Part A - Contact details

Your contact details

<table>
<thead>
<tr>
<th>Name:</th>
<th>Mr. M. E.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surname:</td>
<td>NORTH.</td>
</tr>
<tr>
<td>Organisation (if applicable):</td>
<td>MINERAL PRODUCTS ASSOCIATION</td>
</tr>
<tr>
<td>Address:</td>
<td>GILLINGHAM HOUSE</td>
</tr>
<tr>
<td></td>
<td>38-44 GILLINGHAM ST.</td>
</tr>
<tr>
<td></td>
<td>LONDON</td>
</tr>
<tr>
<td>Post Code:</td>
<td>SW1V 1HU</td>
</tr>
<tr>
<td>Telephone:</td>
<td>07584 278272</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:mark.north@mininalproducts.org">mark.north@mininalproducts.org</a></td>
</tr>
</tbody>
</table>

Agent contact details (if applicable)

<table>
<thead>
<tr>
<th>Name:</th>
<th></th>
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<tbody>
<tr>
<td>Surname:</td>
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<td>Organisation (if applicable):</td>
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<td>Telephone:</td>
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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. After this stage, further submissions will only be at the invitation of the inspector who will conduct an Examination in Public of the Joint Plan, based on the matters they identify during the Examination.

All responses should be returned by 5pm on Wednesday 21st December 2016. Please note that representations cannot be received after this deadline.

Responses can be returned by email to: 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 1998. 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 Publication 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.
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No.  
Policy No.  M04  Policies Map

2. Do you consider the Minerals and Waste Joint Plan is:

2. (1) Legally compliant  Yes  x  No

2. (2) Sound  Yes  x  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

Effective  Yes  No  Consistent with National Policy

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

3. Please give details below of why you consider 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.

The wording of Policy M04 is not consistent with the wording of NPPF with respect to the provision on landbanks at para 145. NPPF requires the maintenance of at least 7 years and does not refer to a minimum 7 year landbank which is the wording in Policy M04.

It is noted that the Plan uses correct wording in the supporting text to the policy at paragraph 5.15 and 5.21 and it is important that the policy wording is consistent with this.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Policy M04 should be reworded as follows to make it consistent with NPPF and the supporting text of the Plan itself;

A minimum 7 year landbank of at least 7 years for concreting sand and gravel will be maintained throughout the Plan period for each of the northwards and southwards distribution areas identified on the key diagram.

A separate minimum 7 year landbank of at least 7 years will be maintained throughout the Plan period for building sand.

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  x ☐ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M.E.North  Date: 19/12/2016

Official Use Only Reference Number

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Policy M06 is not consistent with NPPF on two counts and is consequently UNSOUND.

Firstly the use of the wording of Policy M06 is not consistent with the wording of NPPF with respect to the maintenance of landbanks for crushed rock. At para 145 NPPF requires the maintenance of at least 10 years and does not refer to a minimum 10 year landbank which is the wording in Policy M06.

Secondly the requirement of the policy to source new reserves from outside the National Park and ANOBs is also not consistent with National Policy. NPPF (para 144) states that;

-as far as is practical [emphasis added], provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty, World Heritage sites, Scheduled Monuments and Conservation Areas;

As currently drafted this Policy could be construed as no future development in the National Park regardless of circumstances.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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 suggested that Policy M06 is reworded to read as follows to make it consistent with National Policy;

A **minimum overall** landbank of **at least** 10 years will be maintained for crushed rock throughout the Plan period. A separate **minimum 10 year landbank** of at least 10 years will be identified and maintained for Magnesian Limestone crushed rock throughout the Plan period.

Where new reserves of crushed rock are required in order to maintain a landbank of at least 10 years, the overall landbank above the 10 year minimum period these will be sourced from outside the National Park and Areas of Outstanding Natural Beauty as far as is practical.

