

East Riding & Hull Joint Minerals Local Plan

Proposed Main Modifications Submission Plan Sustainability Appraisal / Habitats Regulations Note

March 2019



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1. Introduction

- 1.1 This Note sets out the implications for Sustainability Appraisal (SA) resulting from Main Modifications to the Proposed Submission East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan (JMLP). The modifications have been proposed by the Councils during examination of the Plan so far. This has taken into account discussions at the Plan's examination hearing sessions, which took place on 8 and 9 January, 2019.
- 1.2 This Note also includes a section concerning the implications of the modifications on the Habitats Regulations Assessment (see Section 3 of this report).
- 1.3 This SA and HRA update note examining the Main Modifications has been undertaken in compliance with the requirements of the Planning and Compulsory Purchase Act 2004 and the European Union Strategic Environmental Assessment (SEA) Directive 2001/42/EC and builds upon earlier SA work undertaken to inform the Proposed Submission Joint Minerals Local Plan.
- 1.4 The Main Modifications Consultation document (March 2019) sets out the following modifications:
 - MM1 Modifications to Vision for Minerals Development
 - MM2 Modification to Joint Minerals Local Plan Objective 2
 - MM3 Modification to Policy AGG2 Part B1
 - MM4 Modification to Policy AGG2 Part B1
 - MM5 Modification underneath paragraph 4.34
 - MM6 Modification to Policy AGG4 Part A1
 - MM7 Modification to Policy AGG4 Part A1
 - MM8 Modification underneath paragraph 4.49
 - MM9 Modification to Policy AGG5 title and Part A
 - MM10 Modification to Policy AGG10
 - MM11 Modification underneath paragraph 4.96
 - MM12 Modification to Policy EM1 Part A
 - MM13 Modification to Policy EM2 Part A
 - MM14 Modification to Policy EM2 Part A1
 - MM15 Modification to Policy EM2 Part A new criteria
 - MM16 Modification to Policy EM3 Part A
 - MM17 Modification to Policy EM3 Part A2
 - MM18 Modification to Policy EM3 Part A new criteria
 - MM19 Modification to Policy EM4 Part A
 - MM20 Modification to Policy EM4 Part A1
 - MM21 Modification to Policy EM5 Part A
 - MM22 Modification to Policy EM5 new Part C
 - MM23 Modification to Policy EM6 Part A
 - MM24 Modification to Policy EM6 Part A1
 - MM25 Modification to Policy EM6 Part A2
 - MM26 Modification to Policy EM6 Part A new criteria and Part D new criteria
 - MM27 Modification to Policy EM6 Part D6

- MM28 Modification to Policy EM7 Part A
- MM29 Modification to Policy DM1 Part A2
- MM30 Modification to Policy DM1 Part A2 and Part B
- MM31 Modification above paragraph 7.22
- MM32 Modification to Policy DM3 Part A1
- MM33 Modification to Policy DM3 Part B5 (create new criteria 6)

2. SA Assessment of the Main Modifications

- 2.1 The Joint Minerals Local Plan Main Modifications Consultation Document (March 2019) sets out revisions to the Proposed Submission Joint Minerals Local Plan. The nature of the modifications have been considered in order to establish their implications with reference to the results in the SA Report of the Proposed Submission JMLP.
- 2.2 None of the modifications are considered to require additional SA assessments and justifications for this are provided in Table 2.1 below.

Table 2.1 Main Modifications to the Proposed Submission East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan and SA implications

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

Key:

MM1 = potential Main Modification reference number

Red underlined text = text insertion

~~Red strikethrough text~~ = text deletion

Reference	Page Number	Paragraph/ Policy/Map	Proposed Change	SA Implications
Chapter 3: Vision and Objectives for Minerals Development				
MM1	24 and 25	Vision for Minerals Development	<p>Minerals development in East Riding of Yorkshire and Hull will seek to:</p> <ul style="list-style-type: none"> • respond to the needs of communities and the wider economy; • safeguard important <u>known locations of</u> mineral resources; • provide for the careful management of mineral resources; • promote efficient use of materials; • protect the environment and the living conditions of local communities; and • mitigate and adapt to the expected impacts of climate change. <p>The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation.</p>	<p>This modification reflects the wording of the NPPF (2012), which refers to ‘known’ locations of specific minerals resources.</p> <p>A further change relating to building stone reflects the importance of building and roofing stone more generally and not just specifically to locally distinctive buildings.</p> <p>The vision was shown to have a range of positive effects against the SA objectives.</p> <p>Reference to ‘known’ mineral deposits and recognition of the positive contribution of building and roofing stone</p>

			<p>In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a way that maximises the contribution of minerals development to communities, the economy and the environment.</p> <p>There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of existing development and for new development needs.</p> <p>The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration.</p> <p>The Plan will re-define the extent of potentially important <u>known</u> mineral deposits to be safeguarded from sterilisation by non-mineral surface development.</p> <p>Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained. The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings <u>recognising the positive contribution of building and roofing stone to the character of a place and place-making</u>.</p> <p>Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.</p>	<p>does not change what the vision is trying to achieve.</p> <p>There are therefore no implications for SA.</p>
MM2	25	Joint Minerals Local Plan Objectives	<p>2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and historic building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.</p>	<p>This modification reflects that building and roofing stone is not just of historical importance. Although it broadens the scope of what building and roofing stone</p>

				<p>minerals need to be safeguarded, it does not result in any alterations to the defined minerals safeguarding areas and does not lead to development.</p> <p>There are therefore no implications for SA.</p>
Chapter 4: Aggregate Minerals				
MM3	39	Policy AGG2 Part B1	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <ol style="list-style-type: none"> <u>In the case of new quarry sites, T</u>here is a need for sand and gravel reserves in order to maintain the landbank; and 	<p>This modification means proposals for extending existing sand and gravel quarries within Areas of Search would not need to demonstrate need in compliance with Policy AGG2, Part B1. This ensures such quarry extensions are treated in the same way whether inside or outside the Area of Search allocations by extending the application of Policy AGG5 (when considered in combination with MM9).</p> <p>This is a minor change given Area of Search allocations are already areas within which planning permission may be granted for mineral extraction.</p> <p>There are therefore no implications for SA.</p>
MM4	39	Policy AGG2 Part B1	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <ol style="list-style-type: none"> There is a need for <u>additional</u> sand and gravel reserves <u>to be permitted in order to maintain the landbank</u>; and 	<p>Insertion of 'additional' sand and gravel reserves and removal of reference to the landbank recognises that there is no maximum landbank. The requirement to demonstrate need is still left in the Policy meaning that there are no implications for SA resulting from this modification.</p>
MM5	39	Underneath	<p>Insert additional paragraph as follows:</p>	<p>To provide supporting text in support of MM4 to Policy AGG2. Given the</p>

