



The Planning Inspectorate

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# **Report to the East Riding of Yorkshire Council and Kingston upon Hull City Council**

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

**Inspector appointed by the Secretary of State**

**Date: 19 July 2019**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the East Riding of Yorkshire & Kingston upon Hull Joint Minerals Local Plan 2016-2033**

The Plan was submitted for examination on 20 July 2018

The examination hearings were held between 8 and 9 January 2019

File Ref: PINS/E2001/429/17

## **Abbreviations used in this report**

AA	Appropriate Assessment
AWP	Aggregate Working Party
DtC	Duty to Co-operate
EIA	Environmental Impact Assessment
HRA	Habitats Regulations Assessment
LAA	Local Aggregates Assessment
LDS	Local Development Scheme
MM	Main Modification
MPAs	Mineral Planning Authorities
MSA	Mineral Safeguarding Area
Mt	Million tonnes
Mtpa	Million tonnes per annum
NPPF	National Planning Policy Framework (March 2012)
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement

## **Non-Technical Summary**

This report concludes that the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 provides an appropriate basis for mineral planning in the authorities of the East Riding of Yorkshire Council and Kingston upon Hull City Council, provided that a number of main modifications [MMs] are made to it. Both Councils have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs were proposed by the Councils and were subject to public consultation over a six week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The purposes of the recommended Main Modifications can be summarised as follows:

- Revising the approach in the Vision and Objectives to recognise that building and roofing stone may be needed in development where it is required to maintain the character and appearance of a place.
- Revising the approach for the consideration of the supply for aggregate minerals and in recognition that there is no maximum landbank.
- Revising the approach for the consideration of extensions to existing quarries.
- Revising the approach to the safeguarding of mineral infrastructure and facilities.
- Providing a more positively worded approach to the consideration of energy minerals development.
- Ensuring that the potential impacts of gas flaring and other arrangements for the disposal of unwanted gas are considered as part of energy minerals development.
- The provision of more standardised wording in the energy minerals policies of the factors to consider when locating a surface development for energy minerals in a location with no unacceptable adverse impacts.
- Ensuring that the policy for Coal Bed Methane development includes the consideration of impacts during the appraisal phase.
- Providing more explanatory text regarding Environment Impact Assessment.
- Amending the Development Management Policies to provide clarification.

## Introduction

1. This report contains my assessment of the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 (paragraph 182) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicate that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, submitted in July 2018, is the basis for the examination. It is the same document as was published for consultation in April 2018.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. This report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings the Councils prepared a schedule of proposed MMs. A Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) Note (CD57) was produced which sets out the implications for SA resulting from the MMs. This concluded that none of the modifications are considered to require additional SA assessments. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to the conclusions in this report.
6. The Councils have also put forward a number of minor amendments and corrections, described as Additional Modifications (AMs), that do not address matters of soundness. Therefore, I make no formal recommendations concerning them.

## **Policies Map**

7. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 Proposed Submission Policies Map – April 2018 (Policies Map) as set out in Examination Document Ref CD02.
8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes proposed in the Plan.

## **Assessment of Duty to Co-operate**

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regard to strategic, cross-boundary matters.
10. Details of how the Councils have met this duty are set out in the *Duty to Co-operate Statement - July 2018* (Ref CD04), the *Consultation Statement - July 2018* (Ref CD03) and the Councils' written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters.
11. The evidence demonstrates that the Councils have worked closely with neighbouring minerals planning authorities, as well as some further afield where a strategic relationship was identified, the relevant Yorkshire and Humber Aggregate Working Party (AWP) and the North Yorkshire Development Plans Forum throughout the plan-making process.
12. Also evident is the effective relationship the Councils have established and maintained with all of the relevant bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. It is clear that many of the pre-submission changes to the Plan that were brought forward by the Councils were as a result of consultation with relevant parties to address their concerns in a constructive and active manner.
13. It should be emphasised that the DtC is not a duty to agree. Consequently, it is quite possible for it to be complied with, but for there to be outstanding matters between the Councils and other bodies. However, those matters do not lie with the DtC but with the content of the Plan which is addressed elsewhere in this report. Those disputes may relate to matters regarding the

soundness of the Plan, but an unresolved dispute is not evidence of a failure in the DtC.

14. Overall, I am satisfied that where necessary the Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the DtC has therefore been met.

## Assessment of Soundness

### Main Issues

15. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified a number of main issues upon which the soundness of the Plan depends. Under these headings this report deals with the main matters of soundness rather than responding to every point raised by representors.