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.**

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

[ ] No, I do not wish to participate at the oral examination

[ ] Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M. E. North

Date: 19/12/2016
**Publication stage Response form - Part B**

Please use a separate Part B form for each representation

<table>
<thead>
<tr>
<th>Name or Organisation:</th>
<th>Mineral Products Association</th>
</tr>
</thead>
</table>

*Please mark with an x as appropriate*

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph No./ Site Allocation Reference No.</th>
<th>Policy No.</th>
<th>SO1</th>
<th>Policies Map</th>
</tr>
</thead>
</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

| Yes x | No |

2.(2) Sound

| Yes x | No |

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

<table>
<thead>
<tr>
<th>Positively Prepared</th>
<th>Yes</th>
<th>No</th>
<th>Justified</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective</td>
<td>Yes</td>
<td>No</td>
<td>Consistent with National Policy</td>
<td>x</td>
<td>No</td>
</tr>
</tbody>
</table>

2. (3) Complies with the Duty to co-operate

| Yes | No |

3. Please give details below of why you consider 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.

Policy SO1 is SUPPORTED.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

N/A.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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☐ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association would be happy to attend the examination to support the Local Authority if it is considered to be of help.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  
Date: 19/12/2016
Publication stage Response form - Part B  
Please use a separate Part B form for each representation

<table>
<thead>
<tr>
<th>Name or Organisation</th>
<th>Mineral Products Association</th>
</tr>
</thead>
</table>

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph No./ Site Allocation Reference No.</th>
<th>Policy No.</th>
<th>SO2</th>
<th>Policies Map</th>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

2.(2) Sound

<table>
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<tr>
<th>Yes</th>
<th>No</th>
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</table>

(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**  
<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Justified</th>
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</thead>
</table>

- **Effective**  
<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Consistent with National Policy</th>
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</table>

2.(3) Complies with the Duty to co-operate

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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</table>

3. Please give details below of why you consider 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.

Part 1 of Policy SO2 is SUPPORTED.

We have no comment on part 2 and 3 of the Policy.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

N/A

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

[ ] No, I do not wish to participate at the oral examination

[ ] Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association are happy to attend the examination to support the Local Authority if it is felt that this would be of assistance.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North
Date: 19/12/2016.
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph No./ Site Allocation Reference No.</th>
<th>Policy No.</th>
<th>Policies Map</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SO4</td>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>X</td>
<td></td>
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</table>

2.(2) Sound

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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<td>X</td>
<td></td>
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</table>

(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

<table>
<thead>
<tr>
<th>Yes</th>
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Effective

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<th>No</th>
<th>Consistent with National Policy</th>
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</table>

2.(3) Complies with the Duty to co-operate

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<tr>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td>X</td>
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3. Please give details below of why you consider 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.

Policy SO4 is SUPPORTED.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

N/A.

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

The Mineral Products Association are happy to attend the examination in support of the Local Authority if it is felt to be of assistance.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date: 19/12/2016

Official Use Only Reference Number
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : MINERAL PRODUCTS ASSOCIATION

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Para. 2.26 Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant Yes [x] No

2.(2) Sound Yes No [x]

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

<table>
<thead>
<tr>
<th>Positively Prepared</th>
<th>Yes</th>
<th>No</th>
<th>Justified</th>
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<tr>
<th>Effective</th>
<th>Yes</th>
<th>No</th>
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2 (3) Complies with the Duty to co-operate Yes [x] No

3. Please give details below of why you consider 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.

Para 2.26 (page18), first sentence, states that:

The NPPF also places emphasis upon conserving important landscapes and heritage assets by requiring that land banks for non-energy minerals are provided outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites.

NPPF para 144, second bullet states:

- as far as is practical [emphasis added], provide for the maintenance of land banks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation areas;

As currently drafted para. 2.26 does not properly reflect the NPPF and is therefore UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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 requested that the first sentence of paragraph 2.26 is rewritten as follows to make it reflect correctly NPPF;

The NPPF also places emphasis upon conserving important landscapes and heritage assets by requiring that land banks for non-energy minerals are provided, as far as is practical, outside National Parks, AONBs, Scheduled Monuments and World Heritage Sites.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

[ ] No, I do not wish to participate at the oral examination  [x] Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M.E.North

Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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<th>Paragraph No./ Site Allocation Reference No.</th>
<th>Policy No.</th>
<th>Policies Map</th>
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<tr>
<td>2.68</td>
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2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

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<th>Yes</th>
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2.(2) Sound

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<th>Yes</th>
<th>No</th>
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<td></td>
<td>x</td>
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</table>

(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

- Effective
  - Yes
  - No
  - Consistent with National Policy

2 (3) Complies with the Duty to co-operate

<table>
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<th>Yes</th>
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3. Please give details below of why you consider 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.