		Paragraph 4.34	<u>In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u>	supporting role of this text to MM4, which did not have any implications for SA, there are also no implications for SA arising from this modification.
MM6	44	Policy AGG4, Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. <u>In the case of new quarry sites,</u> there is a need for crushed rock reserves in order to maintain the landbank; and	This change means proposals for extending existing crushed rock quarries within the Area of Search would not need to demonstrate need in compliance with Policy AGG4, Part A1. This ensures such quarry extensions are treated in the same way whether inside or outside the Area of Search allocation by extending the application of Policy AGG5 (when considered in combination with MM9). This is a minor change given Area of Search allocations are already areas within which planning permission may be granted for mineral extraction. There are therefore no implications for SA.
MM7	44	Policy AGG4, Part A1	A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided: 1. There is a need for <u>additional</u> crushed rock reserves <u>to be permitted</u> in order to maintain the landbank ; and	Insertion of 'additional' crushed rock reserves and removal of reference to the landbank recognises that there is no maximum landbank. The requirement to demonstrate need is still left in the Policy meaning that there are no implications for SA resulting from this modification.

MM8	44	Underneath Paragraph 4.49	<p>Insert additional paragraph as follows:</p> <p><u>In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u></p>	<p>To provide supporting text in support of MM7 to Policy AGG4. Given the supporting role of this text to MM7, which did not have any implications for SA, there are also no implications for SA arising from this modification.</p>
MM9	45	Policy AGG5 Title and Part A	<p>Policy AGG5: Unallocated Extensions to existing quarries</p> <p>A. Proposals for extensions to existing minerals extraction sites on land not allocated as a Preferred Area or Area of Search will be supported where it is demonstrated that it:</p>	<p>This amendment means Policy AGG5 can be applied to relevant proposals inside of Preferred Area and Area of Search allocations as well as outside.</p> <p>This is a minor change given Preferred Areas are already areas where planning permission might reasonably be anticipated and Areas of Search are areas within which planning permission may be granted for mineral extraction.</p> <p>There are therefore no implications for SA.</p>
MM10	55	Policy AGG10	<p>Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities</p> <p>A. Existing <u>minerals</u> infrastructure supporting the minerals industry will be safeguarded from inappropriate non-mineral development, <u>which would adversely impact on the operation and costs associated with the infrastructure</u>, unless it can be demonstrated that:</p>	<p>The modification means inappropriate development is more appropriately defined as 'non-mineral development, which would adversely impact on the operation and costs associated with the infrastructure' in the changes.</p> <p>Sensitive or inappropriate development is also more appropriately defined as 'non-mineral development, which would</p>

			<ol style="list-style-type: none"> 1. Replacement <u>infrastructure</u> provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or 2. Sufficient facilities<u>infrastructure</u> already exists in the area serving the same market(s). <p>B. Sensitive or inappropriate<u>Non-mineral</u> development, which would adversely impact on the operation of that would conflict with the use of such sites <u>minerals infrastructure for these purposes</u> will be prevented<u>required to provide suitable mitigation to reduce this impact to acceptable levels.</u></p>	<p>adversely impact on the operation of minerals infrastructure' within Part B of the Policy.</p> <p>Essentially these only provide semantic changes to better define what is meant by inappropriate development and to better reflect the 'agent of change' principle.</p> <p>They do not affect the intent or effects of the Policy. There are therefore no implications for SA.</p>
MM11	55	Underneath Paragraph 4.96	<p><u>Insert additional paragraphs as follows:</u></p> <p><u>Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed.</u></p> <p><u>Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels.</u></p> <p><u>This Policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those within existing quarries and elsewhere, are</u></p>	<p>This modification provides supporting text in support of MM10 to Policy AGG10. Given the supporting role of this text to MM10, which did not have any implications for SA, there are also no implications for SA arising from this modification.</p>

			<u>safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.</u>	
Chapter 6: Energy Minerals				
MM12	69	Policy EM1 Part A	A. Proposals for the extraction of coal by deep coal mining, including any surface development, will only be supported provided:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will only be supported provided:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM14	73	Policy EM2 Part A1	A. Proposals for exploration boreholes will only be supported provided: <ul style="list-style-type: none"> 1. They are located in the least environmentally sensitive part of the geological prospect as practically possible, minimising impacts to designated heritage, geological and biodiversity asset<u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset;</u> 2. 	This modification ensures a range of factors are taken into consideration when locating an oil and gas exploration borehole in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM15	73	Policy EM2 Part A (in between criterion 3 and 4)	Insert additional criteria as follows: <ul style="list-style-type: none"> 3. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 4. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 5. Site selection takes account of impacts over the proposed 	The requirement for mitigation measures, that ensure operational processes and arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby, is likely to reduce negative effects identified in the SA against SA objective 4 (to preserve and enhance residential, business and community amenity and safety). This will result in a

			lifetime of the borehole and the potential for it to be retained for long term appraisal and development; and	slight increase in combined positive effects from application of the Policy. There are therefore no implications for SA from this modification that warrant modifications to the SA report.
MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will only be supported provided:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM17	74	Policy EM3 Part A2	2. They are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> minimising impacts to designated heritage, geological and biodiversity assets;	This modification ensures a range of factors are taken into consideration when locating an oil and gas appraisal borehole in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.

