

# Minerals and Waste Joint Plan

## Publication Draft Plan – Main Modifications - Response Form

### Part A - Contact details

#### Your contact details

|                                      |              |             |
|--------------------------------------|--------------|-------------|
| Name:                                | Title:       | Initial(s): |
|                                      | Mrs          | J           |
| Surname:                             |              |             |
| Arger                                |              |             |
| Organisation (if applicable):        |              |             |
| CPRE North Yorkshire (CPRENY)        |              |             |
| Address:                             | P.O. Box 189 |             |
|                                      | York         |             |
| Post Code: YO7 9BL                   |              |             |
| Telephone: : 07983 088120            |              |             |
| Email: info@cprenorthyorkshire.co.uk |              |             |

#### Agent contact details (if applicable)

|                                |        |             |
|--------------------------------|--------|-------------|
| Name:                          | Title: | Initial(s): |
|                                | Mrs    | K           |
| Surname:                       |        |             |
| Atkinson                       |        |             |
| Organisation (if applicable):  |        |             |
| KVA Planning Consultancy       |        |             |
| Address:                       |        |             |
|                                |        |             |
|                                |        |             |
| Post Code:                     |        |             |
| Telephone:                     |        |             |
| Email: katie@kvaplanning.co.uk |        |             |

**Please ensure that your contact details in Part A are correctly filled in. Without this information your representations cannot be recorded. Please also see the note on Data Protection at the bottom of this page before submitting your response.**

At this stage in producing the Joint Plan, representations should be focussed on legal compliance, compliance with the Duty to Cooperate and whether the Plan meets the four tests of soundness. More information on these matters are provided in separate **guidance notes**. **You are strongly advised to read these notes, which have been prepared by the Planning Inspectorate, before responding.**

A separate **Part B** form **MUST** be produced for each separate representation you wish to make.

**All responses should be returned by 5pm on Wednesday 15<sup>th</sup> September 2021. Please note that representations cannot be received after this deadline.**

**Responses can be returned by email to: [mwjointplan@northyorks.gov.uk](mailto:mwjointplan@northyorks.gov.uk) or by post using the address below:**

Minerals and Waste Joint Plan Team  
Planning Services  
North Yorkshire County Council  
County Hall  
Northallerton  
DL7 8AH

#### Data Protection:

North Yorkshire County Council, the North York Moors National Park Authority and the City of York Council are registered under the Data Protection Act 2018. For the purposes of the Data Protection Act legislation, your contact details and responses will only be retained for the preparation of the Minerals and Waste Joint Plan. Representations made at this stage cannot remain anonymous, but details will only be used in relation to the Minerals and Waste Joint Plan. Your response will be made available to view on the website and as part of the examination.

# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY believe that the inclusion of the proposed text at paragraph 4.11 is a justified approach to dealing with the moratorium on hydraulic fracturing. It is considered a proportionate amendment and will allow the joint plan team appropriate controls via policy, should the moratorium be lifted and hydraulic fracturing operations recommence.

The recognition afforded to the need to adopt a precautionary approach to the uncertainty surrounding the industry in relation to the Government's future approach to climate change is welcomed.

CPRENY also welcomes the additional information set out at criterion b which provides clarity to the reader and the additional criterion (point d) relating to existing waste water facilities. These criteria cumulatively set out eventualities (other than the 5 year period set by national planning policy) when a policy review might be triggered and is useful information to the reader

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

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(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

|    |
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| NA |
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**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

**All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.**

|                       |                |
|-----------------------|----------------|
| Signature: K Atkinson | Date: 09/09/21 |
|-----------------------|----------------|

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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
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| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY believe that the proposed new (green) text to policy M07 part 3) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area ie the overall Development Plan.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To be consistent with national policy the MWJP should also include text to the final sentence of M07 part 3) to read (as underlined): "Proposals will also need to be consistent with the development management policies in the adopted Development Plan for the area."

