

# THE YORK POTASH HARBOUR FACILITIES ORDER 201X

## Draft Development Consent Obligations – Heads Of Terms



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## **THE YORK POTASH HARBOUR FACILITIES ORDER 201X**

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### **HEADS OF TERMS**

**for planning obligations to be submitted in conjunction with  
an application for a Development Consent Order  
under the Planning Act 2008**

**Document 7.4**

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## **1. INTRODUCTION**

1.1 An application is being submitted to the Planning Inspectorate by York Potash Limited (YPL) pursuant to the Planning Act 2008 for a Development Consent Order that will authorise the construction and use of the York Potash Harbour Facilities, as described in the Application Documents.

1.2 It is anticipated that, in due course, a Development Consent Obligation (DCOb) will be entered into pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended by Section 174 of the Planning 2008).

1.3 This document outlines the substantive obligations which it is currently envisaged may be contained in the DCOb. It does not attempt to outline the legal and administrative provisions which will be required to be included in the DCOb.

## **2. PARTIES TO THE AGREEMENT**

2.1 The land to be bound by the DCOb would be land at Bran Sands comprised in title number CE148382 The parties to the agreement will therefore comprise the owners of that land, YPL and Redcar and Cleveland Borough Council (RCBC) by whom the obligations will be enforceable.

## **3. SUBSTANTIVE OBLIGATIONS**

### **Gateway Fund**

3.1 It is intended that there will be a Gateway Fund provided to fund enhancements to the public realm and landscaping in the vicinity of the Dormanstown gateway to Redcar.

- 3.2 The fund will comprise an amount to be agreed and will be payable to RCBC upon projects being identified which may assist in enhancing the Gateway to the town.
- 3.3. There will be a list setting out the type of projects to which monies could be directed, however it will not be exhaustive. Discussions on the specifics of this obligation will be progressed with RCBC.

### **Foxrush Farm Community Woodland Contributions**

- 3.4 There will be contributions made for the benefit of the Foxrush Farm Community Woodland towards the improvement of drainage within the woodland and the resurfacing/re-design of the Community Woodland car park.

### **Community Environmental Fund**

- 3.5 A community environmental fund is under discussion with RCBC.
- 3.6 The fund will comprise an annual payment for five years. The intention is that members of the community may apply for funding to assist in specific projects.

### **Portrack Marsh Contribution**

- 3.7 At the suggestion of the Environment Agency (EA,) discussions have taken place with the Tees Valley Wildlife Trust regarding a potential contribution to a habitat creation scheme in the Tees Estuary.
- 3.8 YPL has been advised by its consultants that the impact of the proposals on the existing intertidal area at Bran Sands would not cause 'significant harm' and do not require to be mitigated or

compensated for. Notwithstanding this, having regard to the views of the EA, YPL have explored opportunities with the Tees Valley Wildlife Trust to support the Portrack Marsh intertidal creation project. Work has been done to identify a scheme and YPL have confirmed its intention to contribute.

3.9 It is intended that the contribution will be secured by way of the DCOb.

#### **4. OTHER RELEVANT MATTERS**

4.1 In addition to the above Development Consent Obligation it should be noted that significant planning obligations are currently the subject of discussion in relation to the other elements of the scheme. Discussions are progressing with the local authorities in respect of those obligations in the context of the planning applications submitted for the mine/MTS and the material handling facility.

**Marrons Shakespeares**  
**March 2015**