MM18	74	Policy EM3 Part A (in between criteria 4 and 5)	<p>Insert additional criteria as follows:</p> <ol style="list-style-type: none"> 4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and 	<p>The requirement for mitigation measures, that ensure operational processes and arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby, is likely to reduce negative effects identified in the SA against SA objective 4 (to preserve and enhance residential, business and community amenity and safety). This will result in a slight increase in combined positive effects from application of the Policy. There are therefore no implications for SA from this modification that warrant modifications to the SA report.</p>
MM19	75	Policy EM4 Part A	<p>A. Proposals for oil and gas production and distribution will only be supported provided:</p>	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.</p>
MM20	75	Policy EM4 Part A1	<ol style="list-style-type: none"> 1. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u>minimising impacts to designated heritage, geological and biodiversity assets; 	<p>This modification ensures a range of factors are taken into consideration when locating an oil and gas production and distribution proposal in the least environmentally sensitive part of the geological prospect.</p> <p>It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.</p>
MM21	77	Policy EM5 Part A	<p>A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will only be supported where</p>	<p>Removing the word 'only' ensures the Policy is more positively worded. It does</p>

			it:	not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM22	77	Policy EM5 (in between Parts B and C)	<p>Insert new criteria as follows:</p> <p>B. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area.</p> <p><u>Appraisal Phase</u></p> <p>C. <u>Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above.</u></p> <p><i>Commercial production:</i></p> <p>D. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant, will be determined strictly on their merits in terms of the balance of need against environmental impact, subject to meeting the requirements of the criteria A2 and A3 above.</p>	An additional Part to the Policy has been added to address proposals for the appraisal phase of coal bed methane development. It requires proposals to meet the same requirements as the exploration phase set out in criteria 1 to 3 in Part A of the Policy. These largely cover the same issues as set out for appraisal boreholes in Policy EM3. Essentially, these are already covered by the SA as part of assessment of the overall oil and gas Policy component (Policies EM1, EM2, EM3, EM4, EM5, EM6 and EM7) within the existing appraisal. There are therefore no implications for SA arising from this modification.
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will only be supported provided:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM24	79	Policy EM6 Part A1	1. Environmental risks have been assessed considered by submission of a robust environmental risk assessment, and measures will be taken to mitigate any adverse	The deletion of reference to environmental risk assessment and the inclusion of supporting text regarding

			impacts on the environment and the local amenity to acceptable levels;	Environmental Impact Assessment does not change the general thrust of the Policy which still requires the assessment of environmental risks. There are therefore no implications for SA arising from this modification.
MM25	79	Policy EM6 Part A2	2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u> minimising impacts to heritage, geological and biodiversity assets;	This modification ensures a range of factors are taken into consideration when locating a proposal for exploring or appraising shale gas in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
MM26	79 and 80	Policy EM6 Part A (in between criterion 4 and 5) Part D (in between criterion 4 and 5)	4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. They include measures to avoid air pollution; and 7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development. <i>Appraisal Phase</i> B. Where the existence of shale gas is discovered, proposals	The requirement for mitigation measures, that ensure operational processes and arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby, is likely to reduce negative effects identified in the SA against SA objective 4 (to preserve and enhance residential, business and community amenity and safety). This will result in a slight increase in combined positive effects from application of the Policy. There are therefore no implications for SA from this modification that warrant modifications to the SA report.

			<p>to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A76 above.</p> <p><i>Production Phase</i></p> <p>C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors.</p> <p>D. Proposals for the extraction of shale gas will only be supported provided:</p> <ol style="list-style-type: none"> 1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; 2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. They will not generate unacceptable adverse impacts on 	
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			the environment and local amenity;	
MM27	80	Policy EM6 Part D6	6. Environmental risks have been considered by submission of a robust environmental risk assessment , and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;	The deletion of reference to environmental risk assessment and the inclusion of supporting text regarding Environmental Impact Assessment does not change the general thrust of the Policy which still requires the assessment of environmental risks. There are therefore no implications for SA arising from this modification.
MM28	82	Policy EM7 Part A	A. The formation of caverns for the underground storage of gas and related surface development will only be supported where:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy. As such, there are no implications for SA arising from this modification.
Chapter 7: Development Management Policies				
MM29	87	Policy DM1 Part A2	A. Mineral development will be supported where it can be demonstrated that: 1. There is a clear need for the development proposed; 2. The <u>development would avoid harm to the environment or communities. Where harm is outweighed by the need for the development, the impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and....</u>	This amendment strengthens Policy DM1 Part A2 so that it requires development to avoid harm to the environment and communities in the first instance. Where harm is outweighed by the need for development, then the development would then consider mitigating any impacts to within acceptable levels. The change is likely to result in more positive effects against SA objectives 4 (to preserve and enhance residential, business and community amenity and safety), 9 (to improve the quality of local water resources), 11 (to protect and enhance biodiversity and important

				wildlife habitats, and to conserve geodiversity), 12 (to protect and enhance heritage assets and their settings) and 13 (to protect and enhance the countryside and landscape quality). There are therefore no implications for SA from this modification that warrant modifications to the SA report.
MM30	87	Policy DM1	<p>A. Mineral development will be supported where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. There is a clear need for the development proposed; 2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively (<u>including the impact of the factors in Part B below</u>) with other existing and proposed mineral and other forms of development; and 3. Enhancement opportunities are taken as part of development or its restoration. <p>B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following will be considered <u>must be addressed where relevant</u>:</p> <ol style="list-style-type: none"> 1. Carbon <u>Greenhouse gas</u> emissions reduction and resource efficiency. Proposals that reduce overall carbon <u>greenhouse gas</u> emissions and improve resource efficiency during construction, operation, and restoration will be supported; 	<p>The modification amends the Policy to ensure greater consistency with the Planning and Compulsory Purchase Act 2004, Section 19 (1A). It ensures the Policy will make a greater contribution to the mitigation of, and adaptation to, climate change.</p> <p>These minor amendments ensure that factors already listed in Part B (including greenhouse gas emissions reduction) ‘must be addressed’ rather than ‘be considered’. ‘Carbon emissions’ has been substituted for ‘greenhouse gas emissions’, ensuring that gases such as ozone and nitrogen oxides are also considered.</p> <p>The changes are likely to result in more positive effects against SA objective 8 (to minimise resource consumption, waste and increase aggregates recycling). There are therefore no implications for SA from this modification that warrant modifications to the SA report.</p>

