPA's approach to the nature, scale, location and extent of development which is likely to constitute major development, especially given the definition under the NPPF and T&CPA differ from each other.*

### 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.

### Proposed Response and Action

*It is agreed that references in the text should be standardised for consistency. Potash is the generic term for potassium bearing minerals. Within the Plan area it takes the form of sylvinite, which can be processed to create 'muriate of potash', and polyhalite, which although lower in terms of potassium content, also includes other important plant nutrients, particularly sulphur. Polyhalite is covered by the generic term potash so is not required to be referenced separately. Rock salt may occur in association with potash and is commonly used for de-icing roads. Both potash and salt occur at substantial depths below the eastern part of the Plan area, where existing extraction takes place. The reference to potash, polyhalite and/or salt should be changed to 'potash and salt'*

Revise references to potash and or polyhalite to potash and salt.

### 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.'

### Proposed Response and Action

*It is agreed that it would be appropriate to acknowledge the potential for this in the Policy, in order to provide a comprehensive approach.*

*Amend text of Policy M22 2nd para. to indicate that proposals for new surface development and infrastructure which are considered to comprise major development will need to be assessed against the criteria for major development set out in Policy D04.*

#### Historic England

We support the policy.

0120/0056/M22/S

### Proposed Response and Action

*Noted*

*No action required*

#### Highways England

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.

0112/0872/M22/S

### Proposed Response and Action

*Noted*

*No action required*

#### Sirius Minerals

(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

4067/0575/MJP34/U

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.

### Proposed Response and Action

*Whilst the importance of potash and polyhalite resources in the area is noted in the Plan, it is considered that there are significantly different circumstances applicable to the MJP34 and MJP19 sites, in terms of their scale, nature, location and range of issues and impacts that could arise and that it is appropriate to reflect these differences in the approach taken in the Plan.*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*It is not considered practicable or necessary to specify where waste is managed. The Policy states that, where off-site management is required, proposals should demonstrate that adequate arrangements can be made and this is considered to represent a proportionate approach bearing in mind the very early stages of development of the industry. A range of wastes may arise and it is not considered necessary to make specific reference to hazardous waste*

*No change proposed*

##### 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.

### Proposed Response and Action

*No specific data on this is available*

*No change proposed*

**0204/0027/6.009**

For residual waste that cannot be recycled, support the use of Incineration instead of landfill.

### Proposed Response and Action

*Policy W01 supports the diversion of waste from landfill by seeking to move waste management up the waste hierarchy.*

*No change required*

**3846/0964/6.015/LC.U.DTC**

#### Ryedale Liberal Party

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?

### Proposed Response and Action

*The Plan includes policies (W10 and W11) which will allow consideration of applications for waste water management facilities in the area, should any such proposals come forward. This provides flexibility acknowledging that the industry is at a very early stage of development*

*No change proposed*

#### Highways England

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.

**0112/1267/6.016/S**

### Proposed Response and Action

*Noted*

*No action required*

## 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.

**Proposed Response and Action***Noted**No action required***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.

**Proposed Response and Action***Noted**No action required***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.

**Proposed Response and Action***Noted**No action required***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.

**Proposed Response and Action**

*Whilst this is noted it is considered that the approach to local delivery of waste hierarchy objectives in the Plan is generally consistent with relevant national policy on this issue*

*No change proposed***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.

### Proposed Response and Action

*The Plan includes policies (W10 and W11) which will allow consideration of applications for waste water management facilities in the area, should any such proposals come forward. This provides flexibility acknowledging that the industry is at a very early stage of development*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### Nottinghamshire County Council

**2765/0114/6.032**

We support the approach of seeking to achieve net self-sufficiency whilst recognising the need for waste movements for certain waste types.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Whilst this concern is noted planning permission has now been granted for the AWRP facility, which is expected to be commissioned in early 2018.*

*No change proposed*

**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.

### **Proposed Response and Action**

*This is not agreed. The range of permitted waste management activities at the site and their significance for the management of key waste streams in the Plan area demonstrate the strategic significance of this site in the context of the Plan area*

*No change proposed*

#### **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.

### **Proposed Response and Action**

*There is no clear basis available at the present time on which to predict potential future volumes of waste water. The potential need for future review of the Plan in the light of new evidence, as acknowledged in para. 4.11 and it is considered this remains an appropriate approach*

*No change proposed*

#### **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.

### **Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**4074/0120/W03**

Concerned about the environmental impacts of the Allerton Waste Recovery Park facility and public views on waste disposal matters being ignored.

**Proposed Response and Action**

*Noted. Planning permission for the AWRP facility has been granted and the development is under construction. Extensive consultation has taken place during development of the Minerals and Waste Joint Plan.*

*No change proposed*

**Highways England**

**0112/1263/WJP08/S**

The site is not a concern to Highways England.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. Detailed consideration of this, and other relevant issues including flooding and pollution, would need to be given via determination of a planning application if specific proposals come forward.*

*No change proposed*

**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).

**Proposed Response and Action**

*Noted. However, as the site is not allocated in the Plan it is not considered necessary to revise the reasons for discounting it at this stage.*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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?

### Proposed Response and Action

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. The need to give consideration to Green Belt status is already referenced in the supporting information accompanying allocation WJP11. The 2017 data represents the current permitted end date for the site. The allocation was put forward to help secure longer term use of the site.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*It is agreed that the safeguarding boundary for the Southmoor Energy Centre should be revised to reflect the changing site context relating to other development proposals in the vicinity, with the revised safeguarding boundary comprising only the core area of land taken up by the Energy Centre together with the principal access to the highway.*

*Revise boundary of the safeguarded area in Appendix two for the Southmoor Energy Centre to exclude land outside the core area occupied by the Energy Centre and its principal access to the highway.*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Information from the Environment Agency indicates that a permit for treatment of ELV vehicles is still in place for the site, although the submitters stated position that no such activity is currently taking place is noted. Metal recycling activity is understood to be taking place at the site and therefore it is considered that the original justification for discounting the site, in that it would displace an established waste use, remains relevant.*

No change proposed

#### 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.

### Proposed Response and Action

*The SINC site at North Selby Mine site is already referenced in the Key Sensitivities and Development Requirements accompanying the allocation as Spring Wood SINC.*

No change proposed

#### 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

### Proposed Response and Action

*The permission for development at the North Selby Mine site has now been implemented and it is considered appropriate to maintain the allocation in the Plan to help ensure continued availability of opportunities for delivery of waste management capacity*

No change proposed



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.