Paragraph 2.68 says “Silica sand is also imported into the Plan area as a raw material for a glass manufacturing plant near Selby, as well as to other locations in the Yorkshire and Humber area. These imports are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area …”.

This is not correct in respect of silica sand. Blubberhouses Quarry is one of very few sites nationally with the ability to produce silica sand of a suitable quality for clear glass manufacture.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Reword part of paragraph 2.68 to read “Some of these imports, other than clear glass grade silica sand, are thought to relate mainly to minerals which meet specifications which cannot be provided from within the Plan area …”.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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☐ No, I do not wish to participate at the oral examination

☒ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to make the Plan sound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E NORTH

Date: 19/12/16
Publication stage Response form - Part B  
Please use a separate Part B form for each representation

<table>
<thead>
<tr>
<th>Name or Organisation:</th>
<th>Mineral Products Association</th>
</tr>
</thead>
</table>

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph No./ Site Allocation Reference No.</th>
<th>Policy No.</th>
<th>Policies Map</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.88</td>
<td></td>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

<table>
<thead>
<tr>
<th>2.(1) Legally compliant</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.(2) Sound</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Positively Prepared</th>
<th>Yes</th>
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<th>Justified</th>
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<th>No</th>
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<tr>
<td>Effective</td>
<td>Yes</td>
<td>No</td>
<td>Consistent with National Policy</td>
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</table>

2 (3) Complies with the Duty to co-operate

<table>
<thead>
<tr>
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3. Please give details below of why you consider 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.

The second bullet point of paragraph 2.88 states:

*Cross boundary supply issues relating to silica sand, which is a mineral of national significance*[emphasis added].

The terminology used in relation to this matter in NPPF is “Nationally Important”. As such the statement does not accord with National Policy and is UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Reword bullet point 2 to read as follows;

Cross boundary supply issues relating to silica sand, which is a mineral of national significance.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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Signature: M E NORTH
Date: 19/12/16
**Publication stage Response form - Part B**

Please use a separate Part B form for each representation

| Name or Organisation | Mineral Products Association |

*Please mark with an x as appropriate*

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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<tr>
<td>Para.5.15</td>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

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This is the same point raised in respect of Policy M02. The text of para.5.15 refers to a mid term review of the Joint Plan which is not consisitent with National Policy in that PPG (Local Plans) para 008 identifies that Local Plans will require reviewing in whole or part at least every five years. On this basis para. 5.15 is UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Text of para 5.15 needs to be reworded as follows;

To ensure that a steady and adequate supply (i.e. to maintain a landbank of at least 7 years) is available at the end of 2030, additional resources may be needed to deliver this, depending on the actual scale of demand that arises. As it is intended that the Local Aggregates Assessment will be updated regularly, and that it may be expected that the demand forecast may change over the Plan period in response to new information, it is not considered appropriate to specify, at this stage, the precise level of further provision that may be needed in order to maintain a minimum 7 year landbank at 31 December 2030. This is a matter which can be addressed in monitoring of the Joint Plan and a Plan review at least every five years via a mid-term review, at which time the level of additional provision which may be needed can be the subject of updated assessment, through the annual review of the Local Aggregates Assessment, with additional site allocations brought forward if necessary. A commitment to maintaining a landbank of at least 7 years is set out in Policy M04 and Policies M07 and M08 identify sites which could be brought forward to meet landbank requirements for sand and gravel in the later part of the Plan period.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/ additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M.E. North  Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. 5.66
Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint 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

Effective

Yes No Consistent with National Policy

2 (3) Complies with the Duty to co-operate

Yes • No

3. Please give details below of why you consider 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.

Paragraph 5.66 says:
"The national policy requirement for available reserves at the Blubberhouses site would be met in the event that the current planning application for an extension of time is granted."