MM31	88	Above paragraph 7.22	<p>Insert new paragraph:</p> <p><u>In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.</u></p>	<p>This provides additional supporting text explaining how ‘clear need’ is demonstrated in Policy DM1, Part A1. It does not affect the substance of the Policy itself so there are no implications for SA from this modification that warrant modifications to the SA report.</p>
MM32	92	Policy DM3 Part A1	<p>A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that:</p> <ol style="list-style-type: none"> 1. Ensures the site is restored in a manner which is sympathetic to the character, appearance and setting of the locality, and <u>where practicable</u> contributes to the delivery of local objectives for biodiversity and community use; 	<p>This modification reflects the fact it is not always practicable to restore mineral sites to contribute towards delivering objectives for biodiversity and community use.</p> <p>Although it may be seen as weakening the Policy somewhat, in reality it is very unlikely a restoration scheme would not be able to meet one or more of the objectives set out.</p> <p>The substance of the Policy is largely unchanged so there are no implications for SA from this modification that warrant modifications to the SA report.</p>

MM33	92	Policy DM3 Part B5 (create new criteria 6)	<p>B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives:</p> <ol style="list-style-type: none"> 1. The creation, improvement or re-instatement of high quality agricultural or forestry land; 2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area 3. Improve the strategic network of green infrastructure; 4. The creation or improvement of geo-diversity; 5. The enhancement of landscape character and where relevant the setting of; designated local landscapes; 6. The appropriate enhancement of a and heritage assets especially in terms of better revealing their <u>its</u> significance and access; 7. The provision of leisure and recreation facilities in the countryside; 8. The improvement of public access to the natural environment; and 9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas. 	<p>This modification separates out landscape and heritage assets as discrete considerations without changing the substance of the Policy. There are therefore no implications for SA from this modification that warrant modifications to the SA report.</p>
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3. Habitat Regulations Assessment of the Main Modifications

- 3.1 The nature of the modifications have been considered in order to establish their implications with reference to the results in the HRA Stage 1 Screening Assessment Report of the JMLP Proposed Submission Document. Where modifications have the potential to affect a European designated site (Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar site, candidate SAC, potential SPA and proposed Ramsar site), hereafter collectively referred to as international sites, this has been identified and an assessment made as to the potential effects on the findings of the HRA Stage 1 Screening report.
- 3.2 Tables 3.1 below provides an assessment of each modification and its potential effect upon the international sites. None of the proposed modifications have an effect on the findings of the Stage 1 HRA Screening Report of the Proposed Submission JMLP.

Table 3.1 Main Modifications to the Proposed Submission East Riding of Yorkshire and Kingston upon Hull Joint Minerals Local Plan and HRA implications

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

Key:

MM1 = potential Main Modification reference number

Red underlined text = text insertion

~~Red strikethrough text~~ = text deletion

Reference	Page Number	Paragraph/Policy/Map	Proposed Change	HRA Implications
Chapter 3: Vision and Objectives for Minerals Development				
MM1	24 and 25	Vision for Minerals Development	<p>Minerals development in East Riding of Yorkshire and Hull will seek to:</p> <ul style="list-style-type: none"> • respond to the needs of communities and the wider economy; • safeguard important <u>known locations of</u> mineral resources; • provide for the careful management of mineral resources; • promote efficient use of materials; • protect the environment and the living conditions of local communities; and • mitigate and adapt to the expected impacts of climate change. <p>The supply of land-won minerals will be provided with the minimum of environmental damage, including that from transportation.</p> <p>In the years to 2033, East Riding of Yorkshire will continue to supply minerals worked from its sand and gravel, chalk, and clay deposits. Mineral extraction and the restoration of quarries afterwards will be planned and undertaken in a way that maximises the contribution of minerals development to communities, the economy and the</p>	<p>This modification is to reflect the wording of the NPPF (2012), which refers to ‘known’ locations of specific minerals resources.</p> <p>Further change relating to building stone reflects the importance of building and roofing stone more generally and not just specifically to locally distinctive buildings.</p> <p>Reference to ‘known’ mineral deposits and recognition of the positive contribution of building and roofing stone does not change what the vision is trying to achieve.</p>

			<p>environment.</p> <p>There will be an adequate and steady supply of aggregate mineral materials to meet the needs of the economy, in accordance with the Local Aggregate Assessment's findings. The spatial pattern of supply will reflect anticipated demand for the maintenance of existing development and for new development needs.</p> <p>The plan will also address ongoing supply of industrial chalk and clay for existing works in accordance with National Planning Policy. Capacity for the recovery of recycled aggregates will be supported within existing active quarries where this will not increase impacts from the site or delay restoration.</p> <p>The Plan will re-define the extent of potentially important <u>known</u> mineral deposits to be safeguarded from sterilisation by non-mineral surface development.</p> <p>Capacity at rail facilities and at wharfs to meet requirements for the movement of minerals within the Plan area will be maintained.</p> <p>The plan will help to facilitate the supply of local sources of building and roofing stone that have the potential to contribute towards the maintenance and enhancement of locally-distinctive buildings <u>recognising the positive contribution of building and roofing stone to the character of a place and place-making.</u></p> <p>Development associated with the exploration, appraisal and production of oil, gas and other energy minerals will be managed in line with the principles above.</p>	<p>This change has no implications for designated international sites and as such there will be no change to the HRA.</p>
MM2	25	Joint Minerals Local Plan Objectives	<p>2. Help prevent the unnecessary sterilisation of sand and gravel, chalk, limestone, clay, silica sand and historic building and roofing stone mineral resources by non-mineral forms of development by refining the extent of Mineral Safeguarding Areas.</p>	<p>This modification reflects that building and roofing stone is not just of historical importance. Although it broadens the scope of what building and roofing stone minerals need to be safeguarded, it does not result in any alterations to the defined minerals safeguarding areas and does not lead to development.</p>