### Proposed Response and Action

*Whilst this concern is noted, planning permission for the development has already been granted but not yet implemented. Allocation of the site in the Plan seeks to ensure the future availability of the site for the use already permitted.*

No change proposed

### 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.

### Proposed Response and Action

*It is agreed that the text in Appendix 1 relating to the estimated date of commencement for the allocation of site WJP02 (Former North Selby Mine Site, Deighton) should be revised to refer to the fact that the permission has now been implemented. Whilst concern over the reference to the emerging York Local Plan and the expected continued designation of Green Belt is noted, it is considered that this helps clarify the expected future position with regard to an important constraint relevant to the area. Reference to the presence of public rights of way in the Development requirements section accompanying the allocation does not indicate an overriding constraint but helps ensure that the need to address this issue is factored in as part of any further specific development proposals relating to the allocated area.*

*Revise text in Appendix 1 relating to the estimated date of commencement for the allocation of site WJP02 (Former North Selby Mine Site, Deighton) to refer to the fact that the permission was implemented in November 2016.*

### 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.

### Proposed Response and Action

Noted

No action required

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.

### Proposed Response and Action

*Inert landfill at this site would provide a means of restoring any associated minerals extraction as part of the linked allocation MJP55. The proposed restoration is to agriculture and therefore a permanent loss of agricultural land is not expected.*

No change proposed

#### 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.

### Proposed Response and Action

Noted

No action required

4078/0123/WJP06

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

### Proposed Response and Action

*Whilst this concern is noted the impact of the proposed site on the capacity of the road network has been considered as part of the site assessment process with no overriding concerns noted. More detailed consideration of traffic impacts would be required through submission of a planning application before any development could take place.*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. Detailed consideration of this, and other relevant issues including flooding and pollution, would need to be given via determination of a planning application if specific proposals come forward.*

No change proposed

#### 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.

## Proposed Response and Action

*Noted*

*No action required*

### Highways England

The site is not a concern to Highways England.

**0112/1278/WJP08/S**

## Proposed Response and Action

*Noted*

*No action required*

### Long Marston Parish Council

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?

**0752/0537/WJP11**

## Proposed Response and Action

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. The need to give consideration to Green Belt status is already referenced in the supporting information accompanying allocation WJP11. The 2017 data represents the current permitted end date for the site. The allocation was put forward to help secure longer term use of the site.*

*No change proposed*

### Historic England

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.

**0120/0095/WJP11/S**

## Proposed Response and Action

*Noted*

*No action required*

### Highways England

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.

**0112/1264/WJP11/S**

## Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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'.

### Proposed Response and Action

*It is agreed that the potential for improved habitat connectivity should be referred to in the development requirements for allocation WJP15*

*Revise final bullet point of the development requirements for WJP15 (Appendix 1) to refer to opportunities for habitat creation and improved connectivity*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*Noted*

*No action required*

**Plasmor Ltd**

**0057/0644/W05/S.DTC**

The approach to Policy W05 is supported.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

### 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).

## Proposed Response and Action

*Noted. However, as the site is not allocated in the Plan it is not considered necessary to revise the reasons for discounting it at this stage.*

*No action required*

### 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 ..."

## Proposed Response and Action

*Whilst this support is noted, it is considered that the basis for discounting the site, following a strategic level assessment, remains appropriate*

*No change proposed*

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.

### Proposed Response and Action

*Noted*

*No action required*

#### Doncaster Metropolitan Borough Council

**0095/0111/MJP26**

We support the allocation of land at Barnsdale Bar (MJP26).

### Proposed Response and Action

*Noted*

*No action required*

**3697/0176/WJP05/**

Confirms the site details are correct and that we support the Plan as drafted.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action

*Whilst these concerns are noted, they and other relevant issues are identified in the key sensitivities and development requirements accompanying this proposed allocation as matters which would need to be addressed should specific proposals come forward via a planning application. The Environment Agency as the permitting authority for waste disposal would also have a regulatory role should any landfill take place*

*No change proposed*

#### 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).

### Proposed Response and Action

*Strategic level traffic and flood risk assessments have already been carried out and the need for site specific flood risk assessment and to address specific access considerations as part of any planning application are identified in the Development requirements criteria accompanying this allocation.*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Whilst these concerns are noted, relevant issues have been taken into account in the assessment of the site and at this strategic level no overriding concerns have been identified.*

*No action required.*

### Highways England

**0112/1268/WJP06/S**

The site is unlikely to be a concern to Highways England.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*In combination the development management policies in the Plan and provide a means to ensure that unacceptable impacts would not arise should any proposals come forward. The role of other regulators, specifically the Environment Agency as the permitting authority for waste, will also be important in ensuring that pollution is adequately controlled. National guidance requires that planning authorities should assume other regulatory regimes will operate effectively*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*It is agreed that it would be appropriate to refer to the fact that the York to Selby cycle path is also designated as a SINC. The development requirements for this site identified in Appendix 1 already refer to an need for mitigation of ecological issues and for an appropriate restoration scheme using opportunities for habitat creation and is it not considered that further reference to this matter is*

*Revise the text in Appendix 1 relating to key sensitivities for allocation WJP06 to make*

required

reference to the York-Selby cycle path SINC

**Highways England**

0112/1279/WJP08/S

The site is not a concern to Highways England.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

*Whilst this concern is noted no overriding concerns relating to traffic impacts have been identified at a strategic level of assessment. Detailed consideration of this, and other relevant issues including flooding and pollution, would need to be given via determination of a planning application if specific proposals come forward.*

No change proposed

**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.

**Proposed Response and Action**

Noted

No action required

**Highways England**

0112/1269/WJP21/S

The continued restoration of the site is not a concern to Highways England.

**Proposed Response and Action**

Noted

No action required

**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.

### Proposed Response and Action

*Noted*

*No action required*

**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.

### Proposed Response and Action

*Whilst the lack of data is noted, Policy M18 requires it to be demonstrated, via a waste water management plan, that adequate arrangements can be made for the off-site management or disposal of waste and this is considered to provide an adequate and proportionate safeguard*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### Stonegrave Parish Meeting

**0878/0336/W10**

Suggested modification: Part 1): Delete '..unacceptable..'

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

*No change proposed*

**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.

### Proposed Response and Action

*In combination, a range of policies in the Plan provide protection from water pollution and flooding, alongside the controls of other relevant regulators*

*No change proposed*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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.