(continue on a separate sheet/expand box if necessary)

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

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*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

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CPRENY believe that the proposed new (green) text to policy M08 part 2) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area ie the overall Development Plan.

(continue on a separate sheet/expand box if necessary)

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To be consistent with national policy the MWJP should also include text to the final sentence of M08 part 2) to read (as underlined): "Proposals will also need to be consistent with the development management policies in the adopted Development Plan for the area."

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*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

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CPRENY believe that the proposed new paragraph should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area ie the overall Development Plan.

(continue on a separate sheet/expand box if necessary)

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To be consistent with national policy the proposed new paragraph should also include text to the final sentence to read: "Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of M08 unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of this Plan and also any other



polices within the adopted Development Plan for the site location.”

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

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*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

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CPRENY believe new (green) text to policy M09 part 3) should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area ie the overall Development Plan.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To be consistent with national policy the proposed new Policy M09 Part 3) should also include text to the final sentence of M08 part 2) to read (as underlined): "Proposals will also need to be consistent with the development management policies in the adopted Development Plan for the area."

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

|    |
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Main Modification (MM No.)

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2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

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CPRENY believe new paragraph after existing 5.46 should be strengthened and made consistent with national policy by the addition of text to include that proposals outside areas of search and allocated sites, would have to be in conformity with planning policies not just within the MWJP but also within the Local Plan for that area ie the overall Development Plan.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To be consistent with national policy the proposed new paragraph should also include text to the final sentence to read: "Any proposals for release of further reserves on land not allocated in the Plan, and not falling within the scope of M09 unallocated extensions to existing quarries, would need to be supported with evidence of the claimed sustainability benefit and demonstrate compliance with relevant development management policies set out in Chapter 9 of this Plan and also any other

polices within the adopted Development Plan for the site location.”

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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Please mark with an x as appropriate

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Main Modification (MM No.)

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2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY welcomes the proposed additional text at paragraph 5.93 which has been updated to reference new evidence in the form of the Written Ministerial Statement of 4th November 2019.

However, whilst acknowledging reference made to paragraph 4.11 within the text, it is considered that in order to aid the understanding of the reader, specific reference to the need for future caution in respects of energy development and climate change should be made. For example, the impacts the industry may have on climate change and the uncertainty surrounding the Government's preferred approach to this industry at this stage.

It is also important to recognise that not all shale oil operations are intended for energy generation, but some are intended for use in plastic manufacturing. The end product should, therefore, be considered carefully when determining the proposals against the appropriate policies and the 'need' for the extraction of a fossil fuel in light of the climate emergency.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

For the sake of clarity, it is suggested the final proposed sentence of the text is amended to read (as underlined): "As the Joint Plan is intended to cover the period to 2030, the Authorities take the view that it is important to maintain local policy for shale gas development, so as to ensure that policy

coverage is in place should the moratorium be lifted, but it will be necessary to keep under review both the need for, and the scope of, these policies, particularly in relation to the Government's approach to energy generation as a response to climate change, as explained in more detail in para 4.11."

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*    Yes     No     *Justified*      Yes      No

*Effective*      Yes     No     *Consistent with National Policy*    Yes     No

2. (3) Complies with the Duty to co-operate      Yes       No

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CPRENY consider that too much information regarding the context to the quashing of para. 209a in the 2018 NPPF could be confusing to the reader – as such the final sentence to this suggested new paragraph is not considered necessary.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To better reflect national policy and avoid confusion, it is suggested that the final sentence to the proposed new paragraph at 5.106 is deleted.

(continue on a separate sheet/expand box if necessary)



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Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY believe that as the High Court quashed paragraph 209a of the 2018 NPPF and two revisions have since been published which contain no reference to this paragraph at all, this detail should not be included within the JMWP 'for context'. It is considered its inclusion will only serve to confuse and potentially cause a decision maker to add weight to 'benefits' which do not exist. As such, to better reflect existing policy, it is thought this should be removed.. Should national planning policy change, this will be picked up at a future policy review.

