

Proposed Main Modifications to the East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan

Set out below are a number of proposed Main Modifications (MMs) to the East Riding of Yorkshire and Kingston upon Hull Proposed Submission Joint Minerals Local Plan (JMLP) as discussed at the Examination hearing sessions on 8 and 9 January 2019. These modifications are published for a 6 week consultation, responses to which will be put forward to the Inspector for his consideration. The MMs are proposed without prejudice to the Inspector's final conclusions.

The page and paragraph numbering below refer to the Proposed Submission JMLP and do not take account of the deletion or addition of text.

Key:

MMI (for example) = potential Main Modification reference number

Red underlined text = text insertion

~~Red strikethrough text~~ = text deletion

Main Mod. Ref. Number	Page Number	Paragraph/ Policy/Map	Proposed Change	Reason for change
Chapter 3: Vision and Objectives for Minerals Development				
MMI	24 and 25	Vision for Minerals Development	<p>Minerals development in East Riding of Yorkshire and Hull will seek to:</p> <ul style="list-style-type: none"> • respond to the needs of communities and the wider economy; • safeguard important <u>known locations of</u> mineral resources; • provide for the careful management of mineral resources; • promote efficient use of materials; • protect the environment and the living conditions of local communities; and • mitigate and adapt to the expected impacts of climate change. <p>The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation.</p> <p>In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a</p>	<p>To reflect the wording of the NPPF (2012), which refers to 'known' locations of specific minerals resources.</p> <p>Further change relating to building stone reflects the importance of building and roofing stone more generally and not just specifically to locally distinctive buildings.</p>

			<p>way that maximises the contribution of minerals development to communities, the economy and the environment.</p> <p>There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of existing development and for new development needs.</p> <p>The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration.</p> <p>The Plan will re-define the extent of potentially important <u>known</u> mineral deposits to be safeguarded from sterilisation by non-mineral surface development.</p> <p>Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained.</p> <p>The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings <u>recognising the positive contribution of building and roofing stone to the character of a place and place-making</u>.</p> <p>Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.</p>	
MM2	25	Joint Minerals Local Plan Objectives	<p>2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and historic building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.</p>	Amendment reflects the fact that the importance of building and roofing stone is not just a historical importance.
Chapter 4: Aggregate Minerals				
MM3	39	Policy AGG2 Part B1	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <p>I. <u>In the case of new quarry sites</u>, Tthere is a need for sand and gravel reserves in order to maintain the landbank; and</p>	This change means proposals for extending existing sand and gravel quarries within areas of search would not need to demonstrate need in compliance with Policy

				AGG2, Part B1. This ensures such quarry extensions are treated in the same way whether inside or outside the area of search allocations.
MM4	39	Policy AGG2 Part B1	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <p>I. There is a need for <u>additional</u> sand and gravel reserves <u>to be permitted</u>in order to maintain the landbank; and</p>	Insertion of 'additional' sand and gravel reserves and removal of reference to the landbank recognises that there is no maximum landbank. This amendment also negates the need to amend monitoring framework to recognise when there has been sharp upturns in sand and gravel aggregate demand.
MM5	39	Underneath Paragraph 4.34	<p>Insert additional paragraph as follows:</p> <p><u>In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u></p>	To provide supporting text in support of MM4 to Policy AGG2.
MM6	44	Policy AGG4 Part A1	<p>A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided:</p> <p>I. <u>In the case of new quarry sites,</u> Tthere is a need for crushed rock reserves in order to maintain the landbank; and</p>	This change means proposals for extending existing crushed rock quarries within areas of search would not need to demonstrate need in compliance with Policy AGG4, Part A1. This ensures such quarry extensions are treated in the same way whether inside or outside the area of search allocations.