### Proposed Response and Action

*Land use planning issues related to these, in the context of hydrocarbon development, are addressed in Policy M18. Policies W10 and W11 provide a framework to allow consideration of additional facilities for treatment of waste water from hydrocarbon development should they come forward*

*No change proposed*

#### 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.

### Proposed Response and Action

*Noted*

*No action required*

#### Ryedale District Council

**0116/1000/W11/S**

It is considered that this policy which establishes waste site identification principles is sound.

### Proposed Response and Action

*Noted*

*No action required*

#### 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...'

### Proposed Response and Action

*It is agreed that it would be appropriate to revise the text of parts 1), 2), 3) and 5) of Policy W11 to clarify that the policy also supports the principle of extensions to the footprint of existing waste management sites, to align it more closely with the wording of Policy W10*

*Revise text of Policy W11 parts 1), 2), 3) and 5) to clarify that the policy also supports the principle of extensions to the footprint 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.

### Proposed Response and Action

*Whilst this is noted, the need for EIA in respect of a particular proposal will need to be determined on a case by case basis taking into account relevant legislation and guidance. Policy M18 requires it to be demonstrated that proposals involving off site management or disposal of hydrocarbon waste should demonstrate that adequate arrangements for this. The scale and specific nature of any required facilities cannot be determined at this stage*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 007: Transport and Infrastructure

### 026: Non-road Transport Infrastructure

0204/0026

Consider transporting Mineral products by rail.

### Proposed Response and Action

*Support for this is provided in Policy I01 of the Plan.*

*No change required*

## 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 101 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.

### Proposed Response and Action

*It is considered important to acknowledge the potential in the Plan for established rail and wharf infrastructure to play a role in transport of mineral and/or waste. In particular, the potential need to rail import of minerals such as marine dredged aggregate is expected to increase in the longer term as land-won supplies become more depleted. It is agreed that the text of paras. 8.30 and 8.33 should be revised to acknowledge other existing uses and evolving proposals at former mine sites including Kellingley Colliery and Gascoigne Wood sites and that further text be included to clarify that NYCC as minerals and waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding of waste infrastructure requirements is taken.*

*Revise text of para. 8.30 to refer to the evolving proposals for employment uses at the former mine sites, including proposals being promoted through Plan Selby, and that NYCC as waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding of waste infrastructure requirements is taken. Revise text of para. 8.33 to refer to the fact that rail transport infrastructure at the former mine sites are important for their potential to serve other existing or proposed uses and to further clarify that it is not the intention in safeguarding them for minerals and waste transport is not to prevent other such uses from taking place but to ensure that the potential significance of them in terms of providing opportunities for modal shift in transport of minerals and*

waste is taken into account.

**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.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

Noted

No action required

**Highways England**

0112/1265/MJP09/S

The site is not a concern to Highways England.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

Noted

No action required

## 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.

### Proposed Response and Action

*Policy I02 states that ancillary infrastructure should produce either a 'value added' or complementary product (my emphasis) rather than simply produce only a value added product, as such the policy seeks to accommodate reasonable additional infrastructure without the site being developed for non-complimentary development for which there could be no acceptable justification. Thus the policy wording contains appropriate flexibility.*

No change proposed

### 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.

### Proposed Response and Action

*Noted*

No action required

### 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.

### Proposed Response and Action

*Noted. This site is not allocated in the Plan.*

No action required

## 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.

### Proposed Response and Action

Noted

No action required

### Minerals Products Association

0115/0668/S01/LC.S

This Policy is supported.

### Proposed Response and Action

Noted

No action required

### 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.

### Proposed Response and Action

*As explained in para. 2.19 the buffer zone is intended to ensure that the presence of the safeguarded resource is taken into account. Permission for extraction of potash/polyhalite already has already been granted following satisfaction of the major development test for development in National Parks. It is therefore appropriate to give consideration to the need to protect this important permitted resource. However as stated in the text the purpose of the policy is also to ensure that any conflict is managed rather than prevent other forms of development from taking place*

No change proposed

### Kirkby Malzeard, Laverton & Dallowgill Parish Council

0715/1284/S01

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.

### Proposed Response and Action

*Policy S01 identifies criteria relevant to considering other forms of development on a minerals safeguarding area, and provides flexibility for such development provided that relevant criteria are met. The main purpose of safeguarding is to ensure that a balanced view can be taken across the relevant issues. Policy D04 provides protection to AONBs from impacts arising from minerals development.*

No change proposed

#### The Coal Authority

1111/0213/S01/LC.S.DTC

The policy with the inclusion of a 250m buffer is supported.

#### Proposed Response and Action

Noted

No action required

#### 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.

#### Proposed Response and Action

*Whilst this concern is noted, para. 8.19 clarifies that the purpose of this safeguarding zone is to ensure that the presence of potash/polyhalite resources is taken into account to help ensure that management of any potential conflict can be considered and addressed. This approach also reflects the fact that the national significance of the potash/polyhalite resource has already been recognised via the grant of planning permission following application of the major development test.*

No change proposed

#### 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.

### Proposed Response and Action

*The first part of para. 8.22 clarifies that the purpose of safeguarding is not to protect the minerals resource in all circumstances but to ensure its presence and significance are taken into account when other proposals are under consideration. It is considered that this provides sufficient clarity on the approach to be taken*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, para. 8.19 clarifies that the purpose of this safeguarding zone is to ensure that the presence of potash/polyhalite resources is taken into account to help ensure that management of any potential conflict can be considered and addressed. This approach also reflects the fact that the national significance of the potash/polyhalite resource has already been recognised via the grant of planning permission following application of the major development test.*

No change proposed

## 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.

### Proposed Response and Action

*The first part of para. 8.22 clarifies that the purpose of safeguarding is not to protect the minerals resource in all circumstances but to ensure its presence and significance are taken into account when other proposals are under consideration. It is considered that this provides sufficient clarity on the approach to be taken*

No change proposed

#### 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.

### Proposed Response and Action

*Whilst this concern is noted, para. 8.19 clarifies that the purpose of this safeguarding zone is to ensure that the presence of potash/polyhalite resources is taken into account to help ensure that management of any potential conflict can be considered and addressed. This approach also reflects the fact that the national significance of the potash/polyhalite resource has already been recognised via the grant of planning permission following application of the major development test.*

*No change proposed*

#### Egdon Resources (UK) Limited

**10150/0797/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.

### Proposed Response and Action

*The first part of para. 8.22 clarifies that the purpose of safeguarding is not to protect the minerals resource in all circumstances but to ensure its presence and significance are taken into account when other proposals are under consideration. It is considered that this provides sufficient clarity on the approach to be taken*

*No change proposed*

#### The Coal Authority

**1111/0214/S02/LC.S.DTC**

The criteria based approach is supported.