				This change has no implications for designated international sites and as such there will be no change to the HRA.
Chapter 4: Aggregate Minerals				
MM3	39	Policy AGG2Part B1	B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided: <u>1. In the case of new quarry sites, T</u> here is a need for sand and gravel reserves in order to maintain the landbank; and	<p>This modification means proposals for extending existing sand and gravel quarries within Areas of Search would not need to demonstrate need in compliance with Policy AGG2, Part B1. This ensures such quarry extensions are treated in the same way, whether inside or outside the Area of Search allocations, by extending the application of Policy AGG5 (when considered in combination with MM9).</p> <p>This is a minor change given Area of Search allocations are already areas within which planning permission may be granted for mineral extraction.</p> <p>The HRA Screening Report concluded that this Policy may lead to development (mineral extraction). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into</p>

				<p>account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works (e.g. if borrow pits are located within approximately 7km of the Humber Estuary there may be likely significant effects to this international site, due to lost foraging opportunities or roosting sites for estuary birds). The Plan commits to an HRA at the development control stage. The HRA of any proposed development will have to prove that the work will not have adverse effects on international sites, or that adverse effects can be adequately mitigated. If it cannot be proven that there will be no adverse effects on an international site and/or it is not possible to mitigate these effects the Councils will not allow the development to be constructed.</p> <p>As no locations of development are provided within the Policy, this approach to the HRA process will not affect the deliverability of the plan.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>The proposed modification does not alter</p>
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				<p>the conclusions of HRA and has no implications for international designated sites. No changes to the Preferred Areas and Areas of Search referred to in the Policy are proposed and these were previously assessed separately in the HRA. As such there will be no change to the HRA.</p>
MM4	39	Policy AGG2 Part B1	<p>B. Planning applications for the extraction of sand and gravel in the Areas of Search listed below will be supported provided:</p> <p>1. There is a need for <u>additional</u> sand and gravel reserves <u>to be permitted in order to maintain the landbank</u>; and</p>	<p>Insertion of ‘additional’ sand and gravel reserves and removal of reference to the landbank recognises that there is no maximum landbank. The requirement to demonstrate need is still left in the Policy meaning that there are no changes of substance to the Policy arising from this modification.</p> <p>The HRA Screening Report concluded that this Policy may lead to development (mineral extraction). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites</p>

				<p>resulting from the proposed works. The Plan commits to an HRA at the development control stage. The HRA of any proposed development will have to prove that the work will not have adverse effects on international sites, or that adverse effects can be adequately mitigated. If it cannot be proven that there will no adverse effects on an international site and/or it is not possible to mitigate these effects the Councils will not allow the development to be constructed.</p> <p>As no locations of development are provided within the Policy, this approach to the HRA process will not affect the deliverability of the plan.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>The proposed modification does not alter the conclusions of HRA and has no implications for international designated sites. No changes to the Preferred Areas and Areas of Search referred to in the Policy are proposed and these were previously assessed separately in the HRA. As such there will be no change to the HRA.</p>
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MM5	39	Underneath Paragraph 4.34	<p>Insert additional paragraph as follows:</p> <p><u>In determining whether there is a need for further sand and gravel reserves to be permitted, the need to maintain a landbank of 7 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 7 years, there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u></p>	<p>This modification is to provide supporting text in support of MM4 to Policy AGG2. Given the supporting role of this text to MM4, which resulted in no change to the HRA, there are also no changes to the HRA arising from this modification.</p>
MM6	44	Policy AGG4 Part A1	<p>A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided:</p> <p><u>1. In the case of new quarry sites,</u> there is a need for crushed rock reserves in order to maintain the landbank; and</p>	<p>This change means proposals for extending existing crushed rock quarries within the Area of Search would not need to demonstrate need in compliance with Policy AGG4, Part A1. This ensures such quarry extensions are treated in the same way, whether inside or outside of the Area of Search allocation, by extending the application of Policy AGG5 (when considered in combination with MM9).</p> <p>This is a minor change given an Area of Search allocation is already an area within which planning permission may be granted for mineral extraction.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development (mineral extraction). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and</p>

				<p>supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works. The Plan commits to an HRA at the development control stage. The HRA of any proposed development will have to prove that the work will not have adverse effects on international sites, or that adverse effects can be adequately mitigated. If it cannot be proven that there will no adverse effects on an international site and/or it is not possible to mitigate these effects the Councils will not allow the development to be constructed.</p> <p>As no locations of development are provided within the Policy, this approach to the HRA process will not affect the deliverability of the plan.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>The proposed modification does not alter</p>
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				the conclusions of HRA and has no implications for international designated sites. No changes to the Area of Search allocation referred to in the Policy are proposed and this was previously assessed separately in the HRA. As such there will be no change to the HRA.
MM7	44	Policy AGG4 Part A	<p>A. Planning applications for the extraction of crushed rock in the Area of Search listed below will be supported provided:</p> <ol style="list-style-type: none"> 1. There is a need for <u>additional</u> crushed rock reserves <u>to be permitted in order to maintain the landbank</u>; and 	<p>Insertion of ‘additional’ crushed rock reserves and removal of reference to the landbank recognises that there is no maximum landbank. The requirement to demonstrate need is still left in the Policy meaning that there are no changes of substance to the Policy arising from this modification.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development (mineral extraction). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites</p>

				<p>resulting from the proposed works. The Plan commits to an HRA at the development control stage. The HRA of any proposed development will have to prove that the work will not have adverse effects on international sites, or that adverse effects can be adequately mitigated. If it cannot be proven that there will no adverse effects on an international site and/or it is not possible to mitigate these effects the Councils will not allow the development to be constructed.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>The proposed modification does not alter the conclusions of HRA and has no implications for international designated sites. No changes to the Area of Search allocation referred to in the Policy is proposed and these were previously assessed separately in the HRA. As such there will be no change to the HRA.</p>
MM8	44	Underneath Paragraph 4.49	<p>Insert additional paragraph as follows:</p> <p><u>In determining whether there is a need for further crushed rock reserves to be permitted, the need to maintain a landbank of 10 years' worth of supply will be an issue to consider. Even if the landbank is maintained at 10 years, there is no maximum landbank and further</u></p>	<p>This modification is to provide supporting text in support of MM7 to Policy AGG4. Given the supporting role of this text to MM7, which resulted in no change to the HRA, there are also no changes to the HRA arising from this modification.</p>