This is not consistent with national policy for silica sand. This needs to be viewed against the requirements of Policy D04 and the fact that the Blubberhouses site is not proposed to be allocated by the Mineral Planning Authority. The justification for non allocation given is that the Blubberhouses site lies within the Nidderdale AONB (see Duty to Cooperate Statement (November 2016) paragraph 7.99). A location within the AONB is not in itself a reason for not allocating a site especially for a mineral of national importance. A permitted silica sand site is located within AONB in Surrey. The Nidderdale AONB was established in 1994 and therefore with full knowledge and account of the presence of Blubberhouses Quarry which was established in the late-1980’s.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Allocation of Blubberhouses Quarry to provide clarity as to the importance of the site rather than rely on a criteria based policy which needs to then pass tests contained within Policy D04

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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[ ] No, I do not wish to participate at the oral examination

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It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to make the Plan sound.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  
Date: 19/12/16
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
<th>Paragraph No./ Site Allocation Reference No.</th>
<th>5.68</th>
<th>Policy No.</th>
<th>Policies Map</th>
</tr>
</thead>
</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

Yes [x] No [ ]

2.(2) Sound

Yes [ ] No [X]

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

<table>
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<tr>
<th>Positively Prepared</th>
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<tbody>
<tr>
<td>Effective</td>
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<td>Consistent with National Policy</td>
<td>Yes [ ] No [X]</td>
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2(3) Complies with the Duty to co-operate

Yes [X] No [ ]

3. Please give details below of why you consider 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.

Para 5.68 is incorrect. Silica sand is not based upon a mineral planning authority having a 10 year landbank, it is about sites individually having at least a 10 year stock of permitted reserves within those counties (para 146 NPPF). As such this paragraph is UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Redraft the paragraph to properly reflect the NPPF.

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☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To assist the examination in understanding why the text consened is unsound.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date: 19/12/16
Publication stage Response form - Part B
Please use a separate Part B form for each representation

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Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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<tbody>
<tr>
<td>Para.5.58</td>
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2. Do you consider the Minerals and Waste Joint Plan is:

<table>
<thead>
<tr>
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<th>Yes</th>
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<tbody>
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<td></td>
<td>x</td>
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<thead>
<tr>
<th>2.(2) Sound</th>
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<th>No</th>
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<th>2 (3) Complies with the Duty to co-operate</th>
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3. Please give details below of why you consider 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.

Paragraph 5.84 says in part that;

The NPPF requires planning authorities to include policies for the extraction of building stone and to meet demand for small scale extraction of building stone....

The NPPF (para 144) actually refers to ‘demand for small scale extraction of building stone’ in terms of determining applications, rather than setting policy. In doing so it requires that the ‘small scale nature and impact’ of such quarries is taken into account. ‘Small-scale’ is not defined, and so should reflect local circumstances, including the market for the material which may be wider than ‘local’ and should not be restricted to a planning authority area which would make no sense in terms of commercial or planning considerations.

The concern is that paragraph 5.28 read in conjunction with Policy M15 (Continuity of supply of building Stone) could lead to an incorrect interpretation on National Policy as it relates to building stone. As such paragraph 5.28 is not compliant with National Policy and is UNSOUND.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Paragraph 5.28 should be rewritten to properly reflect the NPPF.

<table>
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Signature: M E North
Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. | Policy No. | Policies Map
--- | --- | ---

2. Do you consider the Minerals and Waste Joint Plan is:

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Part 1) of the policy starts with the following paragraph;

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will [emphasis added] be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:

This goes further than the NPPF which at paragraph 116 says “Planning permission should [emphasis added] be refused for major developments in these designated areas …”. The use of the word “should” in the NPPF signifies a suggestion and not a directive as alluded to by the use of the word “will” in Policy D04.

The bullet points in Policy D04 reasonably reflect NPPF paragraph 116, although there is no explicit reference in Policy D04 to the cost of developing elsewhere outside designated areas. This aspect (economic) is an important element of the three pillars of sustainability.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Modify the first paragraph of Policy D04 to say:

Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty will should be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest

Rewrite Part 1) c) of Policy D04 to properly reflect the NPPF as follows;

c) Whether the development can technically and viably be located elsewhere outside the designated area, or the need for it can be met. The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way;

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. 

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Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date: 19/12/16
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: MINERAL PRODUCTS ASSOCIATION

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant Yes  x  No

2.(2) Sound Yes  x  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
Effective Yes  No  x  Consistent with National Policy

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

3. Please give details below of why you consider 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.

There appears to have been an error in drafting/printing this policy which has been confirmed to us by the Policy team as being the case. This relates to the last sentence in the final paragraph of part 1 of the policy which states;

Appropriate and practicable compensation will be required for any avoidable [emphasis added] effects which cannot be mitigated.