MM7	44	Policy AGG4 Part A1	<p>A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided:</p> <p>I. There is a need for <u>additional</u> crushed rock reserves <u>to be permitted in order to maintain the landbank</u>; and</p>	<p>As agreed during the hearing sessions. Insertion of 'additional' crushed rock reserves and removal of reference to the landbank recognises that there is no maximum landbank. This amendment also negates the need to amend monitoring framework to recognise when there has been sharp upturns in crushed rock aggregate demand.</p>
MM8	44	Underneath Paragraph 4.49	<p>Insert additional paragraph as follows:</p> <p><u>In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u></p>	<p>To provide supporting text in support of MM7 to Policy AGG4.</p>
MM9	45	Policy AGG5 Title and Part A	<p>Policy AGG5: Unallocated Extensions to existing quarries</p> <p>A. Proposals for extensions to existing minerals extraction sites on-land not allocated as a Preferred Area or Area of Search will be supported where it is demonstrated that it:</p>	<p>This amendment means Policy AGG5 can be applied to relevant proposals inside of preferred area and area of search allocations as well outside.</p>
MM10	55	Policy AGG10	<p>Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities</p> <p>A. Existing <u>minerals</u> infrastructure supporting the minerals industry will be safeguarded from inappropriate non-mineral development, <u>which would adversely impact on the operation and costs associated with the infrastructure</u>, unless it can be demonstrated that:</p> <p>I. Replacement <u>infrastructure</u> provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or</p>	<p>Amendments to better define what is meant by inappropriate development and to reflect the 'agent of change' principle.</p>

			<p>2. Sufficient facilities-infrastructure already exists in the area serving the same market(s).</p> <p>B. Sensitive or inappropriateNon-mineral development, which would adversely impact on the operation of that would conflict with the use of such sites minerals infrastructure for these purposes will be preventedrequired to provide suitable mitigation to reduce this impact to acceptable levels.</p>	
MM11	55	Underneath Paragraph 4.96	<p>Insert additional paragraphs as follows:</p> <p>Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed.</p> <p>Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels. This policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those within existing quarries and elsewhere, are safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.</p>	Additional supporting text to support changes to Policy AGG10 (MM10)
Chapter 6: Energy Minerals				
MM12	69	Policy EM1 Part A	A. Proposals for the extraction of coal by deep coal mining, including any surface development, will only be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will only be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM14	73	Policy EM2 Part A1	<p>A. Proposals for exploration boreholes will only be supported provided:</p> <p>I. They are located in the least environmentally sensitive part of the geological prospect as practically possible, minimising impacts to designated heritage, geological and biodiversity assetsstaking into account</p>	To standardise the wording of factors to consider when locating an energy mineral surface development in the

			<u>environmental, geological and technical factors to minimise impacts on any identified asset;</u>	least environmentally sensitive part of the geological prospect.
MM15	73	Policy EM2 Part A (in between criterion 3 and 4)	<p>Insert additional criteria as follows:</p> <p>3. They include measures to avoid pollution of ground water, aquifers, and potable water supplies;</p> <p>4. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>5. Site selection takes account of impacts over the proposed lifetime of the borehole and the potential for it to be retained for long term appraisal and development; and</p>	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.
MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will only be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM17	74	Policy EM3 Part A2	2. They are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> minimising impacts to designated heritage, geological and biodiversity assets;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM18	74	Policy EM3 Part A (in between criterion 4 and 5)	<p>Insert additional criteria as follows:</p> <p>4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies;</p> <p>5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and</p>	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.

MM19	75	Policy EM4 Part A	A. Proposals for oil and gas production and distribution will only be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM20	75	Policy EM4 Part A I	I. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> minimising impacts to designated heritage, geological and biodiversity assets;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM21	77	Policy EM5 Part A	A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will only be supported where it:	Deletion of 'only' results in the policy being more positively worded.
MM22	77	Policy EM5 (in between Parts B and C)	<p>Insert new criteria as follows:</p> <p>B. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area.</p> <p><u>Appraisal Phase</u></p> <p>C. <u>Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above.</u></p> <p><i>Commercial production:</i></p> <p>D. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant, will be determined strictly on their merits in terms of the balance of need against environmental impact, subject to meeting the requirements of the criteria A2 and A3 above.</p>	Additional part to the policy added to address proposals for the appraisal phase of coal bed methane development.
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will only be supported provided:	Deletion of 'only' results in the policy being more positively worded.
MM24	79	Policy EM6 Part A I	A. Proposals for shale gas exploration will only be supported provided: I. Environmental risks have been assessed considered by submission of a	Deletion of reference to environmental risk