			<u>large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion.</u>	
MM9	45	Policy AGG5 Title and Part A	<p>Policy AGG5: Unallocated Extensions to existing quarries</p> <p>A. Proposals for extensions to existing minerals extraction sites on land not allocated as a Preferred Area or Area of Search will be supported where it is demonstrated that it:</p>	<p>This modification means Policy AGG5 can be applied to relevant proposals inside of Preferred Area and Area of Search allocations as well as outside.</p> <p>This is a minor change given Preferred Areas are already areas where planning permission might reasonably be anticipated and Areas of Search are areas within which planning permission may be granted for mineral extraction.</p> <p>The HRA Screening Report concluded that this Policy may lead to development (mineral extraction). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works. The Plan commits to an HRA at the development control stage. The HRA of</p>

				<p>any proposed development will have to prove that the work will not have adverse effects on international sites, or that adverse effects can be adequately mitigated. If it cannot be proven that there will no adverse effects on an international site and/or it is not possible to mitigate these effects the Councils will not allow the development to be constructed.</p> <p>As no locations of development are provided within the Policy, this approach to the HRA process will not affect the deliverability of the plan.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM10	55	Policy AGG10	<p>Policy AGG10: Safeguarding of Mineral Infrastructure and Facilities</p> <p>A. Existing <u>minerals</u> infrastructure supporting the minerals industry will be safeguarded from inappropriate non-mineral development, <u>which would adversely impact on the operation and costs associated with the infrastructure</u>, unless it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. Replacement <u>infrastructure</u> provision of an equal or greater capacity and quality will be provided in an alternative location serving the same market(s); or 2. Sufficient facilities <u>infrastructure</u> already exists in the area 	<p>‘Inappropriate development’ and ‘Sensitive or inappropriate development’ are more appropriately defined within the Policy without affecting the intent or effects of the Policy.</p> <p>The HRA Screening Report concluded this Policy will not lead to development and was therefore found to have no likely significant effect on an international site. With this modification the Policy still</p>

			<p>serving the same market(s).</p> <p>B. Sensitive or inappropriate<u>Non-mineral development, which would adversely impact on the operation of that would conflict with the use of such sites minerals infrastructure for these purposes will be prevented</u><u>required to provide suitable mitigation to reduce this impact to acceptable levels.</u></p>	<p>doesn't lead to development and the HRA conclusion therefore remains the same.</p>
MM11	55	Underneath Paragraph 4.96	<p><u>Insert additional paragraphs as follows:</u></p> <p><u>Non-mineral development proposed on or in close proximity to such infrastructure should not prejudice the infrastructure, or unduly add to its costs and administrative burdens, for example by limiting working hours, or requiring additional measures to preserve amenity. Non mineral development which would impact on such infrastructure in this way will not be permitted unless the infrastructure is either replaced elsewhere or be proved not to be needed.</u></p> <p><u>Where non-mineral development that would adversely impact on the operation of minerals infrastructure is approved, the applicant (or 'agent of change') will be required to provide suitable mitigation before the development has been completed to reduce this impact to acceptable levels.</u></p> <p><u>This Policy safeguards minerals infrastructure, including infrastructure located within existing quarries. Mineral resources, including those within existing quarries and elsewhere, are safeguarded by Policy EC6 within the East Riding Local Plan Strategy Document.</u></p>	<p>This modification provides supporting text in support of MM10 to Policy AGG10. Given the supporting role of this text to MM10, which did not have any implications for HRA, there are also no implications for HRA arising from this modification.</p>
Chapter 6: Energy Minerals				
MM12	69	Policy EM1 Part A	<p>A. Proposals for the extraction of coal by deep coal mining, including any surface development, will only be supported provided:</p>	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p>

				<p>The HRA Screening Report concluded that this Policy may lead to development. However, the Policy does not state exact details of development or when it may take place and includes wording to protect against environmental impacts of development.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM13	73	Policy EM2 Part A	A. Proposals for exploration boreholes will only be supported provided:	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA</p>

				<p>Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM14	73	Policy EM2 Part A1	<p>A. Proposals for exploration boreholes will only be supported provided:</p> <ol style="list-style-type: none"> 1. They are located in the least environmentally sensitive part of the geological prospect as practically possible, minimising impacts to designated heritage, geological and biodiversity 	<p>This modification ensures a range of factors are taken into consideration when locating a proposal for oil and gas exploration boreholes in the least environmentally sensitive part of the geological prospect. It does not affect the</p>

			<p><u>assetstaking into account environmental, geological and technical factors to minimise impacts on any identified asset;</u></p>	<p>intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM15	73	Policy EM2 Part A (in between	<p>Insert additional criteria as follows:</p> <p>3. They include measures to avoid pollution of ground water,</p>	<p>The modification provides a new requirement for mitigation measures for ensuring that operational processes and</p>

		<p>critterion 3 and 4)</p>	<p>aquifers, and potable water supplies;</p> <p>4. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>5. Site selection takes account of impacts over the proposed lifetime of the borehole and the potential for it to be retained for long term appraisal and development; and</p>	<p>arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
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MM16	74	Policy EM3 Part A	A. Proposals for the drilling of appraisal boreholes will only be supported provided:	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works. Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM17	74	Policy EM3	2. They are located in the least environmentally sensitive part of	This modification ensures a range of

		Part A2	<p>the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u>minimising impacts to designated heritage, geological and biodiversity assets;</p>	<p>factors are taken into consideration when locating a proposal for oil and gas appraisal boreholes in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p>
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				There are therefore no changes to the HRA arising from this modification.
MM18	74	Policy EM3 Part A (in between criterion 4 and 5)	<p>Insert additional criteria as follows:</p> <ol style="list-style-type: none"> 4. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 5. <u>Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. Site selection takes account impacts as a result of the proposed lifetime of the borehole, and the potential for it to be retained for long term development; and 	<p>The modification provides a new requirement for mitigation measures for ensuring that operational processes and arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the</p>

				<p>qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM19	75	Policy EM4 Part A	A. Proposals for oil and gas production and distribution will only be supported provided:	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the</p>