Further reference to the claimed 'carbon' benefits should be removed as this does not form part of national planning policy.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To better reflect national policy and avoid confusion, it is suggested the proposed amended green text which forms a new paragraph, be altered to read "National planning policy for shale gas has continued to evolve during the later stages of the Joint Minerals and Waste Plan preparation. The MPAs take the view that the evolving national policy position and evolving evidential basis for the claimed benefits of shale gas development, justify a precautionary approach to relevant local planning policies for this form of development, and reinforce justification for their commitment to

keep this matter under close review as referenced in paragraphs 4.10 and 4.11 of the Plan, in such circumstances as the Government ending the moratorium currently in place.”

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

**All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.**

Signature: K Atkinson

Date: 09/09/21

Official Use Only Reference Number

OFFICIAL

# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY strongly support the proposed amendments to M16 b)ii). This provides clarity ensuring that a proposal for any phase of hydrocarbon development within a nationally designated landscape (NP or AONB) will comprise major development and be subject to the requirements of Policy D04.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

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# Main Modifications Response Form - Part B

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|------------------------|--------|
| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY are very concerned that the additional information proposed to be included within Policy M16,d) i) will weaken the protection afforded to local communities and the environment especially considering the Inspector stated she was minded to 'find sound' at the specific hydrocarbons examination hearing session due to an acceptance of the requirement for a precautionary approach to a novel industry. For example, the replacement of 'must' with 'should' in the context of the provision of supporting detailed assessments on the potential impacts on designated landscapes weakens the policy and is unjustified.

The additional text in green type setting out '*unless it can be demonstrated...*' is considered ineffective. Given the sensitivities surrounding designated landscapes and the impact development can have within the settings of such landscapes, CPRENY consider the only way particular locational circumstances can be determined as not having an impact on the designation is to provide a detailed assessment proving the case. As such, the developer will have to be required to provide a detailed assessment proving their scheme acceptable in landscape terms to the MPA rendering this paragraph ineffective and as such should be removed in its entirety reverting to the previous text.

Whilst the term 'visual sensitivity zone' is acceptable to CPRENY, the charity fully supports the suggestion of Frack Free Ryedale (FFR) to require a 1:100 ratio landscape assessment of tall infrastructure to be included with any application.

The 3.5km zone is acceptable as a 'minimum' requirement in so much as most workover rigs that are utilised on hydrocarbon extraction sites are typically 35m high, however, CPRENY concur with the evidence presented by FFR that the most popular drilling rigs used by operators seem to be a minimum of 55m high with a 60m temporary crane. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time (several years), especially when drilling multiple wells in succession. It is therefore considered that the wording should be

amended to include reference to a ratio which would take the higher infrastructure into account. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

To ensure an effective policy and protect the landscape of CPRENY consider the policy should be reworded to read (additions underlined):

- i) Where proposals for surface hydrocarbon development meet other locational criteria set out in this policy but fall within a National Park or an AONB or the associated minimum 3.5km visual sensitivity zone around these areas, identified on the Policies Map, or where located beyond this zone, are otherwise considered to have the potential to cause significant harm to a National Park and/or AONB, applications must be supported by a detailed assessment of the potential impacts on the designated area(s). Detailed assessments are required to include an assessment of views of and from the designated area(s) from significant viewpoints, including using a 1:100 ratio to take account of the maximum height of all proposed infrastructure, and an assessment of the cumulative impact of development in the area. Permission will not be granted for such proposals where they would result in unacceptable harm to the special qualities of the designated area(s) or are incompatible with their statutory purposes in accordance with Policy DP04.

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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Signature: K Atkinson

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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY consider that the MPAs approach to the definition of hydraulic fracturing is consistent with national planning policy via the PPG-Minerals in that it does not rely on a minimum volumetric threshold. The impacts of high-volume hydraulic fracturing and fracking involving lower volumes of fracture fluid, can have the same and/or similar impacts. As such the additions to paragraph 5.124 provide further clarity and is supported.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.