### **Issue 1 – Whether the Vision and Objectives of the Plan are the most appropriate, are soundly based and provide an appropriate basis for meeting the future demand for minerals sustainably.**

16. The vision and objectives, informed by the underpinning SA, set out the spatial vision for minerals development within the Plan area and provide an appropriate basis that guides the policies of the Plan. The objectives of the Plan broadly follow on from the vision.
17. The vision also seeks to safeguard important mineral resources from non-minerals forms of development. However, in order to be consistent with the requirements of paragraph 143 of the NPPF **MM1** is required to ensure that important "known locations" of mineral resources are safeguarded. In addition, Objective 2 also refers to the unnecessary sterilisation of a number of named minerals which includes building and roofing stone. However, this objective only identifies the use of building and roof stone for historic building purposes. In recognition that building and roofing stone may also be used on buildings and structures that may contribute to the character of an area and which may not necessarily be defined as historic buildings, **MM2** is required. This MM is necessary in order for the Plan to be effective.
18. The objectives refer to the need to maintain a steady and adequate supply of minerals. In this regard they are therefore generally compliant with paragraphs 145 and 146 of the NPPF in relation to the supply of aggregates and non-aggregate minerals. The remainder of the objectives provide support for the working of minerals but recognise the need to minimise the impact on environmental assets and local communities.
19. The question arises whether the Plan adequately considers the impact of mineral development on climate change. However, the vision clearly identifies that the plan will seek to mitigate and adapt to the expected impacts of climate change. This approach is reflected in the development management policies. It also reflects the content of a Statement of Common Ground between the Councils and Friends of the Earth which responds to the concerns raised regarding climate change. This matter is discussed further in

this report. Overall, I consider that the Plan adequately addresses the impact of minerals development on climate change.

### **Conclusion on Issue 1**

20. Subject to the identified modifications, I am satisfied that the Vision and Objectives reflect the most appropriate strategic approach for the Plan area and I find this part of the Plan to be sound subject to the identified MMs.

### **Issue 2 - Whether the Plan makes adequate provision for the steady and adequate supply of sand and gravel.**

21. The NPPF looks to Mineral Planning Authorities (MPAs) to plan for a steady and adequate supply of aggregates by preparing a Local Aggregates Assessment (LAA) based on a rolling average of 10 years sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources). The approach to the calculation of future demand for sand and gravel over the Plan period is set out in the *Aggregates Apportionment Background Paper (Update) – April 2018* (CD05).

#### *Sand and Gravel Provision*

22. The Background Paper (CD05) calculates the average sales rate of sand and gravel over a 10 year period based on the LAA (October 2017). However, the PPG advises that LAA's must also consider other relevant local information in addition to the 10 year rolling supply and seek to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. MPAs should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply (PPG ID: 27-064-20140306).
23. The Background Paper considers, amongst other matters, aggregates sales trends over the past three years; cross boundary aggregate movements; performance of the local economy; past and proposed future housing development trends and future planned major construction projects and infrastructure. Taking these factors into account, the Background Paper identifies that the preferred apportionment approach to calculate future sand and gravel demand for inclusion in the Plan is on the basis of the 3 year average sales (2014 – 2016).
24. The 3 year annual average sales of sand and gravel is 0.81 million tonnes per annum (Mtpa) which uplifts the requirement from the 0.74Mtpa based on the 10 year average sales. Using the 3 year average sales the total requirement over the plan period is 13.77 Million tonnes (Mt). The permitted reserves in the Plan area in 2016 were 6.32Mt. Therefore, there is a shortfall in provision over the Plan period to 2033 of 7.45Mt. In addition, there is a need to maintain a 7 year landbank at the end of the plan period which amounts to 5.67Mt. Consequently, the resources that need to be found over the Plan period are 13.12Mt.

25. Policy AGG1 confirms that the Councils will seek to ensure a steady and adequate supply of sand and gravel by allocating Preferred Areas and Areas of Search sufficient to maintain a landbank of at least 7 years supply over the Plan period at 0.81Mtpa. The policy identifies that maintenance of the landbank will be achieved from remaining reserves at existing permitted sites and extensions to existing permitted sites.
26. Policy AGG7 is supportive of the processing of recycled and secondary aggregates at existing active mineral sites. However, no substantive evidence was provided to suggest that these alternative sources will significantly substitute for land won aggregates in the short term and result in a need to revise downwards the amount of sand and gravel provided for in the Plan.
27. The question arises of whether there would be an under-provision of sand and gravel resources over the Plan period due to the likelihood of increased demand caused by economic growth in the region. However, without dismissing the possibility of significant future growth in the region, I consider that the LAA should be able to identify the consequences and impact there might be on sand and gravel resources, reserves and landbanks and whether a review of the Plan would be triggered earlier than might otherwise be the case. Consequently, at this time, I see no convincing reason to depart from the basis of the supply figures defined in the Plan based on the last 3 years average sales data.
28. Furthermore, Criterion C of Policy AGG1 of the Plan provides general development principles for sand and gravel extraction from new sites outside of the Preferred Areas and Areas of Search. Subject to compliance with other relevant policies in the Plan, this part of the policy provides a degree of flexibility to enable the consideration of sand and gravel development proposals on unallocated sites that are necessary in order to maintain an adequate level of provision and meet any identified shortfall in the landbank.
29. Therefore, the annual provision of 0.81Mt of sand and gravel is sound and I conclude that the Plan makes adequate provision for sand and gravel over the Plan period.

