

Date: 27 March 2007

Report: PROCEDURE TO SAVE MINERALS AND WASTE LOCAL PLAN
POLICIES 1998

Purpose of the report

1. To seek agreement from Members to save selected policies from the Minerals and Waste Local Plan 1998.

Strategic Planning Framework

2. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

- **Best Value Performance Plan objectives**
'Provide an up-to-date development framework'

Background

3. The Government Office for Yorkshire and the Humber requires local planning authorities to submit, before 1st April 2007, a scheme for saving Local Planning policies.
4. If planning authorities fail to do this, old local plan policies will lapse and will not carry weight as part of the Development Plan, for the determination of planning applications.
5. This procedure applies to the Yorkshire Dales Minerals and Waste Local Plan, but does not apply to the Yorkshire Dales Local Plan 2006 because it has only recently been adopted and is automatically 'saved' for three years.
6. Appendix A to this report contains a table of the minerals and waste policies that it is recommended to save for the next three years, together with reasons why others do not need to be saved. Appendix B sets out the wording of each policy.
7. The Government is keen that planning authorities do not save policies that are out of date or which merely repeat national or regional policy. It is considered that of the 22 policies in the Minerals and Waste Local Plan 1998, nine should be saved. It is not considered necessary to save the remaining 13 because they have been superseded or are covered by national or regional planning policy or by policies in the Authority's new Local Plan.

8. It is important that the Authority takes action to save key policies because we expect to receive a number of significant new minerals planning applications in the next few months.
9. In due course, the Yorkshire Dales Development Framework will replace the saved policies. That process has already begun with the drafting of Minerals and Waste Issues and Options (September Authority) but it is expected that it will take around 3 years before any new policies can replace those in the Minerals and Waste Local Plan.

RECOMMENDATION

10. That Members agree to save the following minerals and waste policies for the reasons given in Appendix A;

MLP2	New quarries and extensions to existing quarries for crushed rock aggregate
MLP6	Quarrying of building stone and roofing slate
MLP8	Reworking of mineral waste
MLP9	Reuse and recycling of demolition and construction materials
MLP17	After-use and long-term management of sites
WLP1	Disposal of household and non inert waste
WLP2	Disposal of inert waste
WLP3	Civic amenity sites
WLP4	Local recycling sites

11. That Members agree not to save the following policies for the reasons given in Appendix A;

MLP 1	Provision of crushed rock aggregates
MLP3	Aggregate landbank
MLP4	High purity limestone
MLP5	Limestone pavements
MLP7	Use of soils and mineral waste
MLP10	Requirement for annual monitoring reports
MLP11	Review of minerals permissions
MLP12	Restriction of working hours
MLP13	Rail transport
MLP14	Manufacturing and industrial processing plants
MLP15	Landscaping and restoration
MLP16	Maintenance of landscaping and restoration
EA1	Requirement for environmental assessment

Dave Parrish
Minerals Officer
 21st February 2007

Background documents:

Department for Communities and Local Government protocol for saving development plan policies 2006

Minerals and Waste Local plan 1998

Minerals and Waste Issues and Options, Development Plan Document, September 2006

YORKSHIRE DALES MINERALS AND WASTE LOCAL PLAN ADOPTED OCTOBER 1998

Policy	Subject	Government criteria						Policies that the government will also have particular regard to					Comment
		Where appropriate there is a clear central strategy	Policies have regard to the Community Strategy for the area	Policies are in general conformity with the Regional Spatial Strategy	Policies are in conformity with the core strategy of the development plan document	There are effective policies for any part of the authority's area where significant change in the use or development of land or conservation of the area is envisaged	Policies are necessary and do not merely repeat national or regional policy	Policies that support the delivery of housing	Policies on Green Belt detailed boundaries	Policies that support economic development and regeneration	Policies for waste management	Policies that promote renewable energy; reduce impact on climate change; and safeguard water resources	
CHAPTER 4: AGGREGATE MINERALS – Policies TO BE SAVED													
MLP2	New quarries and extensions to existing quarries	✓	✓	✓	N/A	✓	✓	X	N/A	✓	N/A	X	This is a key National Park policy, consistent with MPS1, RSS and the National Park Management Plan. It is the policy against which all aggregate quarrying planning applications are judged.
- Policies NOT TO BE SAVED													
MLP1	Provision of crushed rock aggregate	✓	X	X	N/A	X	X	X	N/A	X	N/A	X	The first part of this policy is covered by RSS Policy ENV4 and the second part has been superseded by more recent Government Guidelines for aggregates provision.
MLP3	Determination of crushed rock landbank	✓	X	X	N/A	X	X	X	N/A	X	N/A	X	This has been superseded by national policies in MPS1 including a policy on supply to provide for the maintenance of landbanks as far as is practicable from outside National Parks.