### Proposed Response and Action

*Noted*

*No action required*

#### 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.

### Proposed Response and Action



*Whilst this is noted it is not considered necessary to revise the Policy to address this point*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Noted*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Para. 8.18 of the Plan already makes reference to hydraulic fracturing in the context of other underground mining operation and it is not considered necessary to make further reference to it in 8.21*

*No change proposed*

### **Minerals Products Association**

**0115/0669/S02/LC.S.DTC**

Part 1 of the Policy is supported.

### **Proposed Response and Action**

*Noted*

*No action required*

### **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.

### **Proposed Response and Action**

Noted

No action required

### 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.

### Proposed Response and Action

*Whilst this concern is noted, para. 8.19 clarifies that the purpose of this safeguarding zone is to ensure that the presence of potash/polyhalite resources is taken into account to help ensure that management of any potential conflict can be considered and addressed. This approach also reflects the fact that the national significance of the potash/polyhalite resource has already been recognised via the grant of planning permission following application of the major development test.*

No change proposed

### 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.

### Proposed Response and Action

*Paras. 8.22 to 8.24 are provided under the subheading Policy Justification and it is therefore considered that the distinction is clear. The first part of para. 8.22 clarifies that the purpose of safeguarding is not to protect the minerals resource in all circumstances but to ensure its presence and significance are taken into account when other proposals are under consideration. It is considered that this provides sufficient clarity on the approach to be taken*

No change proposed

## 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.

## Proposed Response and Action

*It is agreed that it would be appropriate to make reference to Policy W10 within the 'key links' section of Policy S03 as W10 is a key locational policy for waste management capacity. However it is not considered necessary to revise the text of the Policy itself to as the waste policies in Chapter 6 already set out a sufficiently supportive position for the delivery of additional waste management capacity and the Plan needs to be read as a whole*

*Revise 'Key links to other relevant policies and objectives' section in the text box for Policy S03 to include reference to Policy W10*

**4103/0659/S03/LC.U.DTC**

### **Tetragen (UK) Ltd**

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'.

## Proposed Response and Action

*It is agreed that the wider role of the Knapton Quarry site should be acknowledged on the safeguarding area Plan for Knapton Quarry set out in Appendix 2*

*Revise the safeguarding plan reference to 'facility type' for Knapton Quarry in Appendix 2 to refer to transfer, recycling, treatment and composting*

**0116/1007/S03/U**

### **Ryedale District Council**

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.

## Proposed Response and Action

*It is agreed that the wider role of the Knapton Quarry site should be acknowledged on the safeguarding area Plan for Knapton Quarry set out in Appendix 2*

*Revise the safeguarding plan reference to 'facility type' for*

**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.

**Proposed Response and Action**

*Whilst this concern is noted, a planning permission for development of a waste transfer facility on the site has been granted and implemented, although it is acknowledged that the substantive elements of the permitted development have not yet been built. However, the current status of the permission indicates that there is significant potential for the development to proceed and it therefore remains appropriate to safeguard the site in the Plan*

*No change proposed*

**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.

**Proposed Response and Action**

*The purpose of the Policy is not to prevent to other development on a safeguarded waste site or associated buffer zone, but to ensure that the presence of the safeguarded site is taken into account in decision making on other forms of development. The Policy states that the need for alternative development may outweigh the need to safeguard the site and the supporting text, at para. 8.20 already clarifies that the purpose of safeguarding sites in the MWJP is not to prevent other forms of development from taking place but to ensure that the need to maintain important infrastructure is factored into decision-making for other forms of development. It is considered that this represents an appropriate and proportionate approach reflecting the requirements of national policy.*

*No change proposed*

**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.

### Proposed Response and Action

*It is agreed that, taking into account the current position with the proposed new waste transfer station at Tofts Road, Kirby Misperton, it would be appropriate to safeguard the site at Showfield Lane, to help ensure availability of local capacity until such time as any new capacity comes on stream at Tofts Road.*

*Identify the existing waste site at Showfield Lane, Ryedale as a safeguarded waste site in Appendix 2 of the Plan*

#### 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.

### Proposed Response and Action

*It is considered important to retain the principal of identifying a buffer zone around important waste management sites and infrastructure, to help ensure an appropriately managed approach to potentially incompatible forms of development being located in very close proximity, and help address the requirements of para. 8 of the National Planning Policy for Waste. It is considered that criterion iii of the existing policy wording already allows viability considerations to be taken into account in determining whether there is a reasonable prospect of infrastructure being used in the future, therefore no change is required.*

*No change proposed.*

#### 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.

### Proposed Response and Action

*It is agreed that the safeguarding boundary for the Southmoor Energy Centre should be revised to reflect the changing site context relating to other development proposals in the vicinity, with the revised safeguarding boundary comprising only the core area of land taken up by the Energy Centre together with the principal access to the highway. Whilst it is considered important to retain the principal of identifying a buffer zone around important waste management sites and infrastructure, to help ensure an appropriately managed approach to potentially incompatible forms of development being located in very close proximity, and help address the requirements of para. 8 of the National Planning Policy for Waste, it is acknowledged that the evolving proposals for employment uses at the former mine sites, including Kellingley Colliery should be referenced in the Plan because of the potential significance of these re-development proposals, and that further text be included to clarify that NYCC as waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding of waste infrastructure requirements is taken. It is considered that criterion iii of the existing policy wording already allows viability considerations to be taken into account in determining whether there is a reasonable prospect of infrastructure being used in the future, therefore no change is required.*

*Revise boundary of the safeguarded area in Appendix two for the Southmoor Energy Centre to exclude land outside the core area occupied by the Energy Centre and its principal access to the highway. Revise text of para. 8.30 to refer to the evolving proposals for employment uses at the former mine sites being promoted through Plan Selby, and that NYCC as waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding of waste infrastructure requirements is taken.*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

This Policy is supported.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*It is agreed that it would be appropriate to make reference in the supporting text to Policy S04 that rail transport infrastructure at the former mine sites are important for their potential to serve other existing or proposed uses and to further clarify that it is not the intention in safeguarding them for minerals and waste transport to prevent other such uses from taking place but to ensure that the potential significance of them in terms of providing opportunities for modal shift in transport of minerals and waste is taken into account. It is agreed that the safeguarding boundary shown on page 217 in Appendix 2 should be revised to remove landholdings south of the canal which is outside the Plan area.*

*Revise text of para. 8.33 to refer to the fact that rail transport infrastructure at the former mine sites are important for their potential to serve other existing or proposed uses and to further clarify that it is not the intention in safeguarding them for minerals and waste transport is not to prevent other such uses from taking place but to ensure that the potential significance of them in terms of providing opportunities for modal shift in transport of minerals and waste is taken into account. Revise the safeguarding boundary Plan in Appendix 2 relating to land at Kellingley Colliery to remove landholdings*



south of the canal which is outside the Plan area.