#### *Allocated sites for Sand and Gravel Provision*

30. The Plan seeks to ensure that sufficient resources of sand and gravel are available within the Preferred Areas to meet anticipated supply requirements until at least 2033. Beyond that, Areas of Search are proposed in order to provide flexibility in meeting the landbank requirement at the end of the Plan period. However, there is no presumption that that Preferred Areas will all need to be commenced or worked out before sites within Areas of Search are released for extraction but this will be determined by reference to the position of the landbank at the time that any planning applications are considered.
31. Part A of Policy AGG2 identifies five locations as Preferred Areas and Part B identifies two locations as Areas of Search. Each of these allocated areas are shown in detail on the Identified Area Site Briefs in Appendix C of the Plan and were assessed, along with other potential areas, in the *Site Selection: Background Paper – April 2018* (CD07). The potential areas were assessed

against a range of social, economic and environmental factors linked to the SA objectives and to determine consistency with the emerging Plan vision and objectives. The purpose of which is to determine general conformity with the emerging planning policy approach, identify major constraints and confirm deliverability.

32. Part B of Policy AGG2 supports the extraction of sand and gravel within the Areas of Search subject to a number of criteria. However, this part of the policy does not distinguish as to whether these criteria are applicable to new freestanding quarries or also relate to extensions to existing quarries. In addition, criterion 1 of Part B indicates that proposals would only be supported that are required to maintain the landbank.
33. The approach in Part B of Policy AGG2 would be unduly restrictive in only supporting proposals that were needed to maintain the landbank, whether these be extensions to existing quarries or new sites. As such, this would prohibit production responses to be made to an unforeseen localised demand for sand and gravel during the plan period as permissions granted to maintain the landbank would not necessarily be worked until towards the end of the plan period and therefore may be unable to respond to an unforeseen localised demand.
34. In order for the Plan to be effective, **MM3** and **MM4** are therefore required to amend criterion 1 of Part B of Policy AGG2 to make it clear that in the case of new quarry sites there is a need for additional sand and gravel reserves to be permitted and remove reference for the need for reserves to only be permitted in order to maintain the landbank. This approach also ensures that the Plan is consistent with the NPPF which refers to a landbank of at least 7 years for sand and gravel but provides no maximum period.
35. **MM5** provides an additional supporting paragraph to Policy AGG2 to refer to the fact that even if the landbank was maintained, further large construction projects could come forward that require local aggregate resources to be permitted in a timely manner. In supporting the MMs made to the policy, MM5 is required in order for the Plan to be effective.
36. The Plan recognises that a degree of flexibility will be required to ensure that a steady and adequate supply of sand and gravel is maintained over the Plan period. Policy AGG5 allows unallocated extensions to existing quarries to come forward outside Preferred Areas and Areas of Search. However, the policy does not refer to extensions to quarries that may be located within a Preferred Area or an Area of Search. In addition, Policy AGG5 as worded would be inconsistent with the modifications made to Policy AGG2 as a consequence of MM3 and MM4. **MM9** is therefore required so that Policy AGG5 also applies to extension proposals to existing mineral extraction sites irrespective of whether these are located within Preferred Areas, Areas of Search or on unallocated sites. This MM is necessary in order for the Plan to be effective.

## Conclusion on Issue 2

37. I am satisfied that the Plan, when considered with the recommended MMs makes adequate provision for the steady and adequate supply of sand and gravel and is fully justified by the evidence and is soundly based.

**Issue 3 - Whether the Plan makes adequate provision for the steady and adequate supply of crushed rock.**

38. The only crushed rock currently worked in the Plan area is chalk, which lies close to the surface as the underlying bedrock of the Yorkshire Wolds. The chalk in East Yorkshire is harder and contains less moisture than the chalk in southern England and can therefore be used for aggregate purposes, but only for less demanding applications such as fill and sub-base roadstone. Most is of a lower quality, which can be used in bulk fill for major infrastructure or residential building projects. The area's higher quality chalk deposits are used in industrial uses such as paper manufacture, coatings (including paints), polymers, and sealants.

39. The *Aggregates Apportionment Background Paper (Update) – April 2018* (CD05) identifies that the preferred approach for crushed rock is to take the past ten year average annual sales rate and project that forward as the future annual apportionment for the East Riding's primary crushed rock supply. No 'uplift' in addition to the 10 year annual average sales rate of 0.13 million tonnes per annum is proposed.

40. The tonnage required to maintain production at 0.13Mtpa over the plan period is 2.21Mt. Permitted reserves of chalk (as at the end of 2013) were 6.59Mt which provides for a surplus in provision over the plan period of 4.38Mt. Consequently, sufficient permitted reserves already exist to sustain the requirement throughout the plan period and maintain a 10 year landbank at the end of the period.

41. Policy AGG3 of the Plan provides general development principles for crushed rock extraction. Subject to compliance with other relevant policies in the Plan, this policy provides a degree of flexibility to enable the consideration of crushed rock proposals that may be necessary in order to maintain an adequate level of provision and meet any unexpected identified shortfall in the landbank.

42. Representations from the minerals industry referred to a possible under-provision of crushed rock resources over the plan period due to the likelihood of increased economic growth in the region. However, taking into account the level of permitted reserves, the evidence provided in the Background Paper and the flexibility provided in Policy AGG3, I see no convincing reason to depart from the advice that 10 years sales data should be the basis of future crushed rock supplies to be provided for in the Plan or that the annual provision of 0.13Mt is unsound. I therefore conclude that the Plan makes adequate provision for crushed rock over the Plan period.