As currently drafted this sentence makes no sense as such makes the policy ineffective and UNSOUND.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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 sentence referenced above needs correcting to read as follows;

Appropriate and practicable compensation will be required for any unavoidable effects which cannot be mitigated.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate

X Yes, I wish to participate

at the oral examination

at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M.E.NORTH  Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
<thead>
<tr>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant  
Yes [x]  
No

2.(2) Sound

Yes  
No [x]

(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 [x]

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

3. Please give details below of why you consider 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.

Part 1),a) states;

The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy;

This exceeds the requirement of NPPF para 116, first bullet, which requires an assessment of;

...the need for the development, including in terms of national considerations......

There is no definition of national need or national economy in the glossary of the draft plan.

It is considered that this part of the policy in not consistent with national policy and as such is UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Reword the relevant part of the Policy to read as follows;

The need for the development, which will usually include a national need for the mineral or the waste facility and the contribution of the development to the national economy including in terms of any national considerations;

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To assist the examination as to why this policy is UNSOUND.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date:19/12/16
Publication stage Response form - Part B  
Please use a separate Part B form for each representation  

Name or Organisation : Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

<table>
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<tr>
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<th>Policies Map</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>D07</td>
<td></td>
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</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
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2.(2) Sound

<table>
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<th>Yes</th>
<th>No</th>
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<td></td>
<td>✗</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Positively Prepared</th>
<th>Yes</th>
<th>No</th>
<th>Justified</th>
</tr>
</thead>
</table>

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<tr>
<th>Effective</th>
<th>Yes</th>
<th>No</th>
<th>Consistent with National Policy</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>✗</td>
</tr>
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</table>

2 (3) Complies with the Duty to co-operate

<table>
<thead>
<tr>
<th>Yes</th>
<th>X</th>
<th>No</th>
</tr>
</thead>
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3. Please give details below of why you consider 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.

Policy D07 (1) as worded appears to afford the same level of protection to all designations. NPPF at para 113 is clear that there should be distinctions between sites of different levels of importance and protection should be commensurate with this. The relevant part of para 113 states:

**Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological networks.**

This means that internationally important sites (covered by Habitats and Birds Directives) receive highest level of protection (still set out in Circular 06/05), followed by SSSIs/NNRs, then County Wildlife Sites. Clause 1 seems to apply same level of protection to everything. As such the policy is not compliant with National Policy and is UNSOUND.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Clause 1 of Policy D07 should refer to the protection of biodiversity generally and the following clauses (2 - 4) then apply the commensurate protection.

Clause 5 reflects NPPF, and should guide restoration of sites - that aims to deliver local priorities and appropriate habitats.

(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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

[ ] No, I do not wish to participate at the oral examination

[ ] Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North

Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. Policy No. Policies Map

2. Do you consider the Minerals and Waste Joint 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 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.

The reference to offsetting in Clause (6) of the policy seems to take a disproportionate role in the policy to its expected role in mineral development. The MPA’s position is that mineral workings already demonstrate a more than acceptable level of offsetting in that in the vast majority of cases restoration leaves a site more biodiverse than before mineral working took place.

Mineral extraction, unlike other forms of development can only take place where the minerals exist in economic quantities and it is often not possible to choose an alternative site to avoid areas of ecological interest. Offsetting of any impacts caused as a result of mineral development is often achieved within the development scheme itself i.e. as a result of approved restoration schemes. ‘Losses’ may be temporary as sites are worked, but net gain can generally be delivered through restoration as recognised in Clause (5) of the Policy.

If mineral developments were required to offset their permanent impacts then this would increase the regulatory burden. Mineral extraction is also a temporary activity in a given location and normally results in a net gain in biodiversity through site and estate management before and during working, and restoration and aftercare following extraction.

In any event the requirement to provide compensation gains elsewhere may well require third party involvement/land not in control of the developer.

Finally biodiversity does not respect local authority boundaries so it is not appropriate to restrict any compensatory gains to within the mineral or waste planning authority area in which the loss occurred as required by Clause (6) (iv) of the Policy.

It is considered therefore that the Policy is INEFFECTIVE as it not likely to be implementable for the reasons above.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

We suggest that offsetting is either relegated to the supporting text or the reference is heavily modified to reflect what the industry is already doing, which seems to be unacknowledged in the supporting justification.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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☐ No, I do not wish to participate at the oral examination
☐ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to make the Policy effective.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North
Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

Paragraph No./ Site Allocation Reference No. ______ Policy No. D10 Policies Map

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant Yes X No

2.(2) Sound Yes No X

(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 X Justified
Effective Yes No X Consistent with National Policy Yes No X

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

3. Please give details below of why you consider 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.

Policy D10 is UNSOUND on two counts.