**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.

**Proposed Response and Action**

Noted

No action required

**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.

**Proposed Response and Action**

*The purpose of the Policy is not to prevent to other development on a safeguarded transport infrastructure site or associated buffer zone, but to ensure that the presence of the safeguarded site is taken into account in decision making on other forms of development. The Policy states that the need for alternative development may outweigh the need to safeguard the site and the supporting text, at para. 8.20 already clarifies that the purpose of safeguarding sites in the MWJP is not to or event other forms of development from taking place but to ensure that the need to maintain important infrastructure is factored into decision-making for other forms of development. It is considered that this represents an appropriate and proportionate approach reflecting the requirements of national policy. However, it is agreed that it would be appropriate to add further clarification in to the text in relation to confirm that NYCC as minerals and waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding requirements is taken.*

*Revise text of para. 8.30 to refer to the evolving proposals for employment uses at the former mine sites, including Kellingley Colliery being promoted through Plan Selby, and that NYCC as waste planning authority intends to work positively with the district council and developer of the adjacent land to ensure that a proportionate approach to implementing safeguarding of waste infrastructure requirements is taken.*  
*Revise text of para. 8.33 to refer to the fact that rail transport infrastructure at the former mine sites are important for their potential to serve other existing or proposed uses*

*and to further clarify that it is not the intention in safeguarding them for minerals and waste transport is not to prevent other such uses from taking place but to ensure that the potential significance of them in terms of providing opportunities for modal shift in transport of minerals and waste is taken into account.*

### 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.

### Proposed Response and Action

*Following the response received at preferred options stage, review of the need to safeguard wharf sites at the suggested location took place. This revealed that the Snaygill site was unlikely to be available for use as a wharf as the site is in alternative use. The Pollington site is located outside the joint Plan area. The Canal and River Trust has confirmed that the wharfs at Eggborough are unlikely to be used for commercial purposes. The location of the proposed wharf at the Dalkia site is included within a proposed allocation in the Plan and is also safeguarded in the Plan.*

No action required

### 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

### Proposed Response and Action

*It is agreed that a cross reference should be provided in the text to the link with relevant supporting policy in the East Marine Plan, although it is not considered necessary to quote the Policy directly in the text of the Plan.*

*Revise text of para. 8.34 to provide a reference to the fact that Policy PS3 of the East*

Marine Plan supports the protection and expansion of port and harbour capacity.

## 032: Minerals Ancillary Infrastructure Safeguarding

### Highways England

Support this policy and the intentions to safeguard ancillary infrastructure.

0112/0884/S05/S

### Proposed Response and Action

Noted

No action required

## 033: Consultation Areas

### The Coal Authority

The Policy is supported.

1111/0215/S06/LC.S.DTC

### Proposed Response and Action

Noted

No action required

### Harworth Estates (UK Coal Operations Ltd)

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.

0127/0579/S06

### Proposed Response and Action

*Whilst this is noted it is not considered appropriate to apply this exemption criteria to draft allocations in emerging development plans as this could generate significant uncertainty over the degree of priority afforded to safeguarding consideration at differing stages of plan preparation. It is agreed that, for clarity, the Safeguarding Exemption Criteria list should be revised to make reference to applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, waste and transport infrastructure safeguarding requirements identified in the Minerals and Waste Joint Plan*

*Revise text of para. 8.47 to clarify that the Safeguarding Exemption Criteria list should be revised to make reference to applications for development*

*on land which is already allocated in an adopted local plan where the plan took account of minerals, waste and minerals and waste transport infrastructure safeguarding requirements identified in the Minerals and Waste Joint Plan*

## **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.

### **Proposed Response and Action**

*Noted*

*No change proposed*

### **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.

### **Proposed Response and Action**

*Noted*

*No action required*

## **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'.

### Proposed Response and Action

*The fact that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate otherwise is referenced in the footnote to Policy D01 and the 3rd para. 2nd bullet of the policy indicates that the presumption does not apply in these areas. However outside such areas the presumption would apply to hydrocarbon development.*

No change proposed

#### 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

### Proposed Response and Action

*Policy D01 provides a general statement of the Authorities' approach to delivery of sustainable development and it is not considered necessary to refer specifically to a transition to a low carbon economy in it. The NPPF requires delivery of a wide range of objectives not all of which may be mutually compatible in some circumstances*

No change proposed

#### 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

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.*

No change proposed

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

### Proposed Response and Action

*This is not agreed*

No change proposed

### 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

### Proposed Response and Action

*Noted*

No action required

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.'

### Proposed Response and Action

*The Policy is intended to represent a general policy statement of the approach to delivery of sustainable development. It is therefore considered appropriate to refer to the need to consider the balance between impacts and benefits when evaluating proposals in relation to the policies in the development plan*

No change proposed

### 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..'.

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

#### Highways England

0112/0886/D02/S

Generally supportive of this policy.

### Proposed Response and Action

Noted

No action required

#### 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.

### Proposed Response and Action



*Policy D02 1) makes specific reference to permitting development where it can be demonstrated that there will be no unacceptable impacts on local amenity and the preamble to the Policy at para. 9.9 refers to the potential for adverse impacts on the amenity of local communities (including residents, visitors and local communities operating in those communities). The potential impacts identified in part 1) of the Policy are not presented as a definitive list; the introductory part of the policy indicates that consideration will include the matters identified in the list.*

*No change proposed*

### 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.

### Proposed Response and Action

*Noted*

*No action required*

### Historic England

**0120/0063/D03/S**

We support the approach to minerals transportation set out in this policy.