*Future Crushed Rock Provision*

43. There are already sufficient reserves in sites with planning permission within the Plan area for crushed rock throughout the Plan period, as well as provision for maintenance of a 10 year landbank at the end of the Plan period. There is

therefore only a need to provide for the supply of mineral to safeguard production at existing quarries. Consequently, there is no need to identify any Preferred Areas or sites to meet anticipated supply requirements until at least 2033. However, an Area of Search, CR-A: Greenwick Quarry, is proposed in order to provide for an ongoing source of mineral to safeguard production at the existing quarry and would assist in meeting any unexpected shortfall in the landbank requirement at the end of the Plan period.

44. Policy AGG4 identifies an Area of Search for crushed rock which is shown in detail on the Identified Area Site Briefs in Appendix C of the Plan and was assessed, along with other potential sites, in the *Site Selection: Background Paper – April 2018* (CD07). The policy supports the extraction of crushed rock within the Area of Search. However, the policy does not distinguish as to whether this is applicable to new freestanding quarries or also relate to extensions to existing quarries. In addition, criterion 1 indicates that proposals would only be supported that are required to maintain the landbank.
45. The approach set out in Policy AGG4 would be unduly restrictive in only supporting proposals that were only needed to maintain the landbank, whether these be extensions to existing quarries or new sites. In addition, it would require proposals to extend existing quarries that may be required to sustain production to have to demonstrate that there was a need to maintain the landbank. As such, this approach is unduly restrictive on existing operations and would prohibit production responses to be made to an unforeseen localised demand for crushed rock.
46. In order for the Plan to be effective, **MM6** and **MM7** are therefore required to amend criterion 1 of Policy AGG5 to make it clear that in the case of new quarry sites there is a need for additional crushed rock reserves to be permitted and remove reference for the need for reserves to be only permitted in order to maintain the landbank. These modifications address the inconsistency that would occur between Policy AGG4 and the modification made to Policy AGG5 as a consequence of MM9. They also address other concerns from the minerals industry that the NPPF refers to a landbank of at least 10 years for crushed rock but provides no maximum period.
47. **MM8** provides an additional supporting paragraph to Policy AGG4 to refer to the fact that even if the landbank was maintained further large construction projects could come forward that require local aggregate resources to be permitted in a timely manner. In supporting the MMs made to the policy, MM8 is required in order for the Plan to be effective.

### **Conclusion on Issue 3**

48. I am satisfied that the Plan, when considered with the recommended MMs, makes adequate provision for a steady and adequate supply of crushed rock aggregate minerals and is fully justified by the evidence and soundly based.

**Issue 4: Whether the Plan strikes the appropriate balance between the supply of energy minerals and the protection of the environment and the living conditions of nearby residents.**

49. Energy minerals are defined as those which may be burnt to produce energy. The Plan includes policies reflecting the potential for energy mineral development and associated infrastructure within the Plan area. It includes policies relating to deep coal mining (EM1), oil and gas production and distribution (EM4), coal bed methane (EM5), shale gas (hydraulic fracturing) (EM6) and the underground storage of natural gas (EM7). It also includes policies relating to the initial phases of development for energy minerals including exploration boreholes (EM2) and appraisal boreholes (EM3).
50. The question arises whether the above suite of policies relating to energy minerals are unnecessarily negatively worded and do not provide positive support for such development. In particular, all of these policies indicate that such development will 'only' be supported provided that the criteria set out in each of the policies are met.
51. **MM12, MM13, MM16, MM19, MM21, MM23** and **MM28** propose the removal of the word 'only' in the opening sentence of policies EM1 to EM7. These modifications provide a more positive emphasis to the policies but do not change the fundamental context or requirements of the criteria that are required to be satisfied to protect the environment and the living conditions of nearby residents. These MMs are necessary to ensure that the Plan is positively prepared.
52. Policies EM2, EM3, EM4 and EM6 all require, amongst other things, that the relevant development is located in the least environmentally sensitive part of the geological prospect as practically possible. In order to standardise the wording of these relevant parts of the policies and ensure that environmental, geological and technical factors to minimise the impacts on any identified asset are taken into account, **MM14, MM17, MM20** and **MM25** are proposed. These MMs are necessary in order for the Plan to be effective.
53. Policy EM4 (Oil and Gas Production) provides a number of criteria for the consideration of related development proposals which require, amongst other matters, that mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties or other land uses and their users nearby.
54. However, the Plan does not adequately address the fact that gas flaring or other arrangements for the disposal of unwanted gas can also occur in some circumstances associated with development involving Exploration Boreholes (Policy EM2), Appraisal Boreholes (Policy EM3) and in the Extraction of Shale Gas (EM6). **MM15, MM18** and **MM26** are therefore required to ensure that the potential impacts of flaring and other arrangements for the disposal of unwanted gas are also taken into account in the consideration of development involving Exploration Boreholes, Appraisal Boreholes and the Extraction of Shale Gas. The wording of these MMs is proposed to be consistent with that used in Policy EM4. These MMs are necessary in order for the Plan to be effective.
55. Evidence suggests that the Plan may not adequately address the potential environmental and amenity impacts of energy minerals development with

particular regard to the extraction of shale gas. However, subject to the respective MMs identified above to the Energy Minerals Policies and those to the Development Management Policies which I will consider later in this report, I am satisfied that the Plan adequately considers these matters.