5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

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| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY support comments made in the FFR response to MM44 it is considered that whilst the term 'visual sensitivity zone' is acceptable to FFR it is considered that a 1:100 ratio would also be useful to include within the plan in order to recognise that the majority of hydrocarbon extraction sites use equipment much taller than 35m. The 3.5km zone is acceptable as a minimum requirement in so much as most workover rigs that are utilised on hydrocarbon extraction sites are typically 35m high. However, the most popular drilling rigs by operators seem to be a minimum of 55m high with a 60m temporary crane, all 3 units (plus other tall infrastructure) can be on-site at the same time. Whilst the drilling rig is temporary in the overall lifespan of the operation, it will be on site for prolonged periods of time (in some cases up to several years), especially when drilling multiple wells in succession. No recognition of this fact is given in the plan document and as such specific reference should be attributed to this fact as the potential impacts of the proposals could actually extend much further than 3.5km in the majority of cases. It is therefore considered that the wording of this supporting text should be amended to include reference to a ratio which would take the higher infrastructure into account, including the fact that all proposals will require detailed assessments as all are likely to include infrastructure significantly above 35m as seen on the site visits with the Inspector. This is deemed to be especially important as North Yorkshire has so many national and locally designated areas of landscape importance.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan

legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

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# Main Modifications Response Form - Part B

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|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY strongly object to the proposed changes to the text at Policy M17 4) i) and consider that they significantly weaken the policy by lessening the protection for residential communities within 500m of the wellsite. CPRENY are of the opinion that the Inspector was minded to accept the approach of the MPAs at the specific hydrocarbon examination hearing session and the necessity to take a precautionary approach to the novel industry given the number of sporadic small hamlets and settlements, individual farmsteads and dwellings found across North Yorkshire.

Further, it is considered that the previous text 'to ensure a high level of protection' does not require alteration in order to provide 'clarity'. The proposed text 'protection against unacceptable' does not reassure the community that they will be given the same high level of protection as previously promised. Further it is considered an amalgamation of the proposed text 'on amenity and public health' and the previous test (in red) 'from noise, light pollution, emissions to air or ground water and surface water and induced seismicity' would provide more clarity than that currently proposed.

It is considered that the addition of the proposed text and deletion of the previous 'in exceptional circumstances' text also significantly weakens the policy. The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in Green Belt or those requiring assessment under the Major Development Test meaning that to be supported the applicant needs to provide robust evidence and meet specific criteria providing it should be supported and that exceptional cases exist. The proposed new text effectively places the MPA under pressure to carefully assess evidence to prove it should support the proposals rather than state that is unlikely proposals will be acceptable, changing subtly the meaning of the policy. CPRENY therefore suggest that the previous red text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' is reintroduced to provide clarity that the norm will be for proposals not to be supported within this 500m zone. It is not

considered the proposed text (in green) to the end of this policy is required given the first sentence of this paragraph to the policy clearly sets out that 'hydrocarbon development will be permitted in locations where it would not give rise to unacceptable impact on local communities.' The fact that the policy states that it is unlikely to be within 500m implies that in some cases it would be – at which point the MPA would be expected to carefully scrutinise applicant's documents as this would not be the norm.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The policy should be reworded to read "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 development and residential buildings and other sensitive receptors in order to ensure a high level of protection from adverse individual and cumulative impacts on amenity and public health, including from pollution to noise, light, air, ground and surface water and induced seismicity, in line with the requirements of Policy D02. 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."

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

As set out in our response to MM53, CPRENY consider that the proposed changes to the text at Policy M17 4) i) significantly weakens the policy and lessens the protection for residential communities within 500m of the wellsite and recommend that the supporting text be altered in line with our recommendation to that MM.

It is considered that a robust assessment of potential impacts should be required and that a high standard of effective mitigation should be provided in all cases, therefore, it is suggested that the previous and suggested proposed text are both utilised.