### Proposed Response and Action

*Noted*

*No action required*

### 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.

### Proposed Response and Action

*Green travel plans may be relevant even where sites are not accessible to members of the public, for example sites giving rise to a substantial temporary or permanent employment. The text of the Plan clarifies that pre-application contact with the relevant MPA will be appropriate to establish whether a green travel plan is needed in any particular instance*

*No change proposed*

## 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'.

### Proposed Response and Action

*It is agreed that the text should be revised to further clarify the purposes of AONB designation*

*Revise text of para. 9.21 to clarify the purposes of AONB designation*

### 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'.

### Proposed Response and Action

*Whilst this concern is noted, the Policy provides a clear statement of the intended local approach towards proposals for major development in the National Park and AONBs. It is further considered that this approach is generally consistent with that set out in national policy.*

No change proposed

### 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 Test' 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.

### Proposed Response and Action

*The national planning guidance states that what constitutes major development in NPs and AONBs is a matter for the decision maker and therefore it is considered appropriate to define this.*

No change proposed

*The policy clarifies the MPA's approach to the nature, scale, location and extent of development which is likely to constitute major development, especially given the definition under the NPPF and T&CPA differ from each other.*

**1102/0635/D04/U**

**Hanson UK**

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...'

**Proposed Response and Action**

*Whilst this concern is noted, the Policy provides a clear statement of the intended local approach towards proposals for major development in the National Park and AONBs. It is further considered that this approach is generally consistent with that set out in national policy.*

*No change proposed*

**Historic England**

**0120/0064/D04/S**

We support the approach to development which might affect the landscapes of the National Parks and AONBs.

**Proposed Response and Action**

*Noted*

*No action required*

**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.

**Proposed Response and Action**

*This is explained in more detail in paras. 9.26 and 9.27 of the Plan. However It is agreed that the text should be revised to further clarify the purposes of AONB designation as this is not fully explained in the text*

*Revise text of para. 9.21 to clarify the purposes of AONB designation*

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.

### Proposed Response and Action

*This is explained in more detail in paras. 9.26 and 9.27 of the Plan. However It is agreed that the text should be revised to further clarify the purposes of AONB designation as this is not fully explained in the text*

*Revise text of para. 9.21 to clarify the purposes of AONB designation*

#### **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.

### Proposed Response and Action

*It is not considered necessary to delete specific reference in line 1 of the policy to the York and West Yorkshire Green Belts as it is not considered there is a realistic possibility of wholly new Green Belt designation in the Plan area. It is also agreed that Part 1 should make reference to the purposes of Green Belt identified in para. 80 of the NPPF for consistency with national policy. It is agreed that the text in the 2nd para. Of Part 2 of the policy should be revised for clarity to indicate that very special circumstances will need to be demonstrated by the applicant in order to outweigh harm caused by inappropriateness, or any other harm. Para. 9.35 clarifies the purpose of the list of waste developments identified in Part 2) of the Policy and it is considered that this should remain in the Plan to provide guidance to users of the Plan*

*Revise the text of Part 1) to indicate that proposals for development within the Green Belt will be supported where they would be consistent with the purposes of Green Belt identified in national policy including openness and, where the development would be located in the York Green Belt, would preserve the historic character and setting of York.*  
*Revise part 2) 2nd para. To state that very special circumstances will need to be demonstrated by the applicant in order to outweigh harm caused by inappropriateness, or any other harm.*

### 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.

### Proposed Response and Action

Noted

No action required

### 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].

### Proposed Response and Action

*The first two paras. of Policy D05 Part 2) set out the overall approach to waste development in the Green Belt. The forms of waste development identified in the third para. (i-viii) are not considered likely to be inappropriate in the Green Belt provided they are also consistent with other relevant elements of Policy D05 part 2) and are included to provide local policy guidance on what is likely to be acceptable in the Plan area. It is acknowledged that there could be other forms of waste development which may also be acceptable in principle provided they meet relevant criteria in the Policy, whilst this is acknowledged, it is not necessary to state this specifically in the Policy.*

No change proposed

### 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.

### Proposed Response and Action

Noted

No action required

### 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.

### Proposed Response and Action

Noted

No action required

### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations.*

No change proposed



### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations.*

No change proposed

### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable, and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations*

No change proposed

### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations.*

No change proposed

### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations.*

No change proposed

#### 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'

### Proposed Response and Action

*It needs to be recognised in the Plan that development which may lead to some adverse effects may nevertheless still be acceptable and for the Plan to contain a degree of flexibility to allow development to take place in appropriate locations.*

No change proposed

#### Natural England

0119/0648/9.043

Natural England welcomes the reference to Landscape Character Assessment in the supporting text for policy D06 Landscape.

### Proposed Response and Action

Noted

No action required

#### 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).'

### Proposed Response and Action

*Whilst this is noted it is not considered that referring to a specific British Standard in the Policy would not be appropriate as best practice may evolve during the plan period. This matter would be more effectively addressed at the project specific stage of development*

No change proposed

#### 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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

#### 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.

### Proposed Response and Action

*Noted*

No action required

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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

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".

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations*

No action required

### 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.

### Proposed Response and Action

*Whilst this concern is noted it is considered that Policy D07 sets out a hierarchical approach to protection of biodiversity including SSSIs, in line with national policy. Part 4) of D07 already makes reference to the need to take into account any impact risk zones around SSSIs, as identified by Natural England, including proposals for mitigation where relevant.*

No change proposed

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".

### Proposed Response and Action

*The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

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”.

### Proposed Response and Action

*The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

### 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..'

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

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.

### Proposed Response and Action

*Part 1) of Policy D07 is relevant to all proposals and indicates that development will be permitted where it can be demonstrated that there will be no unacceptable impacts on biodiversity or geodiversity. Para. 9.53 of the justification clarifies that, when bringing forward proposals, applicants will need to demonstrate that any potential impacts on biodiversity or geodiversity have been identified and addressed through avoidance or mitigation where necessary. This approach is considered to provide an appropriate degree of protection outside designated areas and is generally consistent with national policy.*

No change proposed

### Tarmac

0317/0553/D07/LC.U

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.

### Proposed Response and Action

*This is noted and agreed. Policy D10 relating to minerals and waste site reclamation already refers to the potential for enhancement of biodiversity through restoration*

*No change proposed*

**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.

### Proposed Response and Action

*It is considered that Policy D07 is generally consistent with national planning policy in relation to setting out a hierarchical approach to protection of designated sites. With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

*No change proposed*

**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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

*No change proposed*

**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”.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

### Appleton-le-Moors Parish Council

0391/0239/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.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed



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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

### 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.

### Proposed Response and Action

*Part 1) of the Policy provides a general statement of the approach to protection of biodiversity and geodiversity. Other elements of the Policy provide relevant distinctions between designations with differing levels of importance*

No change proposed

### 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.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can*

No change proposed

*be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

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.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

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”.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

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”.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific*

No change proposed

*designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

### 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.

### Proposed Response and Action

*With regard to offsetting, the Plan indicates at para. 9.56 that the circumstances where this is likely to be relevant in the Plan area are very rare and Policy D07 itself states that it would only be applied in exceptional circumstances. However, it is considered appropriate to retain this in the Policy in order to provide a comprehensive policy approach.*

No change proposed

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”.

### Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

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.

### Proposed Response and Action

Noted

No action required

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.

## Proposed Response and Action

Noted

No action required

### 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".

## Proposed Response and Action

*Whilst the concern is noted that development involving hydraulic fracturing located outside a SSSI could cause harm to the protected area, the supporting text to Policy M16 indicates (at para. 5.125) that there is also a need to take into account any Impact Risk Zones identified by Natural England in respect of SSSIs or other high level designations. This requirement is subject of a specific policy in Policy D07 dealing with biodiversity and geodiversity, which requires a detailed assessment and where necessary, proposals for mitigation, where development is in proposed in an Impact Risk Zone. This provides a mechanism to ensure that the potential for such impacts can be properly considered through the development process. Policy D07 (part 1) also requires that all proposals demonstrate that there will be no unacceptable impacts on biodiversity or geodiversity and this will apply outside areas which are protected through specific designations. The reference to the potential for the benefits of a development to outweigh loss is consistent with para. 118 of the NPPF.*

No change proposed

### 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.

## Proposed Response and Action

*Whilst this concern is noted it is considered that Policy D07 sets out a hierarchical approach to protection of biodiversity including SSSIs, in line with national policy.*

No change proposed

### 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

### Proposed Response and Action

*It is considered that the Policy as currently drafted is consistent with national policy and sets out an appropriate hierarchical approach to different tiers of designation.*

*No change proposed*

#### 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.

### Proposed Response and Action

*Part 1) of the Policy provides a general statement of the approach to protection of biodiversity and geodiversity. Other elements of the Policy provide relevant distinctions between designations with differing levels of importance*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*

## 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..'

### Proposed Response and Action

*Whilst this comment is noted the policy as currently worded is consistent with national policy*

*No change proposed*

## 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.

### Proposed Response and Action

*Noted*

*No action required*



## Kingdom Gateway Foundation

4072/0008/9.069/U

The paragraph should include reference to the Grounds Water Directive 2006/118/EL

### Proposed Response and Action

*It is not considered necessary to make specific reference to this Directive, or all other potentially relevant Directives, in the para.9.69. Para. 9.69, together with para. 9.71 of the justification for the Policy, make reference to the EU Water Framework Directive, which provides overarching EU level position in relation to the prevention of deterioration of the condition of both surface and groundwater's as a result of development.*

No change proposed

## Kingdom Gateway Foundation

4072/0007/D09/U

The policy does not include reference to the Ground Water Directive 2006/118/EL.

Suggested Modification:

Include reference to the Ground Water Directive 2006/118/EL

### Proposed Response and Action

*It is not considered necessary to make specific reference to this Directive, or all other potentially relevant Directives, in the Policy. Para. 9.71 of the justification for the Policy makes reference to the EU Water Framework Directive, which provides overarching EU level position in relation to the prevention of deterioration of the condition of both surface and groundwater's as a result of development.*

No change proposed

## Stonegrave Parish Meeting

0878/0340/D09

Suggested modification: Part 1) Replace '..unacceptable..' with '..ADVERSE..'. Part 2): Delete '..unacceptable..'. Part 3): Delete '..an unacceptable..'. Part 4): Delete '..unacceptable..'

### Proposed Response and Action

*There may be circumstances where, taking into account all material considerations, a development may be acceptable notwithstanding that some degree of harm may be caused. Use of the term adverse would not provide for this flexibility and it is considered that use of the term 'unacceptable' remains appropriate.*

No change proposed

## Environment Agency

0121/0693/D09/S

Part 2) and 3): Support Part 2 of Policy D09 as it makes clear that development which would lead to an unacceptable risk of pollution, or harmful disturbance to groundwater flow, will not be permitted. This ensures consistency with Environment Agency guidance, specifically 'Groundwater protection: Principles and practice (GP3), August 2013' and ensures a greater level of protection for surface and groundwater. Also support Part 3 of the Policy as it clarifies that all sources of flooding must be considered. However, the second reference to groundwater in the last sentence of Part 3 should be removed.

Suggested modification to Part 3): Amend the last sentence so it reads '... all sources of flooding (I.E. FLOODING FROM SURFACE WATER, GROUNDWATER, RIVERS OR COASTAL WATERS)'

## Proposed Response and Action

*It is agreed that the second reference to 'groundwater' in Policy D09 3) should be removed for clarity*

*Revise text of Policy D09 3) to delete the 2nd reference to groundwater*

### Environment Agency

**0121/0696/9.071/S**

Support para 9.71 where it acknowledges that in addition to developers, planning authorities also have an obligation under the WFD to ensure that no deterioration of any waterbody should take place as a result of development. Welcome the inclusion of clarification that the WFD covers all waterbodies including non-main rivers, lakes and groundwater. The policy justification text clearly states that, where appropriate mitigation cannot be provided to prevent deterioration of surface water or groundwater bodies, the development would be contrary to the objectives of the WFD and should not therefore be permitted. However, the second to last sentence of para 9.71 should be amended as the second part of the sentence is currently unclear.

Suggested modification to para 9.71, second to last sentence: 'Supporting the achievement of water BODY objectives outlined in River Basin Management Plans AND THEIR SUPPORTING DOCUMENTS is important in meeting obligations under the WFD'. Delete the following text '...but is not necessarily, in itself, sufficient to demonstrate compliance with WFD objectives.'

## Proposed Response and Action

*Noted*

*No action required*

## 040: Reclamation and Afteruse

### Stonegrave Parish Meeting

**0878/0325/9.079**

All shale gas activity should be considered 'exceptional circumstances' and bonds and financial guarantees should always be sought.