CHAPTER 5: OTHER MINERALS – Policies TO BE SAVED													
MLP6	Quarrying of building stone or roofing slate	✓	✓	✓	N/A	X	✓	✓	N/A	✓	N/A	X	This is a key National Park policy, consistent with MPS1, RSS and the National Park Management Plan. The National Park supports the provision of building materials from local sources, which is important for both new buildings and the conservation of existing buildings.
- Policies NOT TO BE SAVED													
MLP4	Extraction of limestone of high chemical purity	✓	X	✓	N/A	X	X	X	N/A	X	N/A	X	This remains an important principle in terms of sustainability, but can be covered by MLP2 and existing national and regional policies.
MLP5	Removal or damage to limestone pavements	✓	X	✓	N/A	X	X	X	N/A	X	N/A	X	This remains an important principle for protection of the National Park's landscape but it is covered by European and national regulations and existing National Park Local Plan policies.
CHAPTER 6: DEPOSIT OF MINERAL WASTE – Policies TO BE SAVED													
MLP8	Reworking of mineral waste	✓	X	✓	N/A	✓	✓	X	N/A	X	✓	✓	In parts of the National Park mineral waste deposits form part of the historic landscape which it is important to retain. Many of the older deposits contain lead and more recent waste contains burnt lime both of which are potentially highly polluting if disturbed.
- Policies NOT TO BE SAVED													
MLP7	Beneficial use of soil, overburden and quarry waste	✓	X	✓	N/A	✓	X	X	N/A	X	✓	X	The beneficial use of soil, overburden and quarry waste remains an important element of any working proposal, but can be satisfactorily covered as part of the scheme, by condition and in accordance with Government guidance.

CHAPTER 7: SECONDARY AND RECYCLED MATERIALS – Policies TO BE SAVED													
MLP9	Re-use and recycling of construction and demolition materials.	✓	✓	✓	N/A	X	✓	✓	N/A	✓	✓	✓	Although total volumes of construction and demolition waste in the National Park are low, it remains an important principle to re-use as much of this as possible, especially where the materials are building stone or roofing slate.
CHAPTER 8: THE CONTROL OF MINERAL DEVELOPMENT – Policies TO BE SAVED													
MLP17	Afteruse and long term management of sites	✓	✓	✓	N/A	✓	✓	X	N/A	✓	✓	✓	Beneficial afteruse and long term management of mineral working sites are particularly important in a National Park. In most instances planning obligations will be required. This policy has been used frequently and it is considered important that it remains in place for new proposals.
- Policies NOT TO BE SAVED													
MLP10	Annual monitoring reports	✓	✓	✓	N/A	X	X	X	N/A	X	✓	✓	These policies all relate to more detailed issues of the control of mineral development. The general principles remain important, although some have been superseded by subsequent regulations and guidance. It is considered that national and regional policy and existing National Park Local Plan policies adequately cover these issues and it is not necessary to save these policies.
MLP11	Review of mineral permissions	✓	✓	✓	N/A	X	X	X	N/A	X	✓	✓	
MLP12	Hours of working and transportation	✓	X	X	N/A	X	X	X	N/A	X	X	X	
MLP13	Rail transport	✓	✓	✓	N/A	X	X	X	N/A	X	X	✓	
MLP14	Industrial processing plants	✓	✓	✓	N/A	X	X	X	N/A	X	X	✓	
MLP15	Landscaping and restoration	✓	✓	✓	N/A	X	X	X	N/A	X	X	✓	
MLP16	Maintenance of landscaping and restoration	✓	✓	✓	N/A	X	X	X	N/A	X	X	X	

CHAPTER 9: WASTE DISPOSAL – Policies TO BE SAVED													
WLP1	Disposal of household and non-inert wastes	✓	✓	✓	N/A	✓	✓	X	N/A	X	✓	✓	It is considered that together these four policies comprehensively cover how the National Park will deal with proposals for the disposal of waste in its area and for the provision of local collection and recycling facilities.
WLP2	Disposal of inert waste	✓	✓	✓	N/A	✓	✓	X	N/A	X	✓	✓	
WLP3	Provision of civic amenity sites	✓	✓	✓	N/A	X	✓	X	N/A	X	✓	X	
WLP4	Provision of local recycling sites	✓	✓	✓	N/A	X	✓	X	N/A	X	✓	X	
CHAPTER 10: ENVIRONMENTAL ASSESSMENT – Policies NOT TO BE SAVED													
EA1	Environmental Assessment	✓	✓	✓	N/A	✓	X	X	N/A	X	X	✓	This repeats European and national regulations and is no longer required as a separate policy.