			robust environmental risk assessment , and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels;	assessment and inclusion of supporting text regarding Environmental Impact Assessment instead.
MM25	79	Policy EM6 Part A2	2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, taking into account environmental, geological and technical factors to minimise impacts on any identified asset minimising impacts to heritage, geological and biodiversity assets;	To standardise the wording of factors to consider when locating an energy mineral surface development in the least environmentally sensitive part of the geological prospect.
MM26	79 and 80	Policy EM6 Part A (in between criterion 4 and 5) Part D (in between criterion 4 and 5)	<p>4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity;</p> <p>5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</p> <p>6. They include measures to avoid air pollution; and</p> <p>7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development.</p> <p><i>Appraisal Phase</i></p> <p>B. Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A76 above.</p> <p><i>Production Phase</i></p> <p>C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors.</p> <p>D. Proposals for the extraction of shale gas will only be supported provided:</p>	To ensure the potential impacts of flaring and other arrangements for the disposal of unwanted gas are considered.

			<ol style="list-style-type: none"> 1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; 2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. They will not generate unacceptable adverse impacts on the environment and local amenity; 	
MM27	80	Policy EM6 Part D6	6. Environmental risks have been considered by submission of a robust environmental risk assessment , and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;	Deletion of reference to environmental risk assessment and inclusion of supporting text regarding Environmental Impact Assessment instead.
MM28	82	Policy EM7 Part A	A. The formation of caverns for the underground storage of gas and related surface development will only be supported where:	Deletion of 'only' results in the policy being more positively worded.
Chapter 7: Development Management Policies				
MM29	87	Policy DMI Part A2	2. The <u>development would avoid harm to the environment or communities. Where harm is outweighed by the need for the development, the</u> impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and	Amendment to ensure Policy DMI is consistent with paragraph 129 of the NPPF (2012).
MM30	87 and 88	Policy DMI	A. Mineral development will be supported where it can be demonstrated that: <ol style="list-style-type: none"> 1. There is a clear need for the development proposed; 	Amendments to ensure greater consistency with the Planning and Compulsory

			<p>2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively <u>(including the impact of the factors in part B below)</u> with other existing and proposed mineral and other forms of development; and</p> <p>3. Enhancement opportunities are taken as part of development or its restoration.</p> <p>B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following will be considered <u>must be addressed where relevant</u>:</p> <p>I. <u>Carbon Greenhouse gas</u> emissions reduction and resource efficiency. Proposals that reduce overall <u>carbon greenhouse gas</u> emissions and improve resource efficiency during construction, operation, and restoration will be supported.;</p>	<p>Purchase Act 2004, Section 19 (1A). This relates to the requirement that: Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.</p>
MM31	88	Above paragraph 7.22	<p>Insert new paragraph:</p> <p><u>In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.</u></p>	<p>Additional supporting text explaining how 'clear need' is demonstrated in Policy DM1, part A I</p>
MM32	92	Policy DM3 Part A I	<p>A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that:</p> <p>I. Ensures the site is restored in a manner which is sympathetic to the</p>	<p>Reflects the fact it is not always practicable to restore mineral sites to contribute to deliver objectives for biodiversity and community</p>

			character, appearance and setting of the locality, and where practicable contributes to the delivery of local objectives for biodiversity and community use;	use.
MM33	92	Policy DM3 Part B5 (create new criteria 6)	<p>Split criterion 5 and create new criterion as follows:</p> <p>B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives:</p> <ol style="list-style-type: none"> 1. The creation, improvement or re-instatement of high quality agricultural or forestry land; 2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area 3. Improve the strategic network of green infrastructure; 4. The creation or improvement of geo-diversity; 5. The enhancement of landscape character and where relevant the setting of; designated local landscapes;; 6. The appropriate enhancement of a and heritage assets especially in terms of better revealing their its significance and access; 7. The provision of leisure and recreation facilities in the countryside; 8. The improvement of public access to the natural environment; and 9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas. 	Separates out landscape and heritage assets as discrete considerations within the Policy.