### *Deep Coal Mining*

56. The western part of the Plan area is underlain by deep coal deposits occurring between 50m and 1200m in depth. Deposits are at a greater than 1200m depth throughout most of the rest of the Plan area. Currently, there is no active coal mining in the Plan area. Paragraph 149 of the NPPF identifies that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.
57. Policy EM1 provides a criterion based approach for the consideration of proposals for the extraction of coal and is consistent with the guidance provided in the NPPF. As such the Plan is sound in the way that it has dealt with coal.

### *Coal Bed Methane*

58. The Plan recognises the opportunity for exploiting Coal Bed Methane. Policy EM5 sets out the approach for the consideration of development proposals for the exploration and production phases of the gas. However, the policy does not address the appraisal phase of Coal Bed Methane development. It is therefore inconsistent with paragraph 147 of the NPPF which requires MPAs to clearly distinguish between the three phases of development (exploration, appraisal and production) when planning for on-shore oil and gas development.
59. **MM22** is therefore required to provide an additional part to Policy EM5 to address proposals for the appraisal phase of Coal Bed Methane. This MM is necessary to ensure that the Plan is consistent with national policy.

### *Extraction of Shale Gas (Hydraulic Fracturing)*

60. Shale Gas extraction does not currently occur within the Plan Area and it is not known if there is any potential for its exploitation at this stage. Policy EM6 provides a criteria based approach for the consideration of proposals for the exploration, appraisal and production phases of shale gas extraction. Parts A and D of the policy refer to the consideration of environmental risks by the submission of a robust environmental risk assessment.
61. However, the policy and the supporting text are not clear as to what is meant by an 'environmental risk assessment' and how this may relate to the statutory Environmental Impact Assessment requirements. **MM24** and **MM27** are therefore required which remove reference to 'environmental risk assessment' but require that development proposals for the extraction of shale gas demonstrate that environmental risks are assessed, rather than

considered, and measures will be taken to minimise any adverse impacts on the environment and the local community. These MMs are necessary in order for the plan to be effective.

62. There was debate whether a 500m buffer should be applied for all surface fracking development from residential properties. However, Policy EM6 is sound without further modification.

#### **Conclusion on Issue 4**

63. I am satisfied that the Plan, when considered with the recommended MM's, strikes the appropriate balance between the supply of energy minerals and the protection of the environment and the living conditions of nearby residents. It therefore makes suitable provision for energy minerals development and is positively prepared, justified, effective and consistent with national policy

#### **Issue 5 - Whether the Plan adequately balances the safeguarding of mineral resources and infrastructure and needs of competing development.**

64. The Objectives of the Plan provide for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development. This is consistent with paragraph 143 of the NPPF.
65. The mechanism for balancing the needs of competing non-mineral development with the need to protect the resource is through the identification of Mineral Safeguarding Areas (MSAs). The approach taken to define MSAs is set out in the *Mineral Resource and Infrastructure Safeguarding Background Paper – April 2018* (CD06). The boundaries of the MSAs are identified on the Policies Map (CD02). Mineral extraction does not occur within Kingston Upon Hull and therefore no MSAs are identified in this part of the Plan area.
66. Policy EC6 - Protecting Mineral Resources, of the adopted East Riding Local Plan 2012 -2029 Strategy Document (CD22-A) identifies that within or adjacent to MSAs non-mineral development, which would adversely affect the viability of exploiting the underlying or adjacent deposit in the future, will only be supported where a number of criteria set out in the policy can be satisfied. This policy was 'tested' in the examination of the East Riding Local Plan and found to be sound.
67. Policies AGG8 (Safeguarding capacity for marine importation of mineral resources), AGG9 (Safeguarding of rail facilities used for the importation of Aggregates and other minerals) and AGG10 (Safeguarding of Mineral Infrastructure and Facilities) of the Plan provide an appropriate framework for the safeguarding of minerals infrastructure which are desired to be kept safeguarded from non-mineral development.
68. However, evidence suggests that Policies AGG8 – AGG10 do not adequately reflect the 'agent of change' principle. This requires that where the operation of an existing business or community facility could have a significant effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development is completed.

69. I do not consider that any modifications are required to Policies AGG8 and AGG9. However, I consider that **MM10** is required to delete reference in Policy AGG10 to 'inappropriate' development and replace this by 'non-mineral development which would adversely impact on the operation and costs associated with the infrastructure'. This MM is more reflective of the 'agent of change' principle and is necessary for the Plan to be effective.
70. **MM11** is necessary as it provides additional text to paragraph 4.96 which supports Policy AGG10. This MM provides examples as to how existing infrastructure could be prejudiced by non-mineral development and why suitable mitigation would be required to reduce this impact. In supporting the MM made to Policy AGG10, MM11 is required in order for the Plan to be effective.
71. The requirements of these Policies, the identification of MSAs, and the requirements of Policy EC6 of the adopted East Riding Local Plan 2012 -2029 are consistent with national policy. As such, they provide an appropriate framework that supports the objectives of the Plan for the safeguarding of mineral resources, mineral sites and associated infrastructure from non-minerals development.