				<p>qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM20	75	Policy EM4 Policy A1	<p>1. It can be demonstrated that both surface development and the routing of associated pipelines are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u>minimising impacts to designated heritage, geological and biodiversity assets;</p>	<p>This modification ensures a range of factors are taken into consideration when locating a proposal for oil and gas production and distribution in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p>

				<p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM21	77	Policy EM5 Part A	A. Proposals for the exploratory drilling for coal bed methane and appraisal of the deposit will only be supported where it:	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p>

				Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.
MM22	77	Policy EM5 (in between Parts B and C)	<p>Insert new criteria as follows:</p> <p>B. On completion of the exploratory phase, if gas is not found in commercially viable quantities, installations should be removed and the site restored as close as practical to its previous state. Installations should be retained where they are needed to keep pumping water in order to protect production from an adjoining gas area.</p> <p><u>Appraisal Phase</u></p> <p><u>C. Where the existence of coal bed methane is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A3 above.</u></p> <p><i>Commercial production:</i></p> <p>D. Proposals for the commercial production of coal bed methane, or for the establishment of a related plant.....</p>	<p>An additional Part to the Policy has been added to address proposals for the appraisal phase of coal bed methane development. It requires proposals to meet the same requirements as the exploration phase set out in criteria 1 to 3 in Part A of the Policy. These largely cover the same issues as set out for appraisal boreholes in Policy EM3.</p> <p>In relation to both Policies EM3 and EM5, the HRA Screening Report concluded they may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into</p>

				<p>account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
MM23	79	Policy EM6 Part A	A. Proposals for shale gas exploration will only be supported provided:	<p>Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into</p>

				<p>account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM24	79	Policy EM6 Part A1	<p>1. Environmental risks have been assessedconsideredby submission of a robust environmental risk assessment, and measures will be taken to mitigate any adverse impacts on the environment and the local amenity to acceptable levels;</p>	<p>The deletion of reference to environmental risk assessment and inclusion of supporting text regarding Environmental Impact Assessment does not change the general thrust of the Policy which still requires the assessment of environmental risks.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the</p>

				<p>application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM25	79	Policy EM6 Part A2	<p>2. It can be demonstrated that the proposals are located in the least environmentally sensitive part of the geological prospect as practically possible, <u>taking into account environmental, geological and technical factors to minimise impacts on any identified asset</u>minimising impacts to heritage, geological and biodiversity assets;</p>	<p>This modification ensures a range of factors are taken into consideration when locating a proposal for shale gas development in the least environmentally sensitive part of the geological prospect. It does not affect the intent or effects of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be</p>

				<p>taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM26	79 and 80	Policy EM6 Part A (in between criterion 4 and 5) and Part D (in between criterion 4 and 5)	<p>4. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity;</p> <p><u>5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u></p> <p>6. They include measures to avoid air pollution; and</p> <p>7. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development.</p> <p><i>Appraisal Phase</i></p> <p>B. Where the existence of shale gas is discovered, proposals to appraise, drill and test the resource will be supported provided that they are consistent with an overall scheme for the appraisal and description of the resource and meet criteria A1 to A76 above.</p>	<p>The modification provides a new requirement for mitigation measures for ensuring that operational processes and arrangements for the disposal of unwanted gas do not cause unacceptable disturbance to other land uses and their users nearby.</p> <p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as</p>

			<p><i>Production Phase</i></p> <p>C. The production phase of the extraction of shale gas can only take place once a full exploration and appraisal programme has been completed and the proposed location has been shown to be the most suitable, taking into account environmental, geological and technical factors.</p> <p>D. Proposals for the extraction of shale gas will only be supported provided:</p> <ol style="list-style-type: none"> 1. They include adequate provision for the supply of water and disposal of waste water without unacceptable adverse impacts on surface and groundwater flows, quantity and quality; 2. They include measures to avoid pollution of ground water, aquifers, and potable water supplies; 3. They include measures to avoid unacceptable adverse impacts as a result of vibration and induced seismicity; 4. It can be demonstrated that arrangements can be made for the management or disposal of any returned water from the development; <u>5. Mitigation is provided to ensure that operational processes and gas flaring, or other arrangements for the disposal of unwanted gas, do not cause unacceptable disturbance to the occupiers of residential properties, or other land uses and their users nearby;</u> 6. They will not generate unacceptable adverse impacts on the environment and local amenity; 	<p>a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM27	80	Policy EM6 Part D6	<p>6. Environmental risks have been considered by submission of a robust environmental risk assessment, and measures will be taken to mitigate any adverse impacts on the environment and the local community to acceptable levels;</p>	<p>The deletion of reference to environmental risk assessment and inclusion of supporting text regarding Environmental Impact Assessment does not change the general thrust of the Policy which still requires the assessment of environmental risks.</p>

				<p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>Therefore, there are no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy. There are therefore no changes to the HRA arising from this modification.</p>
MM28	82	Policy EM7 Part A	A. The formation of caverns for the underground storage of gas and related surface development will only be supported where:	Removing the word 'only' ensures the Policy is more positively worded. It does not affect the intent or effects of the Policy.

				<p>In relation to this Policy, the HRA Screening Report concluded it may lead to development within or near to international sites which may lead to likely significant effects (alone or in combination). However, the Policy does not state exact details of development or when it may take place.</p> <p>Should any planning applications arise as a result of this Policy, all other Policies and supporting text within the Plan will be taken into account and used as the basis for decision making to determine the application. Therefore, any planning application would also have to take into account the possibility of likely significant effects (alone or in combination) on the qualifying features of international sites resulting from the proposed works.</p> <p>No locations or quanta of development are provided within the Policy, there are therefore no likely significant effects (alone or in combination) on the qualifying features of international sites from this Policy.</p> <p>There are therefore no changes to the HRA arising from this modification.</p>
Chapter 7: Development Management Policies				
MM29	87	Policy DM1 Part A2	2. The <u>development would avoid harm to the environment or communities. Where harm is outweighed by the need for</u>	This amendment strengthens Policy DM1 Part A2 so that it requires development to