Firstly Part One (i) of the Policy states;

i) **Been brought forward following discussion with local communities and other relevant stakeholders and, where practicable, the proposals reflect the outcome of those discussions;**

Although the industry supports the principle of pre application discussions and stakeholder engagement the compulsory engagement required by this policy goes against the NPPF where at para 189 it is clear that developers cannot be compelled to engage in this way although it is desirable and is to be encouraged. As such this part of the policy does not comply with National Policy and is UNSOUND.

Secondly in Part Two (viii) of the Policy the **landscape scale benefits** can only be delivered with large areas of land which may not be under the control of the developer. As such expectations may be created that cannot be delivered. As such the Policy is UNSOUND.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

In relation to Part One (i) we suggest that the wording concerned is taken out of the criteria of the Policy and the following wording is placed at the end of Part One:

*Applicants are encouraged to discuss proposals at an early stage with local communities and other relevant stakeholders and where practicable reflect the outcome of those discussions in submitted schemes.*

In relation to Part Two (viii) it is suggested that the following words are deleted from the end of the sentence:

*...and seeking to deliver benefits at a landscape scale.*

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation : Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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<tr>
<td>1</td>
<td>D12</td>
<td></td>
</tr>
</tbody>
</table>

2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant Yes [x] No
2.(2) Sound Yes [ ] No [x]

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

<table>
<thead>
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<th>Positively Prepared</th>
<th>Yes [ ] No [ ]</th>
<th>Justified</th>
<th>Yes [ ] No [ ]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective</td>
<td>Yes [ ] No [ ]</td>
<td>Consistent with National Policy</td>
<td>Yes [x] No [ ]</td>
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2 (3) Complies with the Duty to co-operate 

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<th>Yes [x] No [ ]</th>
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3. Please give details below of why you consider 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.

It is noted that Policy D10 has substantially changed from the Preferred Options stage.

The first paragraph of the policy is SUPPORTED.

It is the second sentence of the second paragraph of the policy that is of concern which states;

**Development which would disturb or damage soils of high environmental value such as peat or other soil contributing to ecological connectivity or carbon storage will not be permitted.**

This sentence effectively acts as a catch all and could be used to frustrate -development as it could be argued that all soils contribute to ecological connectivity and carbon stage. As such the policy as currently drafted would not enable the plan to deliver sustainable development in accordance with the policies in the NPPF. Local planning authorities are required to plan positively by NPPF and this is not reflected in wording identified above.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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 final sentence of Policy D12 should be deleted.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

☐ No, I do not wish to participate at the oral examination  ☑ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments are considered necessary.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North  Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

| Name or Organisation : | Mineral Products Association |

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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<tbody>
<tr>
<td></td>
<td>M02</td>
<td></td>
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</tbody>
</table>

2. Do you consider the Minerals and Waste Joint Plan is:

   2.(1) Legally compliant: Yes [x] No
   2.(2) Sound: Yes [ ] No [x]

(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 [ ]
- **Effective**: Yes [ ] No [ ] Consistent with National Policy [ ]
- **Complies with the Duty to co-operate**: Yes [x] No [ ]

3. Please give details below of why you consider 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.

The second paragraph of Policy M02 states;

*Additional provision shall be made, through a mid-term review of provision in the Plan, if necessary to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review.*

In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that;

*Most Local Plans are likely to require updating in whole or part at least every five years* [emphasis added].

The proposal to undertake a review half at through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

It is necessary to maintain at least a 7 year landbank whether or not a review is undertaken.

Furthermore the annual rate of provision should be based on planning policy and guidance. The wording of the last part of this sentence could be interpreted as the planning authority determining provision outwith planning policy which is also UNSOUND.

(continue on a separate sheet/expand box if necessary)
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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.

Suggest that the second paragraph of Policy M02 is reworded as follows;

Additional provision shall be made, through at least a five year mid-term review of provision in the Plan, if necessary to maintain a landbank of at least 7 years for sand and gravel at 31 December 2030 based on an annual rate of provision to be determined through the review.