### **Conclusion on Issue 5**

72. I am satisfied that the Plan, when considered with the recommended MMs, appropriately balances the needs of competing development and makes adequate provision for the safeguarding of mineral resources and associated infrastructure.

### **Issue 6 - Whether the Development Management policies strike an appropriate balance between seeking to provide sustainable development and protecting people and the environment.**

73. The Plan contains a number of development management policies (Policies DM1 to DM6) that collectively seek to control impacts from future minerals development. These include criteria-based policies that consider the impacts of mineral development, protection of residential amenity, restoration and aftercare, best and most versatile agricultural land, public rights of way and transportation.
74. Apart from Policies DM1 and DM3, which are considered below, the remaining development management policies are sound without modification.

#### *Policy DM1: Impacts of Mineral Development*

75. Criterion A2 of the policy starts with a position which seeks to 'minimise' harm rather than seeking to avoid it. As such the policy implies that it would be acceptable, in principle, to cause some harm. With regard to the need to conserve the historic environment, the policy as worded would be inconsistent with paragraph 129 of the NPPF. This paragraph makes it clear that local planning authorities should seek to avoid or minimise conflict between a heritage asset's conservation and any aspect of a proposal. **MM29** is

therefore required to ensure that the emphasis of Criterion A2 of Policy DM1 is from a position of seeking to avoid harm to the environment or communities and thereby ensuring consistency with the NPPF.

76. Criterion A2 also refers to the cumulative impacts of other existing and proposed mineral and other forms of development. However, the wording of this part of the policy does not relate to the potential impacts to the factors set out in Criteria B1-10 of the policy. In addition, the policy does not adequately address climate change as reference is made to carbon emissions only when in fact other non-carbon related emissions could have an effect on climate change.
77. **MM30** is therefore required which ensures that the cumulative impacts of the factors set out in Criteria B1-10 are taken into account and that reference to carbon emissions is replaced by 'greenhouse gas' emissions. This MM is necessary in order for the Plan to be effective.
78. Criterion A1 of the policy refers to support for a proposal where there is a 'clear need'. However, neither the policy nor the supporting text adequately explain the factors that will be taken into account in defining how a clear need should be demonstrated. **MM31** is therefore necessary to provide additional supporting text to identify some of the factors that will be taken into account in demonstrating a clear need for a proposed development. This MM is necessary in order for the Plan to be effective.

#### *Policy DM3: Restoration and Aftercare*

79. Criterion A1 of the policy requires the restoration of mineral development to contribute to the delivery of local objectives for biodiversity and community use. This requirement is inconsistent with paragraph 109 of the NPPF which seeks to achieve net gains in biodiversity 'where possible'. **MM32** is therefore required which recognises that it may not always be practicable to restore mineral sites to contribute to deliver the objectives for biodiversity or community use. This MM is necessary in order for the Plan to be consistent with paragraph 109 of the NPPF.
80. Criterion B5 of the policy requires that restoration objectives should provide for the enhancement of the landscape character and where relevant the setting of heritage assets. **MM33** recognises that these objectives may not necessarily be interdependent and therefore is necessary to identify landscape enhancement and the enhancement of the setting of heritage assets as two distinct objectives. This MM is necessary in order for the Plan to be effective.

#### **Conclusion on Issue 6**

81. Subject to the identified MMs, the development management policies and their supporting text reflect a balanced and comprehensive approach to the control and management of development that accords with national policy. Accordingly, I find this part of the Plan to be sound.

#### **Issue 7 - Whether the implementation and monitoring arrangements for the minerals and waste sections of the Plan will be effective.**

82. Table 8.1 comprises the Monitoring and Implementation framework that lists the key indicator targets and implementation actions for corrective and/or mitigation measures to monitor the effectiveness of the Plan. It also identifies the necessary co-operation and participation of appropriate interested parties in undertaking the monitoring.
83. The Plan provides for Annual Monitoring Reports to be prepared to enable assessments to be made of the impacts of the policies and for reviews to take place should any parts of the Plan be found to need adjustment or replacement. LAAs also provide a monitoring mechanism specific to aggregate landbanks.
84. The Plan contains sufficient realistic, indicators to monitor the performance of the policies. It provides for regular, deliverable assessment of how effective the policies are proving to be in meeting their objectives, thereby facilitating the identification of any changes needed.

### **Conclusion on Issue 7**

85. The Monitoring and Implementation framework provides a comprehensive, effective and sound framework for the delivery and monitoring of the Plan and is sound without modification.

## **Public Sector Equality Duty**

86. Throughout the examination, I have had due regard to the equality impacts of the Plan in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. An Equalities Impact Assessment was prepared (CD19). This indicates that the Plan does not lead to any adverse impacts or causes discrimination to any particular groups within the Plan Area. There is no compelling evidence that the Plan as a whole would bear disproportionately or negatively on them or others in this category.