CPRENY supports Frack Free Ryedale (FFR) in its assertion that proposals within 500m of a sensitive receptor are unlikely to be considered appropriate and will indeed have a higher risk factor for potential impacts associated with them. It is considered that the entire of the proposed green text 'the Authority considers....' provides too much flexibility in this regard when the Inspector has stated that a precautionary approach should be adopted. As such the previous red text should be reinstated as this provides sufficient clarity to the reader.

The exceptional circumstances test is a very high bar in planning policy terms and is usually reserved for proposals in Green Belt or those requiring assessment under the Major Development Test meaning that to be supported the applicant needs to provide robust evidence and meet specific criteria providing it should be supported and that exceptional cases exist. CPRENY therefore believe that the previous text setting out that proposals within 500m of residential buildings are 'unlikely to be consistent with this requirement and will only be supported where...' should be reintroduced (under MM53) to provide clarity that the norm will be for proposals not to be supported within this 500m zone.

The addition of the proposed text in relation to night-time periods of disturbance, uses the time period

from 23:00-07:00hrs – and CPRENY assume this is a typographical error? The PPG- Minerals (PPGM) sets the night-time period in relation to noisy activities as 22:00-07:00 which at the very minimum CPRENY believe should be included within the policy. In actuality, the PPGM also sets daytime hours as being 07:00-19:00hrs and evening hours as being 19:00-22:00 recognising that lower noise thresholds should be conditioned in the evening than during the day (and even lower during the night-time period). Given the requirement to ensure vulnerable (and sensitive) receptors (including children, the elderly and those with disabilities) who may reside within 500m of the site and the fact that they may wish to sleep prior to 22:00hours, CPRENY also consider that the earlier 19:00hrs should be included within the policy as a matter of fact.

CPRENY support the inclusion of the proposed text regarding the moratorium.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The supporting text at paragraph 5.146 should be reworded to reflect the above and proposed changes to Policy via MM53 to read (CPRENY proposed text underlined):

"[unlike other forms... Induced seismicity]. The adequacy of separation distances to properties and other receptors will need to be determined by the Mineral Planning Authority on a case by case basis, but in all cases a robust assessment of potential impacts is required and a high standard of effective mitigation provided where necessary. In order to ensure that an appropriately high standard of protection can be maintained and to help provide clarity on the approach to be followed by the Mineral Planning Authorities, it is considered that a minimum horizontal separation distance of 500m should be maintained between the proposed development and occupied residential properties or other sensitive receptors. It is, therefore, unlikely that surface hydrocarbon proposals will be acceptable within that distance. A 500m distance from the well pad boundary (excluding site access) is considered to represent a reasonable distance of immediate sensitivity taking into account the potential for a complex range of individual and cumulative impacts on amenity and public health, including pollution from noise, vibration, air, light, ground and surface water and visual impact, including impacts arising from potential mitigation measures. Disturbance during the evening (19:00-22:00hrs and night time periods (22:00-07:00hrs) has the potential for a greater degree of perceive impact, to the extent that other factors, relating to emissions to air or ground or water or the potential generation of induced seismic activity are relevant and these will also be taken in to account. For the purpose of ..."

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

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**All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.**

|                       |                |
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| Signature: K Atkinson | Date: 09/09/21 |
|-----------------------|----------------|



# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY find the additional proposed text confusing. The additional text proposed by the MPAs requires proposals to be supported by '*compelling evidence which demonstrates that induced seismicity can be managed and mitigated to an acceptable level*'. This implies that the operator needs to submit this evidence as part of a planning application in order to gain permission despite the national moratorium being in place. The Government has a moratorium in place until such time when *it* is presented with compelling evidence by industry *not* the MPA. It is considered it is the Government's place to accept and assess this information not the MPA to determine whether the moratorium will be lifted. This should not be included within the Plan or in the very least should be made clear that this does not circumvent the Government's moratorium.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Additional wording should be included for the sake of clarity to confirm the Government's moratorium on fracking remains in place despite an operator presenting the MPA with information on induced seismicity or should simply be removed.