YORKSHIRE DALES MINERALS AND WASTE LOCAL PLAN ADOPTED
OCTOBER 1998

- Policy MLP1** The proportion of crushed rock aggregate provision in North Yorkshire to be supplied from the Yorkshire Dales National Park will be progressively reduced.
- Provision is made for the production of 62 mt of crushed rock aggregate during the period 1992 to 2006.
- Policy MLP2** Other than in exceptional circumstances, proposals for quarrying to produce crushed rock for aggregates from new sites will not be permitted. Extensions to existing quarries will be permitted only where they would result in overall benefits which could include benefits to the environment or residential amenity.
- Policy MLP3** Where it is appropriate to determine a landbank requirement for crushed rock a period of 10 years will be used in the calculation.
- Policy MLP4** Proposals for the extraction of limestone of a high chemical purity for purposes other than for which a high chemical purity is essential will be opposed.
- Policy MLP5** Proposals involving the removal of or damage to limestone pavements will not be permitted.
- Policy MLP6** Proposals for the quarrying of building stone or roofing slates for use within the national park or immediately adjacent areas will be supported provided the scale of quarrying is appropriate to serve the local market and the quarrying will not be damaging to the environment including residential amenity.
- Policy MLP7** Where permission is granted for mineral extraction and in reviewing mineral working sites, all soil and overburden materials stripped from a site will be required to be retained separately for use in the restoration of the site. Mineral waste will be required to be deposited in accordance with a scheme which will enhance the landscaping or restoration at the site where it is being produced or at a previously worked but unrestored site.
- Policy MLP8** Proposals for the reworking of mineral waste will not be permitted where the land has been satisfactorily restored or the deposit has become assimilated into or has become characteristic of the local landscape.

Policy MLP9

The re-use and recycling of demolition and construction materials will be encouraged. Proposals for the deposition as waste of demolition or construction materials which could reasonably be re-used or recycled will not be permitted.

Policy MLP10

New permissions will be subject to conditions requiring the submission of annual monitoring reports covering working, restoration and aftercare of the site.

Policy MLP11

Minerals permissions will be reviewed to obtain improved schemes and conditions which will remove or minimise the adverse effects of the mineral working on the environment including residential amenity.

Policy MLP12

Proposals which would involve the working, processing or transportation of minerals by road outside the following times:-

06.00 - 17.00 hours Mondays to Fridays

06.00 - 12.00 hours Saturdays

Will only be permitted where it can be demonstrated that there will be no material damage to the environment including residential amenity.

Policy MLP13

In the consideration of proposals for mineral extraction, the increased use of rail for the transport of quarry products will be sought whenever opportunities arise, and the provision of sidings and associated works at those quarries not presently connected to the rail network will be supported. (Policy TR12 - Yorkshire Dales Local Plan).

Policy MLP14

Proposals for the siting of manufacturing or industrial processing plants, including roadstone coating plants, will not be approved where these would be detrimental to the environment including residential amenity or would be likely to generate traffic movements which would be contrary to Policy MLP12.

Policy MLP15

Detailed and progressive landscaping, restoration and aftercare schemes will be required for any new permission for mineral extraction and will be sought for all existing mineral working sites.

Policy MLP16

All new landscaping and restoration schemes for mineral working sites will be required to incorporate detailed provisions for their maintenance during the working in order to secure the proper establishment of planting, seeding and other works.

Policy MLP17

All mineral working proposals will be required to include details of the proposed after use of the site. Planning obligations will be sought where appropriate to secure the long term management of the site.

Policy WLP1

The disposal of household and other non-inert wastes within the national park will not be permitted.

Policy WLP2

Proposals for the disposal of inert waste produced within the national park will be supported provided that the proposals:

- a) are small in scale, normally not exceeding 0.4 hectares in area;
- b) will not detract significantly from the surrounding landscape, wildlife, archaeological or geological interest;
- c) will not adversely affect residential amenity;
- d) will not create significant traffic problems on access or approach roads, or significantly affect the use of any public right of way;
- e) will have no adverse effects on any water course or ground water.

Proposals should be sufficiently detailed to demonstrate that the disposal operations, landscaping, restoration and aftercare of the site will be carried out to the highest standards.

The disposal of inert waste that has been produced outside the national park will not be permitted.

Policy WLP3

Proposals for the provision of civic amenity sites will be supported where these can be established and operated without detriment to the environment including residential amenity.

Where appropriate, a landscaping and planting scheme will be required.

Sites will be required to be fenced and gated to prevent unauthorised access and to be supervised during hours of opening.

Policy WLP4

Proposals for the siting of collection facilities for locally generated recyclable household waste within or adjacent to settlements will be permitted provided that residential or visual amenity would not be significantly harmed.

Policy EA1

A formal environmental assessment will be required for all mineral working and waste disposal proposals where it is considered, by the national park authority, they would have a significant impact on the environment or the special character of the National Park.