## **Assessment of Legal Compliance**

87. My examination of the legal compliance of the Plan with the legal requirements is summarised below. I conclude that the Plan meets them all.
88. The Local Plan has been prepared in accordance with both Councils' Local Development Schemes (LDSs). East Riding of Yorkshire Council adopted the LDS in October 2017 and Kingston upon Hull City Council adopted the LDS in June 2018.
89. Consultation on the Local Plan and the MMs was carried out in compliance with both Councils' Statement of Community Involvement (SCI). The SCI was adopted in by East Riding of Yorkshire Council in 2017, updated in 2018, and adopted by Kingston upon Hull City Council in 2013. Consultation on the Local Plan and the MMs has complied with the SCI requirements.

90. Sustainability Appraisal (SA) has been carried out. The SA/HRA Note (CD57) sets out the implications for SA resulting from the MMs. This concluded that none of the modifications are considered to require additional SA assessments. Overall, the SA is adequate.
91. The Habitats Regulations Screening Assessment (April 2018) sets out why an Appropriate Assessment is not necessary.
92. The Plan includes objectives and policies designed to secure that the development and use of land in the Mineral Planning Authorities' areas contribute to the mitigation of, and adaptation to, climate change (Vision for Minerals Development and Policy DM1).
93. The Local Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, except where indicated and MM's are recommended.

## **Overall Conclusion and Recommendation**

94. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
95. The Councils have requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan 2016-2033 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework (2012).

*Stephen Normington*

INSPECTOR

This report is accompanied by Appendix 1 containing the Schedule of Main Modifications.

## Appendix 1 – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	24 and 25	Vision for Minerals Development	<p>Minerals development in East Riding of Yorkshire and Hull will seek to:</p> <ul style="list-style-type: none"> <li>• respond to the needs of communities and the wider economy;</li> <li>• safeguard important <u>known locations</u> of mineral resources;</li> <li>• provide for the careful management of mineral resources;</li> <li>• promote efficient use of materials;</li> <li>• protect the environment and the living conditions of local communities; and</li> <li>• mitigate and adapt to the expected impacts of climate change.</li> </ul> <p>The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation.</p> <p>In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a way that maximises the contribution of minerals development to communities, the economy and the environment.</p> <p>There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>existing development and for new development needs. The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration.</p> <p>The Plan will re-define the extent of potentially important <u>known</u> mineral deposits to be safeguarded from sterilisation by non-mineral surface development. Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained.</p> <p>The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings <u>recognising the positive contribution of building and roofing stone to the character of a place and place-making</u>.</p> <p>Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.</p>
MM2	25	Joint Minerals Local Plan Objectives	<p>2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and <del>historic</del> building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.</p>
MM3	39	Policy AGG2, Part B	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <p>I. <u>In the case of new quarry sites</u>, <del>There</del> is a need for sand and gravel reserves in order to maintain the landbank; and</p>
MM4	39	Policy AGG2, Part B	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <p>I. There is a need for <u>additional</u> sand and gravel reserves <u>to be permitted</u> <del>in order to maintain the</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
			landbank; and
MM5	39	Additional paragraph after paragraph 4.34	Insert additional paragraph as follows:  4.35 <u>In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u>
MM6	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. <u>In the case of new quarry sites, there is a need for crushed rock reserves in order to maintain the landbank; and....</u>
MM7	44	Policy AGG4 Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. There is a need for <u>additional crushed rock reserves to be permitted in order to maintain the landbank; and....</u>
MM8	44	Additional paragraph after paragraph 4.49	Insert additional paragraph as follows:  4.51 <u>In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u>
MM9	45	Policy AGG5 Title and Part A	<b>Policy AGG5: <del>Unallocated</del> Extensions to existing quarries</b>  A. Proposals for extensions to existing minerals extraction sites <del>on land not allocated as a Preferred Area or Area of Search</del> will be supported where it is demonstrated that it:.....

Ref	Page	Policy/ Paragraph	Main Modification
MM10	55	Policy AGG10	<p><b>Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities</b></p> <p>A. Existing <u>minerals infrastructure supporting the minerals industry</u> will be safeguarded from <u>inappropriate non-mineral development, which would adversely impact on the operation and costs associated with the infrastructure</u>, unless it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>1. Replacement <u>infrastructure</u> provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or</li> <li>2. Sufficient <u>facilities-infrastructure</u> already exists in the area serving the same market(s).</li> </ol> <p>B. <u>Sensitive or inappropriate Non-mineral development, which would adversely impact on the operation of that would conflict with the use of such sites minerals infrastructure for these purposes</u> will be <u>prevented</u> required to provide suitable mitigation to reduce this impact to acceptable levels.</p>
MM11	55	Additional paragraphs after paragraph 4.96	<p><u>4.100 Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed.</u></p> <p><u>4.101 Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels.</u></p> <p><u>4.102 This policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>within existing quarries and elsewhere, are safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.</u>
MM12	69	Policy EM1 Part A	A. Proposals for the extraction of coal by deep coal mining, including any surface development, will <del>only</del> -be supported provided.....
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will <del>only</del> -be supported provided.....
MM14	73	Policy EM2 Part A1	A. Proposals for exploration boreholes will only be supported provided:  1. They are located in the least environmentally sensitive part of the geological prospect as practically possible, <del>minimising impacts to designated heritage, geological and biodiversity asset</del> <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset;</u>
MM15	73	Policy EM2 Part A (in between criterion 3 and 4)	3. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 4. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 5. Site selection takes account.....
MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will <del>only</del> -be supported provided.....
MM17	74	Policy EM3 Part A2	2. They are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> <del>minimising impacts to designated heritage, geological and biodiversity assets;</del>
MM18	74	Policy EM3 Part A (in between criterion 4	Insert additional criteria as follows:  4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies;