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

|    |
|----|
| NA |
|----|

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

**All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.**

|                       |                |
|-----------------------|----------------|
| Signature: K Atkinson | Date: 09/09/21 |
|-----------------------|----------------|

|                                    |  |  |  |  |  |  |  |  |  |  |  |
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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY fully support all the proposed additions to Policy M22 via this MM

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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Signature: K Atkinson

Date: 09/09/21

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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY fully support the proposed additional text which provides clarity regarding waste water from hydrocarbon activity.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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# Main Modifications Response Form - Part B

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| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY fully support the proposed new policy S03 in order to provide distinction between surface and deep mineral safeguarding. It is considered to be a helpful and effective policy supported by the policies map.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations.

5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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# Main Modifications Response Form - Part B

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| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY support the majority of the amendments to the supporting text proposed via MM84.

However, the final paragraph – labelled 8.20, should provide additional clarity setting out whilst the PPGMinerals does require planning authorities to be satisfied other operating regimes will work effectively, meaning they do not always need to carry out their own assessments - this does not prevent them from carrying out their own assessment and concluding that they are 'not satisfied' with planning matters – even if other regimes have responded to a proposal in support of scheme when considering their remit in isolation. The MPA should not simply rely on the responses of other bodies, but be *satisfied*.

This was proved to be the case by the appeal Inspector responding to APP/Y2003/W/17/3173530 and APP/Y2003/W/17/3180606 at land at Lodge Farm, Clapp Gate, Appleby, Scunthorpe, DN15 0DB when the planning committee and Inspector disagreed with the Environment Agency.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is considered that the final paragraph should be reworded to read (CPRENY additions underlined) "Planning guidance... It states that they can determine applications having considered the advice of those bodies without having to wait for the other approval processes to be concluded... However the guidance also states that MPAs are required to be satisfied that regimes will operate effectively, so they are not prevented from undertaking their own assessments if necessary. The Mineral Planning Authorities..."

(continue on a separate sheet/expand box if necessary)

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

**All responses received will be considered and any information provided will be made public. My consent is hereby confirmed.**

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# Main Modifications Response Form - Part B

Please use a separate Part B form for each representation

|                        |        |
|------------------------|--------|
| Name or Organisation : | CPRENY |
|------------------------|--------|

Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY strongly supports the additional paragraph which provides clarity on the requirement to avoid adverse impacts in a National Park or AONB.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

(continue on a separate sheet/expand box if necessary)

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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| Name or Organisation : | CPRENY |
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Please mark with an x as appropriate

1. To which Main Modification does this representation relate?

Main Modification (MM No.)

2. Do you consider the Main Modification to the Publication Draft Plan is :

2.(1) Legally compliant      Yes       No

2.(2) Sound      Yes       No

(2a) Which Element of soundness does your representation relate to? (please only mark with an x one element of soundness per response form).

*Positively Prepared*      Yes       No       *Justified*      Yes       No

*Effective*      Yes       No       *Consistent with National Policy*      Yes       No

2. (3) Complies with the Duty to co-operate      Yes       No

3. Please give details below of why you consider the Main Modification to the Publication Draft of the Minerals and Waste Joint Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

CPRENY strongly support the additional text in the final paragraph of Part 1 of Policy D11. This is essential in light of the climate emergency.

(continue on a separate sheet/expand box if necessary)

4. Please set out what modification(s) to the 'Main Modification' you consider necessary to make the Publication Draft of the Minerals and Waste Joint Plan legally compliant or sound, having regard to the Matter you have identified at 3. above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification to the 'Main Modification' will make the Publication Draft Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

NA

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5. Do you have any comments on the updated Sustainability Appraisal or Habitats Regulations Assessment Addendum in respect of this particular Main Modification.

NA

**Please note** your representation should **only** relate the to proposed Main Modifications set out in the schedule and **NOT other aspects of the Plan and these will be put forward without prejudice to the Inspectors final conclusions on the Plan.**

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