			<p><u>the development, the</u> impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively with other existing and proposed mineral and other forms of development; and</p>	<p>avoid harm to the environment and communities in the first instance. Where harm is outweighed by the need for development, the development would then consider mitigating any impacts to within acceptable levels.</p> <p>In relation to this Policy, the HRA Screening Report concluded it does not lead to development and will not have any likely significant effects (alone or in combination) on international sites.</p> <p>There are therefore no changes to the HRA arising from this modification, which does not result in the Policy leading to development.</p>
MM30	87	Policy DM1	<p>A. Mineral development will be supported where it can be demonstrated that:</p> <ol style="list-style-type: none"> 1. There is a clear need for the development proposed; 2. The impacts on communities and the environment can be mitigated to within acceptable levels, both individually and cumulatively (<u>including the impact of the factors in Part B below</u>) with other existing and proposed mineral and other forms of development; and 3. Enhancement opportunities are taken as part of development or its restoration. <p>B. In determining applications for minerals development, including the proposed order and method of working, the overall programme of extraction and the proposed restoration and aftercare of the site, the following will be considered <u>must be addressed where relevant</u>:</p>	<p>This modification is to ensure greater consistency with the Planning and Compulsory Purchase Act 2004, Section 19 (1A). It ensures the Policy will make a greater contribution to the mitigation of, and adaptation to, climate change.</p> <p>These minor amendments ensure that factors listed in Part B (including greenhouse gas emissions reduction) 'must be addressed' rather than 'be considered'. 'Carbon emissions' has been substituted for 'greenhouse gas emissions', ensuring that gases such as ozone and nitrogen oxides are also brought under the scope of the Policy.</p>

			<p>1. Carbon<u>Greenhouse gas</u> emissions reduction and resource efficiency. Proposals that reduce overall carbon<u>greenhouse gas</u> emissions and improve resource efficiency during construction, operation, and restoration will be supported;</p>	<p>In relation to this Policy, the HRA Screening Report concluded it does not lead to development and will not have any likely significant effects (alone or in combination) on international sites.</p> <p>There are therefore no changes to the HRA arising from this modification, which does not result in the Policy leading to development.</p>
MM31	88	Above paragraph 7.22	<p>Insert new paragraph:</p> <p><u>In terms of demonstrating a clear need for development. In the case of aggregates this could include a low landbank against the required number of years, although there is no maximum landbank and further large construction projects may come forward that require further local aggregate resources to be permitted in a timely fashion. For all minerals development, it could include due consideration to situations where resources are running out at a particular quarry or facility resulting in a need for further resources to prolong the investment, jobs, or production from a particular site. Further materials or products from certain sites may be needed to fulfil a particular niche, such as a borrow pit needed to provide material for a major construction project nearby, or a quarry needed to supply a particular type of building stone to help restore a heritage asset.</u></p>	<p>This modification provides additional supporting text explaining how ‘clear need’ is demonstrated in Policy DM1, Part A1. It does not affect the substance of the Policy itself.</p> <p>In relation to this Policy, the HRA Screening Report concluded it does not lead to development and will not have any likely significant effects (alone or in combination) on international sites.</p> <p>There are therefore no changes to the HRA arising from this modification, which does not result in the Policy leading to development.</p>
MM32	92	Policy DM3 Part A1	<p>A. Proposals for mineral development will be supported where it can be demonstrated that an appropriate restoration scheme would follow. This should be agreed with the MPA to achieve a high standard of restoration and aftercare for an appropriate period of time that:</p> <p>1. Ensures the site is restored in a manner which is</p>	<p>This modification reflects the fact it is not always practicable to restore mineral sites to contribute towards delivering objectives for biodiversity and community use.</p>

			<p>sympathetic to the character, appearance and setting of the locality, and <u>where practicable</u> contributes to the delivery of local objectives for biodiversity and community use;</p>	<p>Although it may be seen as weakening the Policy somewhat, in reality it is very unlikely a restoration scheme would not be able to meet one or more of the objectives set out.</p> <p>In relation to this Policy, the HRA Screening Report concluded it does not lead to development and will not have any likely significant effects (alone or in combination) on international sites.</p> <p>There are therefore no changes to the HRA arising from this modification, which does not result in the Policy leading to development.</p>
MM33	92	Policy DM3 Part B5 (create new criteria 6)	<p>Split criterion 5 and create new criterion as follows:</p> <p>B. The restoration and aftercare of minerals sites should seek to meet at least one or more of the following planning objectives:</p> <ol style="list-style-type: none"> 1. The creation, improvement or re-instatement of high quality agricultural or forestry land; 2. Meet designated site conservation objectives or support existing biodiversity initiatives, and are in line with Biodiversity Action Plan priorities for that area 3. Improve the strategic network of green infrastructure; 4. The creation or improvement of geo-diversity; 5. The enhancement of landscape character and where relevant the setting of; designated local landscapes; 6. <u>The appropriate enhancement of a</u> and heritage assets especially in terms of better revealing their <u>its</u> significance and access; 	<p>This modification separates landscape and heritage assets as discrete considerations without changing the substance of the Policy.</p> <p>In relation to this Policy, the HRA Screening Report concluded it does not lead to development and will not have any likely significant effects (alone or in combination) on international sites.</p> <p>There are therefore no changes to the HRA arising from this modification, which does not result in the Policy leading to development.</p>

			<ol style="list-style-type: none">7. The provision of leisure and recreation facilities in the countryside;8. The improvement of public access to the natural environment; and9. Taking opportunities to reduce flood risk, in particular through the creation of flood water storage areas.	
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4. Conclusion

- 4.1 A number of Main Modifications have been proposed to the Proposed Submission JMLP through the JMLP Examination in Public.
- 4.2 The nature of the modifications have been considered in order to establish their implications with reference to the results in the SA Report of the Proposed Submission JMLP. This is set out in Table 2.1 above. None of the modifications are considered to require additional SA assessments.
- 4.3 The nature of the modifications have also been considered in order to establish their implications with reference to the results in the HRA Stage 1 Screening Assessment Report of the JMLP Proposed Submission. This is set out in Table 3.1 above. None of the proposed modifications are considered to have an effect on the findings of the Stage 1 HRA Screening Report of the Proposed Submission JMLP.