Ref	Page	Policy/ Paragraph	Main Modification
		and 5)	<p>5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and</p>
MM19	75	Policy EM4 Part A	A. Proposals for oil and gas production and distribution will <del>only</del> be supported provided:
MM20	75	Policy EM4 Part A1	<p>1. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u><del>minimising impacts to designated heritage, geological and biodiversity assets;</del></p>
MM21	77	Policy EM5 Part A	A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will <del>only</del> be supported where it:
MM22	77	Policy EM5 (in between Parts B and C)	<p>Insert new criteria as follows:</p> <p>A. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area.</p> <p><u>Appraisal Phase</u></p> <p>B. <u>Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above.</u></p> <p>Commercial production:</p>

Ref	Page	Policy/ Paragraph	Main Modification
			C. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant, will be determined strictly on their merits in terms of the balance of need against environmental impact, subject to meeting the requirements of the criteria A2 and A3 above.
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will <del>only be supported provide:</del>
MM24	79	Policy EM6 Part A1	1. Environmental risks have been assessed <del>considered</del> <del>by submission of a robust environmental risk assessment,</del> and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels;
MM25	79	Policy EM6 Part A2	2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> <del>minimising impacts to heritage, geological and biodiversity assets;</del>
MM26	79 and 80	Policy EM6 Part A (in between criterion 4 and 5) Part D (in between criterion 4 and 5)	<p>4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity;</p> <p>5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>6. They include measures to avoid air pollution; and</p> <p>7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development.</p> <p><i>Appraisal Phase</i></p> <p>B. Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>A<del>7</del>6 above.</p> <p><i>Production Phase</i></p> <p>C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors.</p> <p>D. Proposals for the extraction of shale gas will only be supported provided:</p> <ol style="list-style-type: none"> <li>1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality;</li> <li>2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies;</li> <li>3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity;</li> <li>4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development;</li> <li>5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></li> <li>6. They will not generate unacceptable adverse impacts on the environment and local amenity:</li> </ol>
MM27	80	Policy EM6 Part D6	<p>6. Environmental risks have been <del>considered by submission of a robust environmental risk assessment,</del> and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;</p>
MM28	82	Policy EM7 Part A	<p>1. The formation of caverns for the underground storage of gas and related surface development will <del>only</del> be supported where:</p>
MM29	87	Policy DM1 Part A2	<p>2. The <u>development would avoid harm to the</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and</u></p>
MM30	87 and 88	Policy DM1	<p>A. Mineral development will be supported where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>1. There is a clear need for the development proposed;</li> <li>2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively (<u>including the impact of the factors in part B below</u>) with other existing and proposed mineral and other forms of development; and</li> <li>3. Enhancement opportunities are taken as part of development or its restoration.</li> </ol> <p>B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following <del>will be considered</del> <u>must be addressed where relevant</u>:</p> <ol style="list-style-type: none"> <li>1. <del>Carbon</del><u>Greenhouse gas</u> emissions reduction and resource efficiency. Proposals that reduce overall <del>carbon</del><u>greenhouse gas</u> emissions and improve resource efficiency during construction, operation, and restoration will be supported;</li> </ol>
MM31	88	Above paragraph 7.22	<p>Insert new paragraph:</p> <p><u>In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.</u></p>
MM32	92	Policy DM3 Part A1	<p>A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that:</p> <ol style="list-style-type: none"> <li>1. Ensures the site is restored in a manner which is sympathetic to the character, appearance and setting of the locality, and <u>where practicable</u> contributes to the delivery of local objectives for biodiversity and community use;</li> </ol>
MM33	92	Policy DM3 Part B5 (insert new criterion 6)	<p>Split criterion 5 and create new criterion 6 as follows:</p> <p>B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives:</p> <ol style="list-style-type: none"> <li>1. The creation, improvement or re-instatement of high quality agricultural or forestry land;</li> <li>2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area</li> <li>3. Improve the strategic network of green infrastructure;</li> <li>4. The creation or improvement of geo-diversity;</li> <li>5. The enhancement of landscape character and where relevant the setting of; designated local landscapes;</li> <li>6. <u>The appropriate enhancement of a and heritage assets especially in terms of better revealing their_its</u> significance and access;</li> </ol>

<b>Ref</b>	<b>Page</b>	<b>Policy/ Paragraph</b>	<b>Main Modification</b>
			<ol style="list-style-type: none"><li>7. The provision of leisure and recreation facilities in the countryside;</li><li>8. The improvement of public access to the natural environment; and</li><li>9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas.</li></ol>