Bearing in mind the statutory duty on mineral planning authorities to produce Local Aggregate Assessments on an annual basis for approval by the appropriate Aggregate Working Party (AWP), the review of aggregate provision for the Plan should be straightforward.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage. After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

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☐ No, I do not wish to participate at the oral examination  ☒ Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M.E.North  Date: 19/12/2016
Publication stage Response form - Part B
Please use a separate Part B form for each representation

Name or Organisation: Mineral Products Association

Please mark with an x as appropriate

1. To which part of the Minerals and Waste Joint Plan does this representation relate?

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2. Do you consider the Minerals and Waste Joint Plan is:

2.(1) Legally compliant  Yes [x] No [ ]
2.(2) Sound  Yes [ ] No [x]

(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 [x]
- (3) Complies with the Duty to co-operate  Yes [x] No [ ]

3. Please give details below of why you consider 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.

The policy is UNSOUND because it is not positively prepared, not justified and not consistent with national policy. We object to the statements in the supporting text that Jurassic Limestone is not a priority for provision and the implication that it performs no strategic role in the North Yorkshire aggregates supply, and to the lack of provision proposed in this policy. We believe this has led to under-provision of mineral contrary to national policy (NPPF para 145) which makes the plan unsound because it has not assessed mineral requirements in sufficient depth, and therefore the strategy presented is not shown to be the most appropriate because the alternatives have not been examined.

Since there are no official records of sales and reserves of Jurassic limestone it is difficult to know with certainty what is the exact contribution of this material to North Yorkshire’s aggregate needs. However, our members inform us that the total market from the three operational quarries is probably of the order of 400,000 tonnes per year in an area which is likely to see significant economic growth covering the coastal area and east of York as the Minerals Key Diagram indicates. We also understand that a proportion of this production is also exported to the East Riding which lacks resources of this kind. We have no knowledge of what the reserves level is so we do not know the exact state of the landbank, but we are informed that all three operating sites have limited reserves remaining. We understand that there are two other mothballed sites which are located in the Howardian Hills AONB in which there are still some reserves.

If true, a combined extraction rate of 400,000 tonnes per year is not insignificant despite the fact that this is a relatively soft rock with a limited range of uses. We are therefore surprised that the County Council does not see this as a strategic supply issue and have only allocated one small extension to an operating site potentially adversely affecting long term security of supply and the productive capacity of permitted sites to supply the market.
We have considered the alternatives and it seems that there are insufficient recycled and secondary materials available locally to substitute for primary materials, and arguably if there were they would have already displaced primary production to some extent as they have in other areas. This means that the existence of a significant local market for this material is an indicator that there are few alternatives.

The only other alternative seems to be increasing imports of higher quality stone from outside the area. To some extent, this already takes place to meet the more demanding applications such as roadstone, but the lack of recognition for this material means that there is a real possibility that further imports will have to be drawn into the area to meet demand in significant quantities if local sites have to close because they cannot obtain the necessary allocations to continue operations.

An examination of the locations of rock sites in the plan area is most enlightening. Although the Minerals Key Diagram shows an apparently healthy number of mineral sites east of York a comparison with Figure 9 of the Minerals Specific Evidence Paper shows that the Jurassic rock sites lie as a fairly remote outlier in the east of the county at some distance from the magnesian limestone sites running along the spine of the A1 corridor, which would be the nearest alternative suppliers. If it is assumed that lack of local capacity meant that imports would have to come from the next nearest sources, then we estimate the distance between Ripon and Malton which could be taken as representative of the extra haulage distance involved is 40 miles, which would place it outside the average haulage distance for aggregate.

We believe this is an unsatisfactory outcome even for the modest quantities involved in terms of sustainability and carbon use. The axiom that a local aggregates supply is the most sustainable appears to hold true in this situation, and we ask the joint authorities to reconsider their decision not to treat Jurassic limestone as a strategic issue.

The MPA has supported the joint authorities in recognising the special circumstances of the geography of North Yorkshire (i.e. its very large area) and the market situation for sand and gravel by defining two distribution areas. We have also supported a similar approach to special circumstances for magnesian limestone in the context of large overall, but unevenly distributed limestone reserves. We also believe there is now a special case for Jurassic limestone based on its distinctive market area, its significant presence in the local market and its relative isolation from alternative sources.