Suggested modification: Addition to the paragraph 'NOTWITHSTANDING THESE CONSIDERATIONS, IN VIEW OF THE RISK OF POTENTIALLY CATASTROPHIC CONSEQUENCES IN THE EVENT OF A MAJOR ACCIDENT WITH THIS TECHNOLOGY, NEW AND UNTRIED IN THE UK, AND NEW TO THE GEOLOGICAL CIRCUMSTANCES PREVAILING, IN VIEW 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'

## Proposed Response and Action

*Whilst this comment is noted such an approach would not be consistent with national policy and guidance*

*No change proposed*

### 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.

## Proposed Response and Action

Noted

No action required

### The Coal Authority

The policy is supported.

1111/0216/D10/LC.S.DTC

## Proposed Response and Action

Noted

No action required

### 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.

## Proposed Response and Action

*Planning law requires that where there are relevant policies in the development plan, decisions should be in accordance with the plan unless material considerations indicate otherwise and it is not considered necessary to restate this in the Policy. Part 1) ii) refers to engagement with local communities and other relevant stakeholders regarding restoration and afteruse proposals and para. 9.87 clarifies that this would be expected where proposals would lead to restoration to a use other than the original pre-development use and it is not considered reasonable to impose further requirements in this regard. Criterion v) of Part 1) is considered to appropriately reflect that in some circumstances importation of waste may be needed to secure satisfactory reclamation, which is itself an important element of sustainability and this is further clarified in para. 9.88. Part 2)*

No change proposed

*of the Policy provides guidance to users of the Plan on matters to help ensure that appropriate and sustainable forms of reclamation take place and it is considered that this should be retained in the Plan.*

**1112/0654/D10/LC.S**

**RSPB North**

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.

**Proposed Response and Action**

*Noted*

*No action required*

**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.']

**Proposed Response and Action**

*The Policy does not require delivery of landscape scale benefits but seeks this, thereby recognising that it may not always be practicable. It is considered appropriate to retain the Policy to reflect good practice in maximising benefits from reclamation*

*No change proposed*

**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.]

**Proposed Response and Action**

*It is agreed that the Part 1) i) of the Policy should be revised to more closely reflect para. 189 of the NPPF. Whilst it is accepted that delivery of landscape scale benefits may not often be practicable in the Plan area it is considered that the potential benefits of such an*

*Revise Policy D10 Part 1) i) to state that APPLICANTS ARE*

*approach, where it can be delivered, justify the inclusion of this element of the Policy.*

*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.*

**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.

**Proposed Response and Action**

*It is considered that the Policy and supporting justification as currently worded are consistent with national Planning Practice Guidance and set out an appropriate approach to this issue*

*No change proposed*

**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).'

**Proposed Response and Action**

*It is agreed that the text of Policy D10 should be revised to further clarify the position in relation to provision of ecological benefits of particular importance in the local landscape, to reflect the diminishing significance of biodiversity action plans*

*Revise text of Policy D10 2) viii) to remove reference to Biodiversity Action Plans and replace with reference to habitats of particular importance in the local landscape*

## Tarmac

0317/0554/D10/LC.U

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.'

## Proposed Response and Action

*It is agreed that the Part 1) i) of the Policy should be revised to more closely reflect para. 189 of the NPPF. Whilst it is accepted that delivery of landscape scale benefits may not often be practicable in the Plan area it is considered that the potential benefits of such an approach, where it can be delivered, justify the inclusion of this element of the Policy.*

*Revise Policy D10 Part 1) i) to state that 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

2224/0917/D11

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development.*

No change proposed

### York Green Party

2224/0916/D11/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'

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.

### Proposed Response and Action

*Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It*

No change proposed



would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development.

#### 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.

### Proposed Response and Action

Onshore oil and gas, including unconventional hydrocarbons such as shale gas, are one of a range of minerals of national and local importance which should be planned for in Local Plans. A Ministerial Written Statement in September 2015 indicated that there is a national need to explore and develop shale gas in a safe, sustainable and timely way. The Plan needs to be consistent with this national policy position and therefore cannot seek to prevent such forms of development and any consequent climate change implications. It would not therefore be appropriate to require that a proposal must be able to demonstrate that it would lead to a reduction in climate change in order to be acceptable, or how emissions from a specific proposal would impact on the UK carbon budget. The sustainability appraisal of Policy M16 acknowledges uncertainty in the wider climate change impacts of shale gas development, which can be impacted by a wide range of factors outside the scope of the Plan. Other elements of the development plan, particularly the Plans prepared by District/Borough Councils in two-tier planning areas, and the Plans prepared by unitary authorities, have a role to play in planning for forms of renewable and low carbon energy as part of an overall mix of supply. However, notwithstanding this position, the MWJP contains a range of policy which seeks to ensure that mitigation and adaptation to climate change is factored into decision making on minerals and waste development. This includes Policy D11, which sets out a range of criteria relating to the sustainable design, construction and operation of development, including criteria relating to minimisation of greenhouse gas emissions and provision of adaptation measures, relevant to the development being planned for.

No change proposed

### 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.

## Proposed Response and Action

*It is agreed that the reference to ecological connectivity and carbon storage functions of soil should be deleted from the policy to provide additional flexibility*

*Revise text of Policy D12 2nd para to delete reference to the ecological connectivity and carbon storage functions of soil*

### Tarmac

**0317/0556/D12/LC**

Policy D12 has changed significantly from the Preferred Options Stage, the first paragraph of the policy is supported.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*It is agreed that the reference to ecological connectivity and carbon storage functions of soil should be deleted from the policy to provide additional flexibility*

*Revise text of Policy D12 2nd para to delete reference to the ecological connectivity and carbon storage functions of soil*

## 043: Coal Mining Legacy

### The Coal Authority

**1111/0217/D13/LC.S.DTC**

The Policy is supported.

## Proposed Response and Action

Noted

No action required

## **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.

### **Proposed Response and Action**

Noted

No action required

## **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.

### **Proposed Response and Action**

Noted. Allocations for development have been identified in the Plan where practicable

No action required

## **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.

### **Proposed Response and Action**

Noted

No action required

#### **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.

## Proposed Response and Action

*Noted*

*No action required*

### Commercial Boat Operators Association

**2310/1459**

Have no further comments to make in addition to those comments made at the previous Preferred Options Consultation.

## Proposed Response and Action

*Noted. These comments were considered at Preferred Options stage*

*No action required*

### Eskdaleside-cum-Ugglebarnby Parish Council

**0538/1454**

The Parish Resolved at its meeting 5/12/16 not to make any comments on the Plan.

## Proposed Response and Action

*Noted*

*No action required*

## 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.

## Proposed Response and Action

*Noted*

*No action required*

### 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.

## Proposed Response and Action

*Noted*

*No action required*

## Contact us

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