In addition the policy refers to a mid term review of provision. This is assumed to be 7/8 years from the Plan being adopted as the Plan period is 15 years. In support of the NPPF the Planning Practice Guide (PPG) for local Plans at para 008 states that;

Most Local Plans are likely to require updating in whole or part at least every five years [emphasis added].

The proposal to undertake a review halfway through a Plan of 15 years i.e.circa 7/8 years is clearly not consistent with National Policy and is UNSOUND.

Secondly the wording of Policy M05 is not consistent with the wording of NPPF with respect to the provision on landbanks for crushed rock at paragraph 145 NPPF requires the maintenance of at least 10 years and does not refer to a minimum 10 year landbank which is the wording in Policy M05.

It is necessary to maintain at least a 10 year landbank whether or not a review is undertaken.

The proposal to maintain a separate landbank for Magnesian Limestone is supported as is the recognition that the required landbank under NPPF should be in place at the end of the Plan period.
4. Please set out what modification(s) you consider necessary to make 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 will make the Minerals and Waste Joint 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 proposed changes to Policy M05 and supporting text are as follows (deletions in strikethrough; additions in bold)

**Policy M05: Provision of crushed rock**

Total provision for crushed rock over the 15 year period 1st January 2016 to 31st December 2030 shall be 56.3 million tonnes, at an equivalent annual rate of 3.75 million tonnes, within which specific provision for a total of 22.5 million tonnes at an equivalent annual rate of 1.50 million tonnes per annum shall be for Magnesian Limestone, and 6.00 Million tonnes at an equivalent annual rate of 0.4 million tonnes per annum shall be for Jurassic Limestone. Additional provision shall be made through at least a five year mid-term review of provision in the Plan, if necessary, in order to maintain at least a minimum 10 year landbank of crushed rock, including a separate minimum 10 year landbanks of at least 10 years for Magnesian Limestone and Jurassic Limestone, at 31 December 2030 based on an annual rate of provision to be determined through the review.

**New paragraph after 5.29**

Jurassic limestone deposits form a ring around the Vale of Pickering on high ground much of which is in protected landscapes. Mineral working has taken place from sites within the deposits for many years and although the mineral is soft and therefore has a restricted range of uses, it nevertheless performs a significant role locally in aggregates supply. It is considered that specific policy support in the Joint Plan is necessary because of this role and also because alternative supplies could only be made available at greater haulage distances from the centre of the county which would be a less sustainable outcome than maintaining adequate supplies locally. The local market is recognised as an economic growth area, and an assured local supply of mineral would assist in the development needs of this part of the plan area. Locations for further working are addressed through specific site allocations in the Joint Plan, which have been subject to assessment, including in relation to their potential for impact on landscapes and amenity interests. Policy support for the continued availability of Jurassic Limestone, which is a well-established element of the supply of crushed rock in the locality, is important in that it could help to
maintain an appropriate distribution of supply of crushed rock and reduce the need to import stone from other sources in the plan area unnecessarily.

5.35 The assessment of future requirements for aggregate, carried out when preparing the Joint Plan, has indicated that provision needs to be made for further working to help to ensure continuity of supply of concreting sand and gravel, building sand, Jurassic Limestone and Magnesian Limestone.

5.46 During preparation of the Joint Plan, sites for working other crushed rock resources (Carboniferous Limestone and Jurassic Limestone) were put forward for consideration. No specific requirement has been identified for the release of further reserves of these types of crushed rock in order to meet requirements over the period to 31 December 2030 and it is not considered that identifying allocations for these is a priority for the Joint Plan. However, it is considered that policy support is needed for the extraction of Jurassic Limestone in view of its importance to the local aggregates market and lack of alternatives. A small volume of further reserves of Jurassic Limestone (estimated at 1.8m) could be needed to maintain a 10 year landbank at 31 December 2030. Of the four sites put forward, only one is considered suitable for allocation. The reserves in this site (1.7m) could help to sustain security of supply of Jurassic Limestone in this part of the Plan area. Should proposals come forward for extensions to other existing Carboniferous or Jurassic Limestone sites these will be assessed under the requirements of Policy M10 Unallocated extensions to existing quarries and, if the site is located in an AONB, Policies M01 and D04.

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 normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage further submissions will be only at the request of the Inspector, based on matters and issues he/she identifies for examination.

5. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

6. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to accord with National Policy.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

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

Signature: M E North

Date: 20/12/16